

ORDINARY COUNCIL MEETING

Minutes

Meeting Date Thursday 18 May 2023

Meeting Time 12:00 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 08:42 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 Peter Humphrey
Cr Catherine Low
Cr Trevor Royce

Officers

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

Visitors

Kerry Kupsch

3.2 Apologies

Nil

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

Nil

4 Public Question Time

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Kerry Kupsch of 3366 Chapman Valley Road, Nabawa

Question

Raised query regarding privacy issues associated with the proposed Nabawa Valley Tavern tourism development/temporary accommodation.

Response

Shire Deputy CEO advised Agenda Item 10.1.2 has included conditions which may alleviate concerns

5 Applications for Leave of Absence

Nil

6 Disclosure of Interest

Meeting Details:	Person	Type of Interest	Agenda Item
Ordinary Council Meeting 18 May 2023	Cr Kirrilee Warr	Impartiality	10.3.6 Financial Member/Sponsor of CVFC, CVBC & CVAS
Ordinary Council Meeting 18 May 2023	Cr Darrell Forth	Impartiality	10.3.6 President of CVAS
Ordinary Council Meeting 18 May 2023	Cr Nicole Batten	Impartiality	10.3.6 CVAS Member
Ordinary Council Meeting 18 May 2023	Cr Elizabeth-Anne Elliott-Lockhart	Impartiality	10.3.6 Member of CVAS
Ordinary Council Meeting 18 May 2023	CEO Jamie Criddle	Impartiality	10.3.6 CVFC Member

7 Presentations

7.1 Petitions

The council has not received any petitions.

7.2 Presentations

The council did not accept any presentations in the course of the meeting.

7.3 Deputations

The council did not accept any presentations in the course of the meeting.

8 Confirmation of Minutes from Previous Meetings

Council Resolution

Moved: Cr Beverley Davidson **Seconded:** Cr Darrell Forth

That the Minutes of the Ordinary Council Meeting held on 20 April 2023 be confirmed as true and accurate.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-1

9 Items to be dealt with En Bloc

Council Resolution

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

Council resolves to move the following items En Bloc:
10.3.1, 10.3.2, 10.3.3, 10.3.4 & 10.3.5.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-2

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Proposed Holiday House
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A675
Attachment(s)	1. Holiday House Application [10.1.1.1 - 4 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for short stay accommodation (holiday house) to be operated from the existing residence at 3287 (Lot 18) Chapman Valley Road, Nabawa for a trial period of 12 months subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the plans and supporting information provided as separate Attachment 10.1.1.1 to the Council Agenda report 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 The approval is issued only to the landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid (and separate application would be required to be made).
- 3 The approval is valid for a period of 12 months (expiry date 18/5/24) after which time the application shall be considered by the local government Chief Executive Officer (under the delegated authority of Council) as to any impacts arising from the operation of the development in the determination on whether to grant any extension to the approval period.
- 4 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 may require further application and planning approval for that use/addition.
- 5 The applicant is to prepare, submit and adhere to a management plan to the approval of the local government.
- 6 The landowner/applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management plan.

- 7 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, smoke, dust, fumes, odour, noise, vibration, waste product, vehicle parking and manoeuvring or otherwise.
- 8 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.
- 9 The installation and subsequent maintenance of any signage shall be to the approval of the local government.

Advice Notes

- (a) With regard to conditions 5 & 6, in the event that a complaint is not adequately managed by the landowner to the satisfaction of the local government, then the local government Chief Executive Officer may refer the matter to a meeting of Council for its further consideration and determination.
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012* and *Health Act 1911*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (c) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Council Resolution

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

That Council grant formal planning approval for short stay accommodation (holiday house) to be operated from the existing residence at 3287 (Lot 18) Chapman Valley Road, Nabawa for a trial period of 12 months subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the plans and supporting information provided as separate Attachment 10.1.1.1 to the Council Agenda report 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 The approval is issued only to the landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid (and separate application would be required to be made).
- 3 The approval is valid for a period of 12 months (expiry date 18/5/24) after which time the application shall be considered by the local government Chief Executive Officer (under the delegated authority of Council) as to any impacts arising from the operation of the development in the determination on whether to grant any extension to the approval period.
- 4 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 may require further application and planning approval for that use/addition.
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- 6 The landowner/applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management plan.
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- 9 The installation and subsequent maintenance of any signage shall be to the approval of the local government.

Advice Notes

- (a) With regard to conditions 5 & 6, in the event that a complaint is not adequately managed by the landowner to the satisfaction of the local government, then the local government Chief Executive Officer may refer the matter to a meeting of Council for its further consideration and determination.
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- (c) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-3

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

Council is in receipt of an application to use the residence at 3287 (Lot 18) Chapman Valley Road, Nabawa for short stay accommodation purposes. The application was advertised for comment and one submission in support and one objection were received. This report recommends that Council approve the application for a trial period of 12 months. In the event that Council considers the application should be refused, alternative recommended wording is also provided.

Comment

3354 (Lot 1) Chapman Valley Road is an 807m² property in the Nabawa townsite that contains a single storey, 3 bedroom, 1 bathroom residence, shed and swimming pool.

Figure 10.1.1(a) – Location map for 3287 (Lot 18) Chapman Valley Road, Nabawa



The landowners (M & C Ramshaw) are applying to use their residence for short stay accommodation purposes. A copy of the received application, including plans and supporting letter has been provided as **Attachment Holiday House Application**.

Figure 10.1.1(b) – Aerial photo of 3287 (Lot 18) Chapman Valley Road, Nabawa



Figure 10.1.1(c) – View of 3287 (Lot 18) Chapman Valley Road, Nabawa



The short stay accommodation would be ‘unhosted’ with guests obtaining a key from the owners or via a coded lock-box.

This form of short stay accommodation differs from the previous approvals that Council has issued (at 19 Dolbys Drive and 53 Redcliffe Concourse) which were hosted accommodation, where the owner lives on-site and the operation therefore is largely ‘self-policed’ for issues that may arise e.g. noise, nuisance and parking.

Unhosted accommodation may be considered to have potential for greater impact as it does not have an on-site manager and complaints may arise when people in a holiday-mode can have conflicting behaviour patterns to surrounding residents in a work/retirement routine.

The rapid emergence of hosted and unhosted short stay accommodation offered through on-line booking platforms is an issue that local governments have been required to address in the absence of overarching state government legislation. This has resulted in a mixture of approved and unapproved operations of varying standards and limited regulation (e.g. to verify whether basic requirements such as hard wired smoke alarms are installed) and short stay accommodation being provided in residential buildings and neighbourhoods that have not been designed to accommodate or provide these services

The economic return that short stay accommodation provides to owners does however also impact availability in the longer term rental market and carry a social cost, with the impact in larger cities and tourism destinations being a frequent topic of media discussion, with some examples provided below:

[After 10 years of Airbnb and short-stay rentals, is Australia ready for regulation? - ABC News](#)

[Airbnb boom on Mornington Peninsula generates fears for local communities \(theworldnews.net\)](#)

Whilst at a different scale, the rise in short stay accommodation has also had impact in the regional and rural setting, as illustrated in the below figure.

Figure 10.1.1(d) – Mid West Times article 15 March 2023



Whilst the availability of short stay accommodation in a smaller townsite setting can provide economic benefit through enabling tourists to stay and visit local attractions and businesses, it also does mean that housing stock can be underutilised and is not occupied by longer term residents (who may be unable to find local long term rental accommodation) who would ordinarily support and be involved in local services such as schools, sporting and community groups and be employed by local businesses.

In its response to this issue the State Government's Parliamentary Standing Committee on FRASER WILLIAMS and Industry held an enquiry 2019 into short stay accommodation.

The Parliamentary Inquiry found that short-term rentals are a genuine income source for some people and are increasingly used by guests, however, there was often inconsistent regulatory requirements and numerous examples of adverse impacts on neighbours and local communities. Planning legislation has not kept pace with this rapid growth, and in the absence of state government guidance about how to manage this issue it has resulted in an inconsistent approach across the state which has led to many local governments regulating short stay accommodation through their local planning framework and the *Local Government Act 1995*.

The Standing Committee explored a practical framework for emerging forms of short stay accommodation such as Airbnb, Stayz etc. and their impact on the tourism industry and links between short stay accommodation and rental affordability. The Committee received over 350 submissions from a range of stakeholders, including industry providers, representative bodies and local governments amongst others most of whom supported greater regulation of short stay accommodation and accompanying streamlining of the process (i.e. establishing criteria whereby certain types of low-key short stay accommodation would not require application to be made, and other forms more likely to give rise to land use conflict would be regulated).

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

- implement a mandatory state-wide registration scheme;
- require online platforms to display a valid registration number for short term rentals;
- ensure that online platforms be required to provide data on all short-term rental properties listed in Western Australia to the government agency with primary responsibility for the registration scheme;

- establish an information sharing mechanism between state and local government;
- set and impose penalties for non-compliance;
- manage complaints about short term rentals;
- enforce compliance with local government control.

The subsequent Draft Planning for Tourism Position Statement was made available for comment from December 2021 until March 2022:

[New policy to guide the management of short-term accommodation \(www.wa.gov.au\)](http://www.wa.gov.au)

[Tourism Position Statement - WA DPLH - Citizen Space](#)

At this time the Position Statement remains in a draft format, and the State Government's proposed state-wide development exemptions for short stay accommodation are not legislated. In the absence of a consistent approach to planning policies and controls relevant to short stay accommodation it would be reasonable for local governments to maintain a conservative approach and give some consideration to refusal when considered necessary, or ensuring that approvals are subject to time limitations/annual renewal.

The State Government proposes through its Draft Position Statement that Unhosted Accommodation be exempted from the need to make application to local government in the following circumstances (which does give rise to queries on how this legislative monitoring and compliance burden on local government would be funded and administered):

"The WAPC is considering recommending to Government to exempt the following forms of low-scale short-term rental accommodation from the need to obtain development approval...

...Unhosted accommodation

Unhosted accommodation in a single house, grouped or multiple dwelling where it is let for no more than 60 days per calendar year.

Note: This exemption is for a change of use. Unhosted accommodation in a single house, grouped or multiple dwelling operating for more than 60 days per calendar year would be subject to the requirements of the relevant local government's local planning framework.

Subject to the results of consultation, amendments to the LPS Regulations may be undertaken to make hosted and unhosted accommodation, which meet the conditions outlined above, forms of development for which development approval is not required.

It is proposed that these forms of short-term rental accommodation would still be required to register with the state-wide registration scheme."

In the event that Council deems that this application should be refused it may consider the following wording appropriate:

"That Council refuse the application for short stay accommodation (holiday house) to be operated from 3287 (Lot 18) Chapman Valley Road, Nabawa for the following reasons:

- 1 The development is not considered to be consistent with the objectives of the 'Residential' zoning which caters for primarily longer term accommodation rather than the commercial operation of short stay accommodation purposes.*
- 2 The development is not considered to satisfy Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*

- 3 Council is not satisfied that sufficient justification has been provided to warrant its exercising of its discretion to grant approval.
- 4 Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the character of the Nabawa townsite, the level of support for local community services, and the amenity of residents of the surrounding locality.

Note:

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."

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

3287 (Lot 18) Chapman Valley Road, Nabawa is zoned 'Residential R10' 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 housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development."*

The proposal would meet with the definition of 'Holiday House' which is defined as:

"means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast."

The State Government's Draft Position Statement proposes that the land use definition for 'Holiday House' (which covers unhosted accommodation) be amended in the *Planning and Development (Local Planning Schemes) Regulations 2015* to state *"means a single dwelling used to provide short-term accommodation."*

'Holiday House' is listed as an 'A' land use in the 'Residential' zone, which means *"means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions."*

Schedule 2 Part 9 Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering this development application:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved State planning policy;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;*
- (g) any local planning policy for the Scheme area;...*

- ...(m) *the compatibility of the development with its setting including:*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- (u) *the availability and adequacy for the development of the following –*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;...*
- ...(w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application...*
- ...(zb) *any other planning consideration the local government considers appropriate.”*

Policy/Procedure Implications

No Policy or Management Procedure affected.

The State Government’s ‘Draft Position Statement: Planning for Tourism’ (December 2021) recommends that local government prepare a local planning policy to guide discretionary decision making in relation to short stay accommodation. This is an approach the Shire of Chapman Valley may consider appropriate once the draft Position Statement is finalised and it is likely that WALGA will be giving consideration to preparing a model template local planning policy as this is an issue facing many local governments in Western Australia, particularly in the metropolitan area and the south-west.

“5.3.2.2 Unhosted short-term rental accommodation

Local government has the flexibility to regulate unhosted short-term rental accommodation through its local planning framework to respond to local conditions (subject to regulatory processes). This Position Statement sets out considerations and approaches to achieve this.

It is acknowledged there are various approaches to the regulation of unhosted short-term rental accommodation currently undertaken across Western Australia.

The regulatory and policy response of the local government should be proportional to the significance of the issues arising from unhosted short-term rental accommodation in their municipality. In determining the appropriate way to regulate unhosted short-term rental accommodation the following statutory planning mechanisms can be considered:

- *Utilising the zoning table, land use permissibility and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated either permitted, discretionary, discretionary with advertising, or prohibited.*
- *Capping guest numbers permitted within a holiday home, holiday unit or holiday apartment through local planning policy and/or condition of a planning approval, to respond to constraints such as availability of vehicle parking, capacity of infrastructure (such as onsite effluent disposal) or to maintain appropriate levels of amenity in line with expectations (such as concerns regarding party houses).*
- *Utilising a local planning policy to guide discretionary decision making, which may include but not be limited to, any of the following matters:*
 - *locational factors which may assist in determining appropriate locations for unhosted forms of short term rental accommodation within residential areas (refer to the Guidelines for further information)*
 - *limits to the number of guests and/or rooms*
 - *limits to nights the property can be made available for rental in any one year*
 - *provision of car parking*
 - *minimum services such as potable water and reticulated sewerage*
 - *preparation and approval of a Management Plan*
 - *waste management*
 - *whether pets of guests (such as dogs) are permitted*
 - *managing for potential noise nuisance.*
- *If appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.”*

Financial Implications

No Financial Implications Identified.

Long Term Financial Plan

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

Strategic Implications

The subject property is located within Planning Precinct No.9 - Nabawa in the Shire of Chapman Valley Local Planning Strategy. The Vision for this Precinct is as follows:

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

It is considered that the proposed development should be assessed with regard for the following strategic objectives of this Precinct:

“9.2.2 Promote commercial, light industrial and tourist related uses/development to support economic growth...

9.3.4 Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc) are avoided through appropriate environmental controls...

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

The Local Planning Strategy identifies ‘Tourism (low-medium key)’ as a land use that is considered appropriate within the Nabawa Precinct subject to compliance with the provisions of the Local Planning Scheme and specific policies of the Council.

The proposed development would address one of the challenges identified in the Nabawa Townsite Revitalisation Plan of limited tourist accommodation but would also reduce the town’s permanent population:

In 2014 the Mid West Development Commission released its ‘Tourism Development Strategy’ with the long term aspiration for the Mid West to attract one million overnight visitors annually by 2050. The Strategy noted one of the Challenges as being:

*“The subregion’s hinterland is host to scenery, niche ventures, quaint communities and natural attractions yet is largely overlooked and under developed as a destination for day trips. The hinterland’s accommodation capacity, hospitality services and RV amenities are limited and restrictive.”
(page 26)*

The State Government’s ‘Draft Position Statement: Planning for Tourism’ (December 2021) provides some general guidance in relation to planning for short stay accommodation as follows:

“5.2.2.2 Location of short-term rental accommodation

Consideration should be given to the appropriate location of short term rental accommodation; where it should be prioritised, permitted or avoided to further strategic planning objectives, enhance the tourism experience and avoid adverse impacts on surrounding land uses.

It is recognised that there is variation amongst local government in approaches taken, from broad acceptance of short-term rental accommodation in all residential areas, through to consideration in selective locations and/or prohibiting in others.

In seeking to guide the location of short-term rental accommodation, the following considerations may be relevant to the local government:

- Provision of and access to tourist amenity proximity to social, cultural, and leisure attractions, and accessibility to transport routes and public transport services.*

- *Adequate standard of services and infrastructure necessary, for example reticulated or drinking water supply and service, capacity of on-site solutions.*
- *Locations to minimise adverse interface issues, particularly amenity impacts on surrounding residential and other land uses (for example rural).*
- *Risk of natural hazards and the extent of measures which may need to be in place to address the level of risk.*
- *Any other relevant planning consideration and/or policy instruments within the planning framework.*

5.3 Statutory planning considerations

The local planning scheme and supporting local planning instruments (such as local planning policies) give effect to local strategic planning through statutory land use and development control.

Local planning schemes and amendments should:

- *Include a range of tourism and mixed-use zonings allowing for tourism development and the permissibility of land uses in each zone, to provide for a diverse tourism industry consistent with the local planning strategy.*
- *Utilise land use definitions as set out in this Position Statement and LPS Regulations.*

To complement local planning scheme provisions and guide the exercise of discretion, local government may utilise local planning policy to inform land use and development decisions.”

Strategic Community Plan/Corporate Business Plan Implications

ECONOMY & POPULATION

2.1 Build population and business activity with targeted strategies.

2.1.1 Support business development, lifestyle changes and short/ term accommodation.

ECONOMY & POPULATION

2.2 Provide support for business development and local employment.

2.2.1 Research mixed land use opportunities.

2.2.2 Consider business start-up incentives.

ECONOMY & POPULATION

2.3 Embrace local tourism & regional strategies and trails.

2.3.1 Research a local tourism plan/initiatives & integrate with regional tourism plans.

2.3.2 Explore support needed by local tourism industries.

ECONOMY & POPULATION

2.4 Ensure town planning scheme allows for economic development / population retention / growth.

2.4.1 Town Planning review for residential land, aged care facilities or business / industrial development opportunities.

Consultation

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

The Shire wrote to the 14 surrounding landowners on 23 March 2023 providing details of the application and inviting comment upon the proposal prior to 21 April 2023. A sign was also

erected on-site advising of the received application and the opportunity for comment and a copy of the application was also placed on the Shire website for viewing.

At the conclusion of the advertising period 2 submissions had been received, 1 expressing support and 1 in objection. A summary of the issues raised during the submission period is provided below:

“All OK just behave yourself”

“Would you like one of these next door to you? A constant stream of random people next to your property?

I don't know how you would feel but I emphatically do not.

In theory if all customers were unintrusive (physically, audibly etc.) it would be fine, a quick google search reveals it is potentially nightmare inducing to have one of these as a neighbour.

If there are any breaches to 'house rules' that affect me (noise, number of people etc.) I do not believe the owners will follow up on what they say they are going to do.”

The applicant was provided with the above summary of the issues raised (with the identity of respondents redacted as per standard Shire practice) and invited to respond to the issues raised. A summary of the applicant's response is provided below:

“encouraged by the support shown for this application indicated by the general lack of response and the positive feedback we have received. In relation to the negative response we believe we have addressed all the requirements set out in the “Accompanying Information” of the application and have therefore addressed this person's concerns.”

Risk Assessment

A Minor Property Risk of Level 2 - Likely resulting in localised damage rectified by routine internal procedures.

10.1.2

Proposed Tourist Development (Nabawa Valley Tavern)

Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A657
Attachment(s)	1. Valley Tavern Tourist Development Application [10.1.2.1 - 8 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council grant formal planning approval for a Tourist Development upon 3354 (Lot 1) Chapman Valley, Nabawa subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the plans and management statement included within Attachment 10.1.2.1 to the Council Agenda report 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 may require further application and planning approval for that use/addition.
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, waste product, vehicle parking and manoeuvring or otherwise.
- 4 The applicant is to prepare, submit and adhere to a management plan to the approval of the local government.
- 5 The landowner/applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management plan.
- 6 The development shall utilise colours and materials and be to a finish to the approval of the local government.
- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 8 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary.
- 9 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
- 10 The vehicle access onto Chapman Valley Road shall be appropriately located, designed, constructed and maintained to the requirements of Main Roads WA.
- 11 The installation and subsequent maintenance of any roadside signage shall be to the requirements of Main Roads WA.

- 12 The installation and subsequent maintenance of any signage associated with the development shall be to the approval of the local government.
- 13 The installation and maintenance of landscaping about the development site for the purposes of providing shade and screening shall be to the approval of the local government.
- 14 The development shall be serviced by reticulated water and power connection, and wastewater and effluent disposed of to the requirements of the Department of Health and the approval of the local government.
- 15 The buildings shall not be occupied until compliant with the requirements of the Building Code of Australia, the *Health Act 1911* and the *Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974*.

Advice Notes

- (a) The landowner/applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the, Building Code of Australia, *Building Act 2011*, *Building Regulations 2012*, *Health Act 1911*, *Liquor Control Act 1988*, and the *Local Government (Miscellaneous Provisions) Act 1960*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (b) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Amendment to Motion - Council Resolution

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

That Council grant formal planning approval for a Tourist Development upon 3354 (Lot 1) Chapman Valley, Nabawa subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the plans and management statement included within Attachment 10.1.2.1 to the Council Agenda report 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 may require further application and planning approval for that use/addition.
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, waste product, vehicle parking and manoeuvring or otherwise.
- 4 The applicant is to prepare, submit and adhere to a management plan to the approval of the local government.
- 5 The landowner/applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management plan.
- 6 The development shall utilise colours and materials and be to a finish to the approval of the local government.

- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 8 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary.
- 9 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
- 10 The vehicle access onto Chapman Valley Road shall be appropriately located, designed, constructed and maintained to the requirements of Main Roads WA.
- 11 The installation and subsequent maintenance of any roadside signage shall be to the requirements of Main Roads WA.
- 12 The installation and subsequent maintenance of any signage associated with the development shall be to the approval of the local government.
- 13 The installation and maintenance of landscaping about the development site for the purposes of providing shade and screening shall be to the approval of the local government.
- 14 The development shall be serviced by reticulated water and power connection, and wastewater and effluent disposed of to the requirements of the Department of Health and the approval of the local government.
- 15 The buildings shall not be occupied until compliant with the requirements of the Building Code of Australia, the *Health Act 1911* and the *Health (Treatment Of Sewage And Disposal Of Effluent And Liquid Waste) Regulations 1974*.
- 16 *Installation and maintenance of screening 1.80m height fencing to the rear of development to the approval of LGA.*

Advice Notes

- (a) The landowner/applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the, Building Code of Australia, *Building Act 2011*, *Building Regulations 2012*, *Health Act 1911*, *Liquor Control Act 1988*, and the *Local Government (Miscellaneous Provisions) Act 1960*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (b) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-4

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 site 8 x 'tiny cabin' transportable accommodation units at the rear of the Valley Tavern. This report recommends that Council approve the application.

Comment

3354 (Lot 1) Chapman Valley Road is a 1.2219ha property in the Nabawa townsite that contains the Valley Tavern and 24 hour fuel bowsers.

Figure 10.1.2(a) – Location map for 3354 (Lot 1) Chapman Valley Road, Nabawa



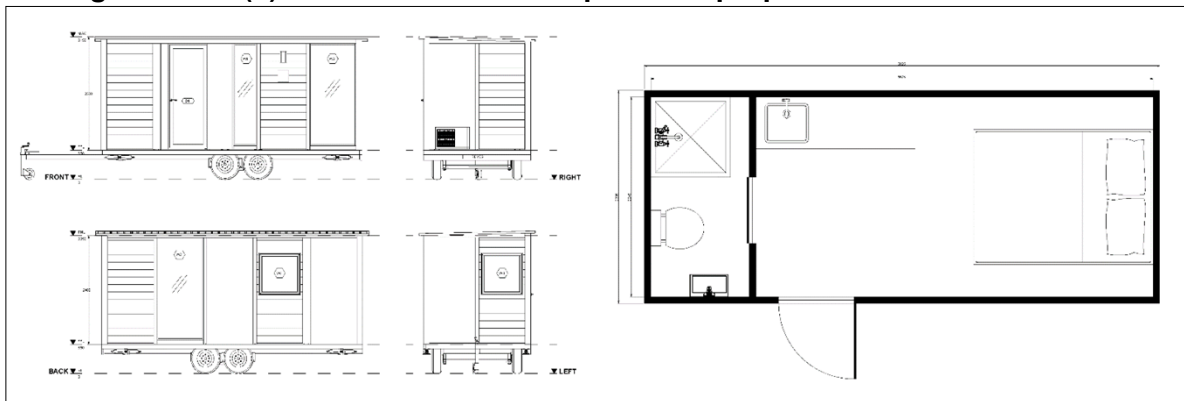
The applicant/landowner (Searange Holdings Pty Ltd) is seeking to site 8 x 'tiny home' accommodation units in the south-western corner of the property, approximately 50m behind the tavern building. The units would be sited in a row, 3m from the rear (southern) boundary, and 3m from the side (western) boundary. The 'tiny cabin' units are wheel mounted and each contain 1 bedroom, ensuite and kitchenette.

A copy of the received application, including plans, supporting letter, example photos and a management statement has been provided as **Attachment Valley Tavern Tourist Development Application**.

Figure 10.1.2(b) – Nabawa Valley Tavern aerial photograph



Figure 10.1.2(c) – Elevation and floor plans for proposed accommodation unit



Guests would obtain a key through the tavern when it is open for business (generally 8:30am to 8:00pm) or via a combination lock-box if out of hours.

Guest vehicles would access the site via the exiting business' crossover onto Chapman Valley Road and guest parking would be alongside the cabins, rather than at the front of the tavern in the general car park.

Waste would be handled via wheelie bins that will be provided for each cabin that would be emptied by tavern staff into the on-site skip bins that are serviced weekly by waste contractor.

The toilets for the units are handled via a cassette system (similar setup to a caravan or self-contained van) and the greywater from the shower, hand basin and kitchen sink can be connected to an onsite wastewater system.

Since it opened in 1973 the Nabawa Valley Tavern has been subject to several proposals to develop accommodation that did not proceed. Council approved the siting of transportable accommodation units along with development of a caravan park and camping area to the rear/south of the tavern at its 17 October 2000 meeting, however this was not proceeded with, and the approval subsequently lapsed. Council also resolved at its 19 November 2014 meeting to support the establishment of a caravan park and camping ground when a subsequent owner made enquiry.

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

3354 (Lot 1) Chapman Valley Road, Nabawa is zoned 'Commercial' 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 shops, offices, restaurants and other commercial and community facilities outlined in the townsite.*
- *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality."*

The proposal would meet with the definition of 'Tourist Development' which is defined as:

"tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —
 (a) *short-term accommodation for guests; and*
 (b) *onsite facilities for the use of guests; and*
 (c) *facilities for the management of the development"*

'Tourist Development' is listed as a discretionary land use in the 'Commercial' zone, which means *"that the use is not permitted unless the local government has exercised its discretion by granting development approval"*

Lot 1 also falls within the 'Special Control Area 3 – Public Drinking Water Supply' zone for which the Scheme notes the following:

Name of Area	Purpose & Objective	Additional Provisions
Special Control Area 3 – Public Drinking Water Supply (SCA3)	(a) To identify the proclaimed Public Drinking Water Source Protection Areas; and (b) to ensure that land use and development within is compatible with	(1) Relevant considerations (a) In determining land uses and development proposals, the local government will have due regard to relevant State Government policies and the most recent Department of Water and Environmental Regulation Land Use Compatibility Tables for Public Drinking Supply Areas; and (b) In determining land uses and development proposals, the local government is to have due regard to any comments and recommendations from the Department of Water and Environmental

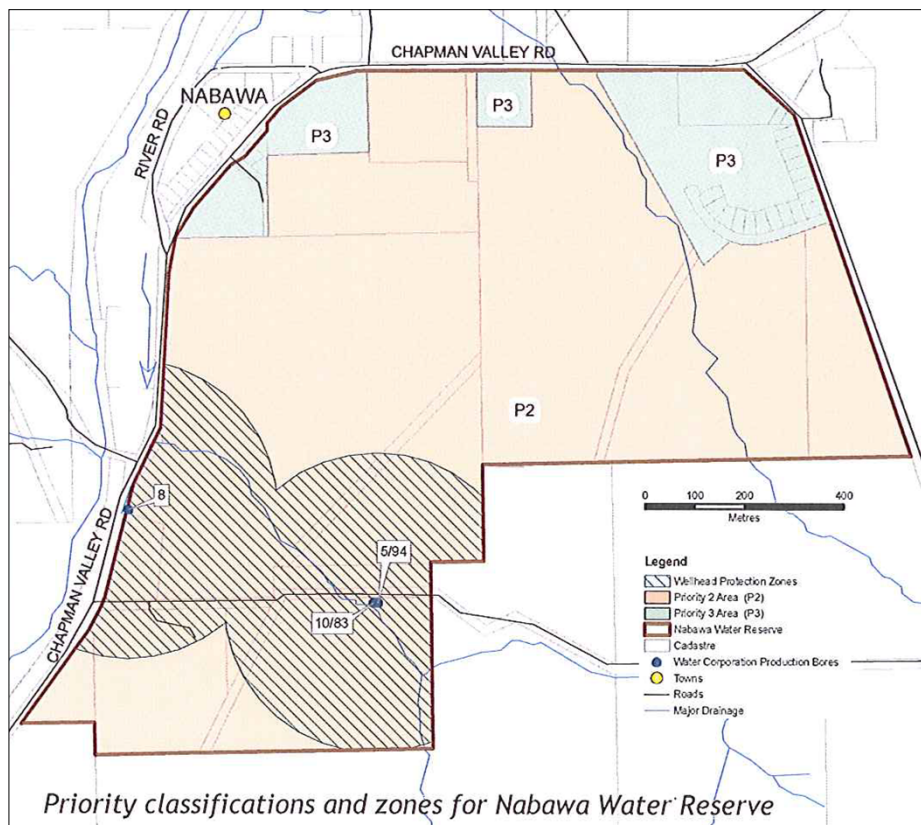
	<p>the protection and long term management of water resources for public water supply.</p>	<p>Regulation and may impose relevant conditions to prevent or minimise the potential risk of groundwater contamination. The local government should also have regard to the management direction provided by priority classification of certain areas, noting that: i) Priority 2 areas are defined to ensure that there is no increased risk of pollution of the water source; and ii) Priority 3 areas are defined to manage the risk of pollution to the water source. 6.4.3</p> <p>(2) Prior to approving land uses in Special Control Area 3, the local government may refer applications to the Department of Water and Environmental Regulation and the Water Corporation for consideration and recommendation.</p>
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The Valley Tavern site falls within the Priority 3 Area of the Nabawa Water Reserve as identified in the Department of Water and Environmental Regulation Nabawa Water Reserve Drinking Water Source Protection Plan.

Priority 3 source protection areas have the fundamental water quality objective of risk mitigation, and recognises that Nabawa’s water supply sources need to co-exist with the following land uses in this area; residential, community, recreation, school, hotel and service station.

However, whilst Priority 3 source protection areas are the lowest category in the Protection Plan it is still recommended that any approval of this development be subject to condition that wastewater and effluent must be disposed of to the requirements of the Department of Health.

Figure 10.1.2(d) – Nabawa Water Reserve



Schedule 2 Part 9 Clause 67(2) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters in considering this development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved State planning policy;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting including:*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Long Term Financial Plan

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

Strategic Implications

The Valley Tavern is located within Planning Precinct No.9 - Nabawa in the Shire of Chapman Valley Local Planning Strategy. The Vision for this Precinct is as follows:

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

It is considered that the proposed development can meet with the following strategic objectives for this Precinct:

"9.2.1 Promote commercial, light industrial and tourist related uses/development to support economic growth...

9.3.4 Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc) are avoided through appropriate environmental controls.

9.3.5 Ensure fire prevention measures are implemented and maintained...

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

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

The Local Planning Strategy identifies 'Commercial' and 'Tourism (low-medium key)' as land uses that are considered appropriate within the Nabawa Precinct subject to compliance with the provisions of the Local Planning Scheme and specific policies of the Council.

The proposed development would align with the 'Proposed Actions and Approaches' as outlined in the Nabawa Townsite Revitalisation Plan which recommends:

"Construction of a short term accommodation within town for RV and caravans – Potential for short stay site in proximity to Valley Tavern.

Shire of Chapman Valley to discuss with Valley Tavern to negotiate dump point & potential for RV stop and camping within their property. This initiative aligns with the strategy stated in the Shire of Chapman Valley Corporate Business Plan "New infrastructure such as caravan/camping rounds in protected areas, improving overflow parks and amenities and creating additional rest areas and dump points along major routes".

In 2014 the Mid West Development Commission released its 'Tourism Development Strategy' with the long term aspiration for the Mid West to attract one million overnight visitors annually by 2050. The Strategy noted one of the Challenges as being:

"The subregion's hinterland is host to scenery, niche ventures, quaint communities and natural attractions yet is largely overlooked and under developed as a destination for day trips. The hinterland's accommodation capacity, hospitality services and RV amenities are limited and restrictive." (page 26)

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

addressed through the local government's Local Planning Strategy identifying tourism sites and determine their strategic value and importance to tourism development.

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

“Accessibility

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

Uniqueness

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

Setting

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

Tourism activities and amenities

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

Supply of land

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

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

Suitability in a land use context

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

Capability

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

Size

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

Function

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

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

Strategic Community Plan/Corporate Business Plan Implications

ECONOMY & POPULATION

2.1 Build population and business activity with targeted strategies.

2.1.1 Support business development, lifestyle changes and short/ term accommodation.

ECONOMY & POPULATION

2.2 Provide support for business development and local employment.

2.2.2 Consider business start-up incentives.

ECONOMY & POPULATION

2.3 Embrace local tourism & regional strategies and trails.

2.3.1 Research a local tourism plan/initiatives & integrate with regional tourism plans.

2.3.2 Explore support needed by local tourism industries.

ECONOMY & POPULATION

2.4 Ensure town planning scheme allows for economic development / population retention / growth.

2.4.1 Town Planning review for residential land, aged care facilities or business / industrial development opportunities.

Consultation

The Local Planning Scheme does not require consultation for the proposed “Tourist Development” land use in the ‘Commercial’ zone, however, Council has the ability to advertise the application inviting comment prior to determination should it wish to do so.

Risk Assessment

An Insignificant Environmental Risk of Level 1 - Which will likely result in contained, reversible impact managed by on site response.

10.2 Manager of Finance & Corporate Services

10.2.1	Fees and Charges
Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	Nil
Attachment(s)	1. 2023-2024 Proposed Schedule Fees & Charges [10.2.1.1 - 14 pages] 2. J Myers Correspondence F& C [10.2.1.2 - 1 page]

Voting Requirements

Absolute Majority

Staff Recommendation

That the proposed 2023/2024 Draft Fees and Charges as presented to Council be endorsed and included into the 2023/2024 Annual Budget in accordance with the requirements of the Local Government Act, 1995.

Council Resolution

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

That the proposed 2023/2024 Draft Fees and Charges as presented to Council be endorsed and included into the 2023/2024 Annual Budget in accordance with the requirements of the Local Government Act, 1995.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-5

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

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and

programs and to raise revenue through rates and fees and charges. In preparation for the compilation of the 2023/2024 Annual Budget the Proposed Schedule of Fees and Charges for 2023/2024 is attached for review and approval to list in the 2023/2024 Draft Budget

Comment

A considerable number of Council's fees and charges are set by legislation and as such remain the same as last year until various agencies advise of changes. These generally include fees and charges associated with Planning, Building and Health regulations.

Current Consumer Price Index (CPI)

The Australian Bureau of Statistics recently released the CPI figures for the March quarter. The All-Groups CPI (weighted average of the eight capital cities) for the March quarter 2022 to March quarter 2023 is 7.0%

From the WALGA Economic Briefing statement forecasts for Local Government costs is expected to slow in 2023/24. Services inflation is at its highest since 2001 with electricity being rebates being wound back will see further effects in the last quarter for 2023.

The draft 2023/2024 Proposed Schedule of Fees & Charges are based on the previous format endorsed fees and charges and in line with the Long-Term Financial Plan assumptions of a total revenue increase of 1.50%. It is prudent local government find a balance between cost recovery of providing services and facilities without unnecessary impact on the community. Continual increase costs in cleaning, power, water, and general maintenance however adds to budget pressures. It is important therefore to keep this to the forefront of mind when receiving submissions for waiving fees and charges. Cost recovery of outgoing expenses need to be considered. Each non statutory line item has a basic increase of 6% to assist with recovering inflationary costs to the Shire of Chapman Valley.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

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

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
 - (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting the level of fees and charges

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

6.18. Effect of other written laws

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

6.19. Local government to give notice of fees and charges

- If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*
- (a) *its intention to do so; and*
 - (b) *the date from which it is proposed the fees or charges will be imposed.*

Policy/Procedure Implications

Shire of Chapman Valley 2023/2024 Draft Budget.

Financial Implications

Long Term Financial Plan

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

Shire of Chapman Valley 2023/2024 Schedule of Fees and Charges

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

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

5.2.2 Long Term Financial Management .

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

Input has been sought from all key members of staff.

Risk Assessment

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

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

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

10.2.2

Financial Management Report

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	307.00
Attachment(s)	1. March 2023 MFR [10.2.2.1 - 35 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives the financial management report supplied under separate cover for the month of March 2023.

Council Resolution

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

That Council receives the financial management report supplied under separate cover for the month of March 2023.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-6

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

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

Comment

The financial position at the end of March 2023 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

Policy/Procedure Implications

Nil

Financial Implications

Long Term Financial Plan

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

Strategic Implications

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.

10.2.3

Finance, Audit and Risk Management Committee Meeting

Department	Finance, Governance & Corporate Services Finance Risk Management
Author	Dianne Raymond
Reference(s)	403.05
Attachment(s)	1. Unconfirmed Minutes FARM Committee - May 2023 [10.2.3.1 - 76 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council receives and endorse the Finance, Audit and Risk Management Committee Minutes which include the reviewed Long-Term Financial Plans.

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Peter Humphrey

That Council receives and endorse the Finance, Audit and Risk Management Committee Minutes which include the reviewed Long-Term Financial Plans.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-7

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 Shire of Chapman Valley Finance, Audit & Risk Committee met on the 5 May 2023 via a TEAMS meeting. The Minutes of the meeting have been supplied under separate cover

Comment

The Minutes and recommendations from the Finance, Audit & Risk Committee meeting dated 5 May 2023 are presented for Council consideration of endorsing the reviewed Long-Term Financial Plans.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995 and & Local Government Audit Regulations 1996.

Policy/Procedure Implications

Nil

Financial Implications

Long Term Financial Plan

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

Strategic Implications

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

Elected Members and staff discussed the Long-Term Financial Plan and recommended endorsement for council.

Risk Assessment

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

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

10.2.4 Differential Rating 2023/2024

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	306.08
Attachment(s)	1. Differential Rate Model May OCM [10.2.4.1 - 1 page] 2. Object and Reasons for Differential Rating [10.2.4.2 - 2 pages] 3. Local Public Notice [10.2.4.3 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

1. Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential rates for the 2023/2024 financial year as listed below.
2. Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2023/2024 Draft Annual Budget.

<u>Differential Rating Category</u>	<u>Rate in \$</u>	<u>Minimum Rate</u>
UV Rural	0.9778	\$400.00
UV Oakajee Industrial Estate	1.8504	\$400.00
GRV	9.9526	\$700.00

Council Resolution

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

That Council:

1. Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential rates for the 2023/2024 financial year as listed below.
2. Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2023/2024 Draft Annual Budget.

<u>Differential Rating Category</u>	<u>Rate in \$</u>	<u>Minimum Rate</u>
UV Rural	0.9778	\$400.00
UV Oakajee Industrial Estate	1.8504	\$400.00
GRV	9.9526	\$700.00

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-8

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

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

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

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

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

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

Comment

The purpose of this report is to determine whether council wish to continue with this rating methodology for the preparation of the draft 2023/2024 Annual Budget. The objective of the proposed differential rate is to ensure there is consistency with the previous year. The Gross Rental Valuation has not increased as the valuations have an effective date of 1 July 2019 and will remain so until the next revaluation (set for 2024). The Unimproved Value properties have an annual revaluation process which to date has not been received and implemented. This report has utilised the current values as at April 2023 to determine the total rates revenue per differential rate type. This was based on the 3.5% increase on the differential rate in the dollar and minimum rates set as per 2022/2023 budget adoption as per the current Long-Term Financial Plan.

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

The UV Oakajee Industrial Estate Buffer Zone category includes any property zoned Oakajee Industrial Estate and Buffer within Town Planning Scheme No.1. A rate in the dollar of 1.8504 cents on Unimproved Values with a minimum of \$400 is proposed which is a 3.54% increase to rate revenue from 2022/2023 and affects two (2) rateable assessments.

The balance of the unimproved value rating area is the UV Rural General Rate defined as: Any other property in the Shire of Chapman Valley zoned Rural within the Shire of Chapman Valley Town Planning Scheme. A rate in the dollar of 0.9778 cents on Unimproved Values with a minimum of \$400 is proposed which is a 3.54% increase to rate revenue from 2022/2023.

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

A Differential Rate Model is attached under separate cover for the proposed differential rate revenue, however, is indicative only without the input of the new valuations yet to be applied to the rate book.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

Local Government Act 1995

S.6.32 States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.

S6.33 (1) Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.

S6.34 States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.

S6.35 States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.

S6.35(4) States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.

Financial Management Regulations

S5 s.52 States that the percentage prescribed for the purposes of s6.35 (4) is 50%.

S6.36(1) States that before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so

S6.36(2) States that a local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).

S6.36(3) States that a notice referred to in subsection (1) —

- (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;*
- (b) is to contain —*
 - (i) details of each rate or minimum payment the local government intends to impose;*
 - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;**and*
- (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*

S6.36(4) States that a local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

Long Term Financial Plan

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

2023/2024 Annual Draft Budget additional rate revenue equivalent to 3.54%

Strategic Implications

Section 6.2(2) of the Local Government Act requires council in formulating the budget, to have regard to the contents of the plan for the future of the district. The proposed 3.54% rate revenue increase using differential rating remains consistent with the Long-Term Financial Plan (LTFP) endorsed at the May 2023 Ordinary Meeting of Council.

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 – consistent with the LTFP

Risk Assessment

Associated risk would be a failure to comply with the Local Government Act 1995 and relevant Financial Management Regulations requiring local governments to advertise their intent to levy differential rates prior to setting the annual budget.

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

10.3 Chief Executive Officer

10.3.1 Public Health & Wellbeing Plan 2023-2027

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	Nil
Attachment(s)	1. Draft Shire of Chapman Valley PHP 2023-2027 [10.3.1.1 - 14 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That following a period of public comment closing on the 17th May, Council considers any comments, makes any minor adjustments and adopts the Draft Shire of Chapman Valley Public Health Plan 2023 – 2027.

Council En Bloc Resolution - Minute Reference OCM 2023/05/-2

That following a period of public comment closing on the 17th May, Council considers any comments, makes any minor adjustments and adopts the Draft Shire of Chapman Valley Public Health Plan 2023 – 2027.

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

Following the recent advertising of Council's Draft Public Health Plan 2023-2027, consideration is requested to adopt the plan, taking in consideration any comments made to Council.

The purpose of the Shire of Chapman Valley Public Health Plan (the Plan) is to protect, improve and promote public health and wellbeing for all residents and ratepayers in the Shire of Chapman Valley. The Plan's intent is to support all members of the community, through various life stages to enable good health and wellbeing to be enjoyed across a range of identified health issues.

The Plan focuses on what the Shire can do directly within its functions and capacity, and through partnerships, to enhance public health, and recognises that many factors influence health and wellbeing, including those which occur within the social, built, economic and natural environments.

In partnership with key health, community, education and government organisations and private industry, the Shire of Chapman Valley is committed to implementing a range of initiatives across Council functions that contribute to the health and wellbeing of individuals and families, particularly those most vulnerable and in need of support.

The development of this Plan has used an evidenced-based framework, supported by a sound understanding and acknowledgement of the many factors in our environments and residential areas that affect health and wellbeing.

The methodology used to develop this Plan included a policy alignment process to identify existing public health priorities within the Shire, the identification of community needs and aspirations, involvement of Shire of Chapman Valley staff to identify local public health risks, advice from key stakeholders on the issues affecting their clients and communities and the integration of local health data.

Through this process a list of four Community & Public Health Outcomes were identified and include:

- Harm Minimisation
- Encourage use of recreation activities
- Promote preventative public health services & minimise disease
- Environmental Health Risk Management

It is expected that implementation of the Plan will occur through:

- the implementation of actions directly identified in this document; and
- the development and subsequent implementation of a range of action plans or existing plans that are called up, which reflect the policy directions and community issues identified in the Plan.

The Shire will measure and report against an agreed range of community health indicators to track outcomes over time. This will focus on improvements to health and wellbeing, partnerships and communication within the Shire of Chapman Valley.

Central to the development of this Plan is an acknowledgement of the need and value of integrated health planning and strong partnerships in the Shire of Chapman Valley. The nature of the Plan is dynamic, reflecting a commitment to work with partner organisations to progressively address priority health and wellbeing issues and to develop and implement a number of strategies under this Plan.

Comment

When gazetted in 2016, the Public Health Act 2016 required a local government to develop and implement a public health plan within five (5) years. That requirement has since been amended to require local governments to initiate, support and manage public health planning

as well as develop and implement policies and programmes to achieve the objects of the Act.

The Plan meets the Shire's legislative obligations under the Act, and aims to establish an integrated health and wellbeing planning process that fits into existing planning frameworks and strategies within local government and can support a wider local vision for a healthier community.

The Plan aims to identify the health and wellbeing needs of the community and establish priorities and strategies for a five-year period with a focus on the following key areas:

- **Healthy People and Community:** – To guide and encourage our community to lead healthier lifestyles through the provision of lifestyle and educational opportunities.
- **Healthy Places and Spaces:** – To provide healthy places and spaces to encourage and support healthy lifestyle opportunities.
- **Healthy Partnerships:** – To develop collaborative partnerships with community, business, government, non-government and key stakeholders to improve health and wellbeing.

The Plan is at the same time a stand-alone document as well as dovetailing in with the State Public Health Plan for Western Australia. Where possible repetition with the State Plan has been kept to a minimum.

This document is meant to be a living Plan and will change in the future to reflect the community and the Shire's aspirations over time.

Statutory Environment

The report complies with the requirements of the:
Public Health Act 2016

“A local government has the following functions in relation to the administration of this Act —
(a) to initiate, support and manage public health planning for its local government district;
(b) to develop and implement policies and programmes to achieve the objects of this Act within its local government district;
(c) to perform the functions that are conferred on local governments by or under this Act;”

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

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.

COMMUNITY HEALTH & LIFESTYLE

1.5 To maximise health and lifestyle outcomes through environment and public health strategies.

1.5.1 To adopt an integrated approach to the provision of services to address the wider health and wellbeing of the community.

Consultation

Following the period of consultation any suggestions made will be considered and a report prepared for consideration to incorporate into the final plan. To this point, no comment has been made.

Risk Assessment

An Insignificant Health Risk of Level 1 - Which could result in negligible injuries.

10.3.2	Bushfire Brigade Advisory Group
Department	Development Service Law, Order & Public Safety
Author	Jamie Criddle
Reference(s)	601.08
Attachment(s)	1. CV Bushfire Brigades Unconfirmed Minutes April 2023 [10.3.2.1 - 4 pages] 2. EMP 005 [10.3.2.2 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

Council endorse:

1. **BFB 4/23-02 - Election of Officers – All One Year Terms**

6.1	Chief Fire Control Officer	Current Position Holder	A Vlahov
6.2	Deputy Chief Bushfire Control Officer	Current Position Holder	J Stokes
6.3	Fire Prevention Officer	Current Position Holder	E O'Donnell
6.4	Group Training Officer	Current Position Holder	E O'Donnell
6.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
6.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
6.7	Fire Weather Officer	Current Position Holder	A Vlahov
	Deputy Fire Weather Officer	Current Position Holder	J Stokes

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

2. **BFB 4/23-03 - Appointments of Bushfire Control Officers**

- Darryl Burton – Durawah/Valentine Brigade
- Calvin Royce – Howatharra Brigade
- Neil Kupsch – Nabawa Brigade

- Craig Mincherton – Naraling Brigade
- Jason Stokes – Yetna Brigade
- Shaun Earl – Yuna Brigade

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

3. BFB 4/23-04 - Fire Break Notice

The existing Bush Fire Notice as presented with annual date changes made.

4. BFB 4/23-05 - Annual Inspections

The Annual Fire Break Inspection procedures remain the same.

Council En Bloc Resolution - Minute Reference OCM 23/05-2

Council endorse:

1. BFB 4/23-02 - Election of Officers – All One Year Terms

6.1	Chief Fire Control Officer	Current Position Holder	A Vlahov
6.2	Deputy Chief Bushfire Control Officer	Current Position Holder	J Stokes
6.3	Fire Prevention Officer	Current Position Holder	E O'Donnell
6.4	Group Training Officer	Current Position Holder	E O'Donnell
6.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
6.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
6.7	Fire Weather Officer	Current Position Holder	A Vlahov
	Deputy Fire Weather Officer	Current Position Holder	J Stokes

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

2. BFB 4/23-03 - Appointments of Bushfire Control Officers

- Darryl Burton – Durawah/Valentine Brigade
- Calvin Royce – Howatharra Brigade
- Neil Kupsch – Nabawa Brigade
- Craig Mincherton – Naraling Brigade

- Jason Stokes – Yetna Brigade
- Shaun Earl – Yuna Brigade

(Note: All terms of office will commence upon endorsement by Council and subject to condition stated in Corporate Management Procedure EMP-005.)

3. BFB 4/23-04 - Fire Break Notice

The existing Bush Fire Notice as presented with annual date changes made.

4. BFB 4/23-05 - Annual Inspections

The Annual Fire Break Inspection procedures remain the same.

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 Chapman Valley Bushfire Brigades Group Management Advisory Committee met at the Shire of on the 18th April 2023.

Comment

Rather than repeat in formation I refer Councillors to the Minutes at ***Attachment CV Bushfire Brigades Unconfirmed Minutes April 2023***

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995
Bushfire Act, 1954

Policy/Procedure Implications

A Policy or Procedure is affected:
Works and Services Policy & Procedures

Council's Management Procedure EMP-005 provides guidelines and procedures for the appointment of Bush Fire Control Officers

Financial Implications

No Financial Implications Identified.

Strategic Implications

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

The Chapman Valley Bushfire Brigades Group Management Advisory Committee comprises of the following:

President (Presiding Member) and 2 x Councillors

Cr Warr (President)

Cr Royce

Cr Humphrey

CBFCO

DCBFCO

All Brigade FCOs

Chief Executive Officer

Senior Ranger

Observers

1 x DFES Rep.

1 x DBCA Rep.

The consultation process is ongoing throughout the year by way of emails, telephone discussions, etc. as well as the pre-season meeting and the annual Bush Fire Brigades Group Management Advisory Committee meeting.

Risk Assessment

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

A Moderate Property Risk of Level 3 - Likely resulting in localised damage requiring external resources to rectify.

10.3.3 Local Operation Recovery Plan - Chapman Valley - Northampton

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	603.05
Attachment(s)	1. DRAFT Chapman Valley and Northampton LORP [10.3.3.1 - 3 pages]

Voting Requirements

Simply Majority

Staff Recommendation

Council adopt the Local Operation Recovery Plan (as presented) for the disaster event (Cyclone Seroja) for the Shires of Chapman Valley and Northampton and advise the Local Recovery Coordination Group (LRCG) and DFES of the adoption.

Council En Bloc Resolution - Minute Reference OCM 23/05-2

Council adopt the Local Operation Recovery Plan (as presented) for the disaster event (Cyclone Seroja) for the Shires of Chapman Valley and Northampton and advise the Local Recovery Coordination Group (LRCG) and DFES of the adoption.

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

Severe Tropical Cyclone Seroja crossed the Western Australian coast south of Kalbarri on 11 April 2021, as a Category 3 system. STC Seroja is the strongest system to have hit the Midwest Gascoyne region. It impacted a population of almost 50,000 covering an area of more than 170,000 square kilometres and 16 local government areas.

A Local Recovery Coordination Group (LRCG) has been established by the Shire of Chapman Valley and the Shire of Northampton, two of the most impacted Shires. The LRCG is preparing a Local Operational Recovery Plan to identify objectives, actions, governance arrangements, resources and priorities to guide ongoing recovery efforts by the two Shires.

A Term of Reference for the group was outlined early in the piece to guide the LRCG in preparing a suitable Local Operational Recovery Plan for the two districts. (attached)

Comment

The Local Operational Recovery Plan was presented to Council in June 2021 but as the Shire of Northampton had not yet presented the plan to Council, the Shire of Chapman Valley reviewed their document in preparation for future adoption.

Since the Shire of Northampton adoption, there have been a couple of minor adjustments to the plan:

Built Environment (Priority 3 Multipurpose Community Centre for Kalbarri) – Text has been added to include Future upgrades to the Nabawa Recreation Centre to ensure adequate facilities are in place to continue service delivery during an emergency,

Economic Environment (Priority 5 Economic & Community Development Coordination) – Text was included for the creation of a 3 yr. joint funded Economic Development officer to assist lost/existing businesses post DFES recovery

The State Government recently announced new programs to boost resilience and recovery totalling \$9.2 million.

“Sixteen local government areas were impacted after STC Seroja crossed the Kalbarri coast on 11 April 2021, destroying homes, businesses and critical infrastructure.

Emergency Services Minister Stephen Dawson today announced two new programs to boost the ongoing recovery process.

The funding was requested by local governments to support their communities' long-term recovery as they near the two-year anniversary of the cyclone crossing.

The 2023-24 State Budget will include \$8 million for a new grants scheme, where all 16 local governments will be eligible for up to \$500,000 for projects to improve resilience in their communities.

The projects could include upgrades to community centres to help withstand future weather events or funding for the demolition of properties abandoned in the wake of the cyclone.

In addition, \$1.2 million will be provided to five of the worst affected local governments under the Community Benefit Fund. The Shire of Northampton will receive \$400,000 while the Shires of Chapman Valley, Morawa, Mingenew and Perenjori will receive \$200,000. The money will go towards programs and activities that have been identified by local governments and community members to support the ongoing recovery.

The \$9.2 million commitment is the latest investment in the recovery of the region and is in addition to grants and financial assistance, clean-up and rebuild support and the provision of wellbeing support services provided over the past two years.

The LRCG met in Kalbarri on Tuesday 2nd May to discuss possible projects/programs for the approved funding. The results of this are listed in the attached LRCG minutes

Statutory Environment

This report has no statutory environment requirements.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

It is important to note that Local Governments are the key driver for the local recovery process with all recovery tasks requiring external and internal funding. Council will need to ensure that sufficient resources are secured to aid in the recovery effort.

Strategic Implications

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.1 Council and Shire process formally incorporate integrated plans as references.

Consultation

Chapman Valley Northampton Local Recovery Coordination Group (LRCG)

Sam Edwards Community Recovery Officer, DFES

Risk Assessment

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.

A Minor Property Risk of Level 2 - Likely resulting in localised damage rectified by routine internal procedures.

10.3.4

Local Government Elections

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	402.00
Attachment(s)	1. Chapman Valley Elections [10.3.4.1 - 2 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council, as per Minute Reference: 06/19-7 continue to utilise the WA Electoral Commission for the 2023 Ordinary Postal Election.

Council En Bloc Resolution - Minute Reference OCM 23/05-2

That Council, as per Minute Reference: 06/19-7 continue to utilise the WA Electoral Commission for the 2023 Ordinary Postal Election.

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 next local government ordinary elections will be held on 21 October 2023. While this is still some distance in the future, the WA Electoral commission has enclosed an estimate for your next ordinary election (should you wish to hold a postal election) to assist in your 2023/2024 budget preparations.

The estimated cost for the 2023 election if conducted as a postal ballot is \$18,000 inc GST, which has been based on the following assumptions:

1. 1100 electors
2. response rate of approximately 55%
3. 4 vacancies
4. count to be conducted at the offices of the Shire of Chapman Valley
5. appointment of a local Returning Officer
6. regular Australia Post delivery service to apply.

An additional amount of \$250 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

The Commission is required by the Local Government Act to conduct local government elections on a full cost recovery basis. The price you have been quoted is an estimate only, and the final cost incurred may vary depending on a range of factors.

Costs not incorporated in this estimate include:

7. any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission incurred as part of an invalidity complaint lodged with the Court of Disputed Returns
8. the cost of any casual staff to assist the Returning Officer on election day or night
9. any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

Comment

Council's recommendation at the June 2019 OCM Minute Reference: 06/19-7:
That Council:

1. Resolve, in accordance with section 4.61(2) of the Local Government Act 1995, the method of conducting all future Local Government Elections and Polls will be as Postal Election (Ordinary and Extraordinary);
2. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible to conduct all future Local Government Election and Polls as Postal Elections (Ordinary and Extraordinary);
3. Council reserves the right to review this position at any time, subject to budgetary constraints and any decision to terminate the contract with the Western Australian Electoral Commissioner not being able to be made after the 80th day being the legislative cut-off period of an election process as any time after this date renders the services from the WAEC having already commenced.

This automatically approves Postal Elections to be conducted by the WAEC, unless otherwise wishing to terminate the contract.

The 2013 was the first Council Ordinary Election conducted by postal election with the 2015, 2017 and 2019 also being Postal Elections. This has resulted in a significant increase in voter participation i.e.

2011	NE Ward 18.6% Participation (In-Person)
	SE Ward 23.9% Participation (In-Person)
2013	NE Ward 52.9% Participation (Postal)
	SE Ward 44.4% Participation (Postal)
2015	NE Ward – No Election
	SE Ward 37.28% Participation (Postal)
	No Ward System
2017	51.66% (Postal)
2019	55.00% (Postal)
2021	No Election

The above figures indicate a significant increase in voter participation between the last *In-Person* Election (2011) and the subsequent three *Postal Elections* (2013, 2015 & 2017)

along with the fact the cost are basically the same when compared with staff time and resources to contracting the WAEC to undertake this function. This make it imperative to retain the *Postal Election* process for all future Elections to be continued. It would be disappointing for the Shire to revert back to the old *In-Person* procedure for conducting Local Government Elections as this would obviously minimise interest and participation in the elections.

The other important advantage with the WAEC being the contractor for the *Postal Election* process is the fact this distances the Chief Executive Officer and most Shire staff from the election process, therefore removing any accusations of staff influence throughout the election process.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

Local Government Act 1995 and Local Government (Election) Regulations

4.20. CEO to be returning officer unless other arrangements made

A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) *The local government may decide* to conduct the election as a postal election.*
** Absolute majority required.*
- (3) *A decision under subsection (2) has no effect if it is made after the 80th day before Election Day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*

(4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.

(5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.

(6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.

(7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

The 2019 Postal Elections (last one held) cost \$13,363 with the estimated cost for this year to be \$16,363 (ex GST)

Strategic Implications

Maximising Elector participation at Local Government Elections should be the main priority when deciding the form in which the election process should be undertaken. It is proven the percentage of voter participation at *Postal Elections* significantly exceeds participation at *In-Person Elections*.

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.

1.1.2 Determine a whole of Shire community integration approach.

Consultation

Informal discussions have occurred between the WAEC and Chief Executive Officer.

Risk Assessment

A Moderate Reputational Risk of Level 3 - Which will likely result in substantiated, public embarrassment, moderate impact, moderate news profile.

10.3.5

Authorised Officers

Department	Development Service Animal Control Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	604.00
Attachment(s)	Nil

Voting Requirements

Absolute Majority

Staff Recommendation

That Council:

1. Appoint the following persons:

Jameon Criddle;
Erskine Kelly;
Earl O'Donnell;
Cameron Sutherland;
Peter Smith and
Robert McKenzie

As authorised persons in accordance with the following acts:

Section 449 of the Local Government (Miscellaneous Provisions) Act 1960;
Section 9.10 of the Local Government Act 1995 for Local Laws;
Section 17(1) of the Caravan Parks and Camping Grounds Act 1995;
Section 29(1) of the Dog Act 1976 and Regulations;
Section 38(1) of the Bush Fires Act 1954 and Regulations;
Section 26(1) of the Litter Act 1979;
Section 38(3) of the Control of Vehicles (Off Road Areas) Act 1978;
Shire of Chapman Valley Local Laws; and

2.Appoint the following persons as registration officers in accordance with the Dog Act 1976 and Regulations:

Jameon Criddle;
Dianne Raymond;
Beau Raymond;
Jennifer Chapman;
Anne-Marie Cox;
Rachael Galloway;
Kasey Brown; and

Earl O'Donnell
Cameron Sutherland

3. Cancel all previous appointments.

Council En Bloc Resolution - Minute Reference OCM 23/05-2

That Council:

1. Appoint the following persons:

Jameon Criddle;
Erskine Kelly;
Earl O'Donnell;
Cameron Sutherland;
Peter Smith and
Robert McKenzie

As authorised persons in accordance with the following acts:

Section 449 of the Local Government (Miscellaneous Provisions) Act 1960;
Section 9.10 of the Local Government Act 1995 for Local Laws;
Section 17(1) of the Caravan Parks and Camping Grounds Act 1995;
Section 29(1) of the Dog Act 1976 and Regulations;
Section 38(1) of the Bush Fires Act 1954 and Regulations;
Section 26(1) of the Litter Act 1979;
Section 38(3) of the Control of Vehicles (Off Road Areas) Act 1978;
Shire of Chapman Valley Local Laws; and

2. Appoint the following persons as registration officers in accordance with the Dog Act 1976 and Regulations:

Jameon Criddle;
Dianne Raymond;
Beau Raymond;
Jennifer Chapman;
Anne-Marie Cox;
Rachael Galloway;
Kasey Brown; and
Earl O'Donnell
Cameron Sutherland

3. Cancel all previous appointments.

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

With the appointment of the new Trainee Ranger (Cameron Sutherland), and the addition of new employees in previous years, Council is required to appoint staff as authorised persons to enforce the provisions of various laws and regulations.

Comment

It is recommended that Council appoint the following persons:

Jameon Criddle;
Erskine Kelly;
Earl O'Donnell;
Cameron Sutherland;
Peter Smith and
Robert McKenzie

As authorised persons in accordance with the following acts:

Section 449 of the Local Government (Miscellaneous Provisions) Act 1960;
Section 9.10 of the Local Government Act 1995 for Local Laws;
Section 17(1) of the Caravan Parks and Camping Grounds Act 1995;
Section 29(1) of the Dog Act 1976 and Regulations;
Section 38(1) of the Bush Fires Act 1954 and Regulations;
Section 26(1) of the Litter Act 1979;
Section 38(3) of the Control of Vehicles (Off Road Areas) Act 1978;
Shire of Chapman Valley Local Laws

The following persons have been authorised as Registration Officers in accordance with the Dog Act 1976 and Regulations:

Jameon Criddle;
Dianne Raymond;
Beau Raymond;
Jennifer Chapman;
Anne-Marie Cox;
Rachael Galloway;
Kasey Brown; and
Earl O'Donnell
Cameron Sutherland

Statutory Environment

The report complies with the requirements of the:

Local Government Act 1995

Local Government Act (Miscellaneous Provisions) 1960, Part XX (Ranger/Pound Keeper);

Local Government Act 1995, Part 3—Executive Functions of Local Government and Part 9—Miscellaneous Provisions;

Caravan and Camping Grounds Act 1995;

Dog Act 1976 and Regulations;

Bush Fires Act 1954 and Regulations;

Litter Act 1979 and Regulations;

Control of Vehicles (Off Road Areas) Act 1978 and Regulations;

Shire of Chapman Valley Local Laws.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

Strategic Implications

Nil

Strategic Community Plan/Corporate Business Plan Implications

COMMUNITY HEALTH & LIFESTYLE

1.4 Maintain and enhance community safety and security.

1.4.2 Enhance community and property security.

ENVIRONMENT & SUSTAINABILITY

3.4 Manage the impact of waste, water, weed and vermin control on the environment.

3.4.2 Address weed and vermin control.

Consultation

Nil

Risk Assessment

A Minor Health Risk of Level 2 - Which could result in first aid injuries.

A Minor Service Disruption Risk of Level 2 - Which will likely result in short term temporary interruptions with backlogs cleared in less than one day.

A Minor Compliance Risk of Level 2 - Which will likely result in some temporary non-compliance.

10.3.6	Community Growth Fund Applications
Department	Development Service Community Development Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	205.00
Attachment(s)	1. Unconfirmed Minutes CGF Advisory Group [10.3.6.1 - 5 pages]

Voting Requirements

Simply Majority

Staff Recommendation

1. Minute Ref: CGF 03/22-4 Community Growth Fund Allocations

That Council receives the minutes from the 29 March 2023 Community Growth Fund Advisory Group meeting and endorses the following funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2023/2024 budget consideration:

Yuna Playgroup	Outdoor play area	\$ 5,290.30
Chapman Valley Agricultural Society	BBQ	\$ 5,000.00
Chapman Valley Football Club	Coaches Boxes redevelopment, <i>grant funding subject too leveraging other external grant funding to achieve the original scope of works</i>	\$ 10,000.00
Chapman Valley Basketball Club	Uniform upgrade, <i>grant funding subject to the inclusion of the official Shire of Chapman Valley logo on playing jerseys</i>	\$ 8,400.00

Council Resolution

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

9:10 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 10.3.6:

- 8.5 Priority when speaking,
- 8.7 Relevance,

8.8 Speaking twice,
8.9 Duration of speeches

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

7 / 1
CARRIED

Minute Reference OCM 2023/05-9

Council Resolution

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

1. Minute Ref: CGF 03/22-4 Community Growth Fund Allocations

That Council receives the minutes from the 29 March 2023 Community Growth Fund Advisory Group meeting and endorses the following funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2023/2024 budget consideration:

Yuna Playgroup	Outdoor play area	\$ 5,290.30
Chapman Valley Agricultural Society	BBQ	\$ 5,000.00
Chapman Valley Football Club	Coaches Boxes redevelopment, <i>grant funding subject too leveraging other external grant funding to achieve the original scope of works</i>	\$ 10,000.00
Chapman Valley Basketball Club	Uniform upgrade, <i>grant funding subject to the inclusion of the official Shire of Chapman Valley logo on playing jerseys</i>	\$ 8,400.00

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

8 / 0
CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-10

Discussion was undertaken on the item.

Council Resolution

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

9:20 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 10.3.6:

8.5 Priority when speaking,

8.7 Relevance,
8.8 Speaking twice,
8.9 Duration of speeches

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-11

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 has in previous budgets set an amount aside of \$30,000 for Community Growth Fund (CGF) applications. Applications opened 14 February 2023 and closed 17 March 2023 with the Community Growth Fund Advisory Group meeting held on 28 March 2023 for evaluation of all applications in readiness for Council determination.

Comment

The Shire of Chapman Valley Community Growth Fund (CGF) Advisory Group comprises of the following Council appointed representatives:

Cr Kirrilee Warr (Presiding Member)

Cr Bev Davidson

Cr Royce

Cr Low

Chief Executive Officer

Manager Finance & Corporate Services

Community Development Officer

The purpose of the Advisory Group is as follows:

“Evaluate applications received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with Guidelines, policies and procedures set by Council and make recommendations to Council to allocate funds.”

A copy of the Unconfirmed Minutes of the CGF Advisory Group held on the 28 March 2023 is provided at Attachment *Unconfirmed Minutes CGF Advisory Group*.

- Total of all Submissions received - \$50,685

Statutory Environment

This report has no statutory environment requirements.

Policy/Procedure Implications

A Policy or Procedure is affected:
Organisational Corporate Policy & Procedures

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

The 2023/2024 Budget will be determined by Councils resolution.

Strategic Implications

Supporting Community organisations and individuals in accordance with the CGF Operational Procedures is designed to develop and assist the Chapman Valley community. It is also designed to remove the ongoing, periodical requests for funding assistance requests made to Council.

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.

1.1.3 Identify all volunteers and determine their support needs.

Consultation

The Community Development Officer has had regular dialogue with the groups and individuals within the community to explain the CGF Operational Procedures and will continue to do this.

Risk Assessment

An Insignificant Financial Impact Risk of Level 1 - Which will likely be less than \$1,000.
A Minor Reputational Risk of Level 2 - Which will likely result in substantiated, low impact, low news item.

10.3.7

CEO Performance Review

Department	Finance, Governance & Corporate Services Chief Executive Officer Human Resources
Author	Jamie Criddle
Reference(s)	Enter-Text-Here-(Arial Size 11 ONLY)
Attachment(s)	1. CEO Standards Policy CP-023 [10.3.7.1 - 6 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

1. Appoints the Shire President, Deputy Shire President and Cr(s) _____ to undertake the Chief Executive Officer Annual Performance Appraisal and Remuneration Review for 2022 and bring this back to Council for consideration and work with the Chief Executive Officer to formulate sufficient Key Performance Indicators(KPI's) for the ensuing 12 month period.
2. Provide the Chief Executive Officer written notice of his Annual Performance Appraisal and Remuneration Review to be undertaken.

Council Resolution

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

That Council:

1. Appoints the Shire President, Deputy Shire President and Cr(s) Batten & Royce to undertake the Chief Executive Officer Annual Performance Appraisal and Remuneration Review for 2022 and bring this back to Council for consideration and work with the Chief Executive Officer to formulate sufficient Key Performance Indicators(KPI's) for the ensuing 12 month period.
2. Provide the Chief Executive Officer written notice of his Annual Performance Appraisal and Remuneration Review to be undertaken.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/05-12

Disclosure of Interest

Officer: Jameon Criddle (Employee or Consultant) Type of conflict: Financial

Background

The purpose of this Agenda Item is to commence the process to undertake the Chief Executive Officer's Annual Performance Appraisal and Remuneration Review for 2022 and to formulate and adopt the Key Performance Indicators (KPI's) for the Chief Executive Officer, in accordance with the Local Government Act 1995 section 5.38 and the Chief Executive Officer's contract of employment.

In accordance with Council Policy CMP - 23 - Mandatory Standards for CEO Recruitment, Performance and Termination, Council and the CEO must agree on the performance review process, and any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

Clause 4.1 of the employment contract for the Chief Executive Officer states that the initial KPI's are to be agreed and set by Council within the first three months of the contract start date.

Comment

The Chief Executive Officer commenced with the Shire of Chapman Valley on 27th January 2022 and after a successful probationary period the initial contract was endorsed for a five-year period to January 2027.

In December 2019 the DLGSCI developed a Draft Consultation Paper titled "*Standards & Guidelines for Local Government CEO Recruitment & Selection, Performance Review & Termination*". This Draft Paper was strongly rejected by the local government authorities and WALGA, resulting in no legislative amendment being developed for parliamentary consideration on these matters at this stage. Therefore the guidance given by WALGA is for local government authorities to continue as they have in the past until the Draft Paper dealing with the recruitment, selection, performance review and termination of a CEO can be revisited.

An extract from the Draft Paper referring to the CEO's performance review is provided at **Attachment CEO Standards Policy CP-023** for information only and with the understanding Council is not obligated to introduce any of the suggestions/recommendation included in the Draft Paper as these have been rejected and opposed by the local government industry at this stage. I do believe some of the suggestions/recommendations within the Draft Paper do have some merit. However; feel it is sound to stay with the current system for now and deal with any legislative amendment as they occur.

Statutory Environment

The report complies with the requirements of the:
Local Government Act 1995

Policy/Procedure Implications

A Policy or Procedure is affected:
HR & Induction Policy & Procedures

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

The 2023/2024 Budget has not been completed as yet and will be guided by the Sub-Committees decisions.

Strategic Implications

Undertaking a strong recruitment process to appoint a replacement CEO is sound and the use of a recruitment consultant will strengthen this process and hopefully a positive outcome.

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

The performance appraisal and remuneration review requires consultation to be evident between the Council and the Chief Executive Officer. The President, Deputy President, Cr Batten & Royce were member of the previous committee.

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.

11 Elected Members Motions

The Council has not received any notice of motion from an elected member at the time of writing this report.

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

Nil

13 Delegates Reports

That council receive the following Delegates Reports - May 2023.

Delegate	Details
Cr Kirrilee Warr (President)	Fortescue Future Industries Meeting
	BP Australia Meeting
	Drought Resilience Ministers Announcement
	Cyclone Recovery Meeting
	Catch up with NR President & Vice President
	FARM Meeting
Cr Darrell Forth (Deputy President)	CVAS Meeting
	FARM Meeting
	Pilot Energy Public Consultation - Seismic Tests
	Budget Breakfast with Roger Cook
Cr Nicole Batten	Drought Resilience Ministers Announcement
Cr Beverley Davidson	Nil
Cr Elizabeth Elliott-Lockhart	Nil
Cr Peter Humphrey	Nil
Cr Catherine Low	Nil
Cr Trevor Royce	Nil

14 Announcements by Presiding Member Without Discussion

No announcements were made by the Presiding Member throughout the course of the meeting.

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

Council Resolution

Moved: Cr Darrell Forth **Seconded:** Cr Peter Humphrey

Council close the meeting to the public for Agenda Items 15.1 in accordance with the *Local Government Act, 1995* due to the item dealt with a matter affecting an employee or employees as per Section 5.23(a).

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY

Minute Reference OCM 2023/05-13

9:41 am - Meeting closed to the public

15.0.1

Confidential Items

Department

Development Service
Building

Finance, Governance & Corporate Services
Chief Executive Officer

Author

Jamie Criddle

Reason for Confidentiality

CONFIDENTIAL REPORT

Reason for confidentiality - Local Government Act 1995, Section 5.23(a) - A matter affecting an employee or employees.

CONFIDENTIAL ATTACHMENT

Reason for confidentiality - Local Government Act 1995, Section 5.23(a) - A matter affecting an employee or employees.

Council Resolution

Moved: Cr Trevor Royce **Seconded:** Cr Darrell Forth

Council endorse the contract for the extension of employment of Anthony Abbott to

the position of Building Surveyor/Projects Officer for the Shire of Chapman Valley for the period of five years commencing on the 16th November 2022 in accordance with section 5.37 and 5.39 of the *Local Government Act 1995*.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY

Minute Reference OCM 2023/05-14

Council Resolution

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

Council open the meeting to the public.

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

Against Nil

8 / 0

CARRIED UNANIMOUSLY

Minute Reference OCM 2023/05-15

9:44 am - Meeting open to the public

16 Closure

The Shire President thanked Elected Members and Staff for their attendance and closed the Ordinary Council Meeting 18 May 2023 at 9:45 am.