

ORDINARY COUNCIL MEETING

Minutes

Meeting Date Thursday 15 June 2023

Meeting Time 8:30 am

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

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



SHIRE OF
Chapman Valley
love the rural life!

Jamie Criddle
Chief Executive Officer

Strategic Community Plan 2022-2032



Snapshot

OUR VISION

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

OUR VALUES

Ethical, Honest, Integrity,
Leadership, Respectful, Trustful



COMMUNITY, HEALTH & LIFESTYLE

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



ECONOMY & POPULATION

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



ENVIRONMENT & SUSTAINABILITY

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



PHYSICAL & DIGITAL INFRASTRUCTURE

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



GOVERNANCE & ACCOUNTABILITY

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

ACKNOWLEDGEMENT OF COUNTRY

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

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

DISCLAIMER

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

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

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

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1 Declaration of Opening & Announcements of Visitors

The President welcomed elected members, staff and visitors to the council meeting and declaring the meeting open at 8:38 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 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

Nil

3.2 Apologies

Cr Beverley Davidson

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

Nil

5 Applications for Leave of Absence

Council Resolution

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

That Cr Trevor Royce be approved for a leave of absence for the Ordinary Meeting of Council July 2023.

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

Against Nil

7 / 0

CARRIED UNANIMOUSLY

Minute Reference OCM 2023/06-1

6 Disclosure of Interest

Meeting Details:	Person	Type of Interest	Agenda Item
Ordinary Council Meeting 15 June 2023	Cr Darrell Forth	Impartiality	10.2.2 - Member of FabCV
Ordinary Council Meeting 15 June 2023	Cr Kirrilee Warr	Impartiality	10.2.2 - Member and Committee member of FabCV
Ordinary Council Meeting 15 June 2023	Cr Elizabeth Elliott-Lockhart	Impartiality	10.2.2 - Member of FabCV
Ordinary Council Meeting 15 June 2023	Cr Peter Humphrey	Impartiality	10.3.1 - Issue with current complaints

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 receive any deputations in the course of the meeting

8 Confirmation of Minutes from Previous Meetings

Council Resolution

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

That the Minutes of the Ordinary Council Meeting held on 18 May 2023 be confirmed as true and accurate.

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

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-2

9 Items to be dealt with En Bloc

Nil

10 Officer Reports

10.1 Deputy Chief Executive Officer

10.1.1	Unconstructed Road Closure
Department	Development Service Planning
Author	Simon Lancaster
Reference(s)	A1528
Attachment(s)	1. NWAC Letter of Support 28.5.23 [10.1.1.1 - 2 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council:

- 1 Pursuant to Section 58 of the *Land Administration Act 1997* initiate closure action for the unconstructed, unnamed road reserve across Lot 2075 Old-Nabawa Northampton Road, Nabawa and its amalgamation into Lot 2075 as shown upon the plan included as Figure 10.1.1(a) to this report.
- 2 Request that the Department of Planning, Lands & Heritage waive its costs (inclusive of land valuation/acquisition costs and document preparation fees/costs) relating to the closure and disposal of the road reserve across Lot 2075 and provide copy of the supporting correspondence from the Naaguja Warangkarri Aboriginal Corporation to the Department.

Council Resolution

Moved: Cr Peter Humphrey **Seconded:** Cr Nicole Batten

That Council:

- 1 Pursuant to Section 58 of the *Land Administration Act 1997* initiate closure action for the unconstructed, unnamed road reserve across Lot 2075 Old-Nabawa Northampton Road, Nabawa and its amalgamation into Lot 2075 as shown upon the plan included as Figure 10.1.1(a) to this report.
- 2 Request that the Department of Planning, Lands & Heritage waive its costs (inclusive of land valuation/acquisition costs and document preparation fees/costs) relating to the closure and disposal of the road reserve across Lot 2075 and provide copy of the supporting correspondence from the Naaguja Warangkarri Aboriginal Corporation to the Department.

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

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-3

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

An unformed 450m long road reserve runs across Lot 2075 Old Nabawa-Northampton Road which is considered surplus to Shire requirements and negatively impacts the landowner. This report recommends that Council commence the public advertising period of the road closure process (following which the matter is required to be returned to Council for further consideration). This report also recommends that Council request that the Department of Planning Lands & Heritage (DPLH) waive the land purchase cost and associated fees for the landowner in this instance.

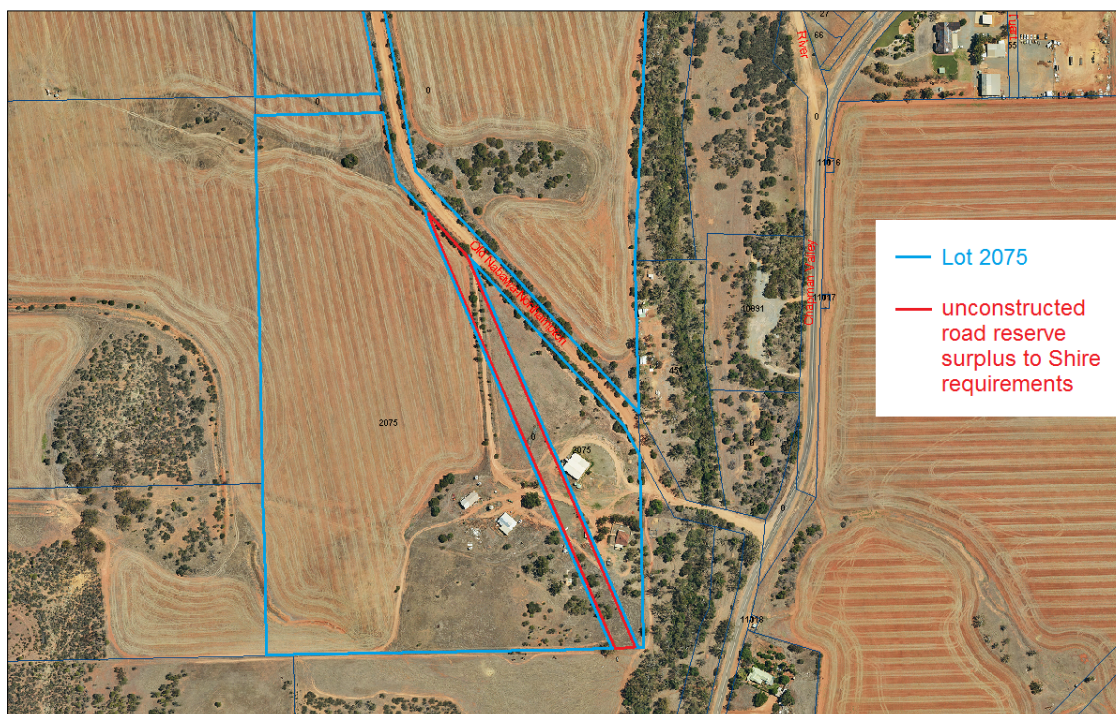
Comment

Lot 2075 Old Nabawa-Northampton Road, Nabawa is owned by the Naaguja Warangkarri Aboriginal Corporation and contains the residence, cultural centre and farm outbuildings that serve the wider farm landholding.

A 450m long, 20m wide road reserve with an approximate area of 9,517m² runs across Lot 2075 splitting the cultural centre from the residence and sheds. The road reserve is not constructed on-ground and is surplus to Shire requirements.

The closure and disposal of the unconstructed road reserve would benefit the Shire by removing an unrequired asset and would benefit the Naaguja Warangkarri Aboriginal Corporation as the alignment runs in immediate proximity to, and between, the buildings upon their farm.

Figure 10.1.1(a) – Aerial Photo of Unconstructed Road Reserve impacting Lot 2075



As part of the Nanson Showground Land Exchange, whereby 9.7ha of privately owned land is to be provided by the neighbouring landowner (Ballycastle Pty Ltd) to amalgamate into the Nanson Showground in exchange for 10.21ha of Crown Land being provided to the private landowner, the Shire was required to reach agreement for the taking of native title rights.

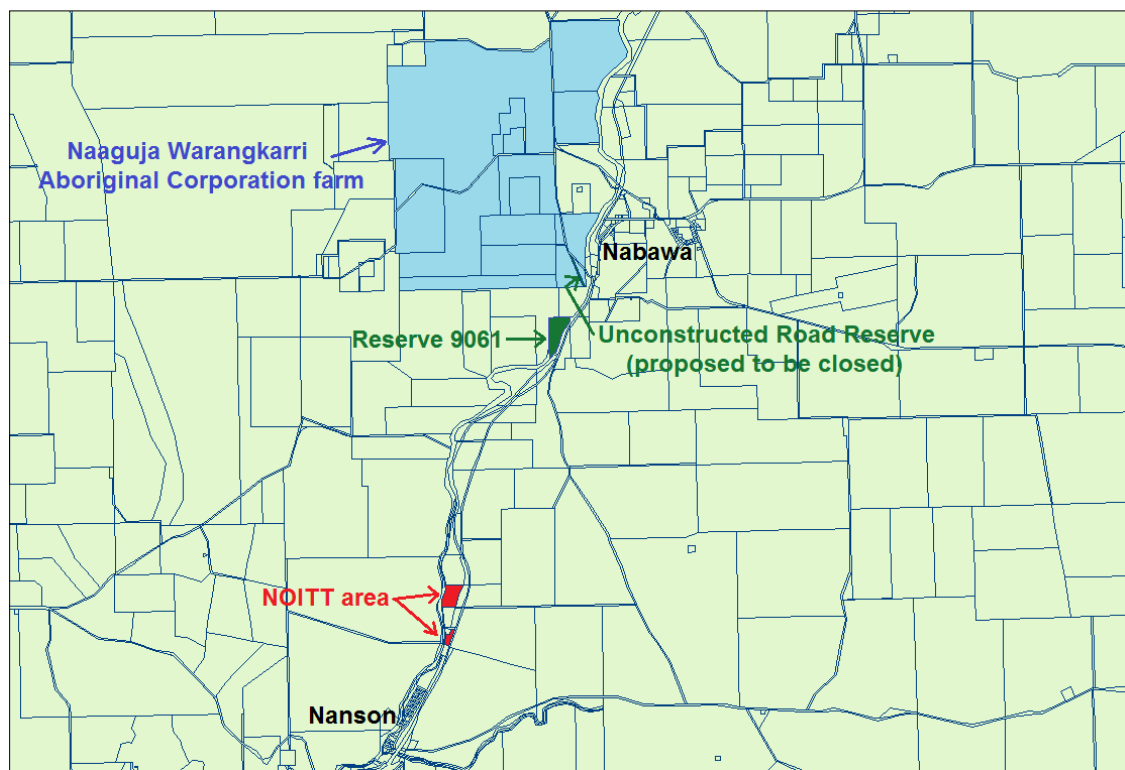
The Shire identified that the 9.5657ha Reserve 9061 on the western side of Chapman Valley Road (opposite the Nabawa Cemetery) was surplus to its requirements and considered it appropriate that this parcel should be included in the native title settlement. As a side matter the Shire also considered that the 9,517m² unformed road reserve that runs across Lot 2075 should also form part of the native title settlement.

Council resolved at its 18 March 2020 meeting as follows:

“That Council:

- 1 Advise the Yamatji Marlpa Aboriginal Corporation that it agrees to Reserve 9061 being included within the Yamatji Nation Indigenous Land Use Agreement in exchange for the withdrawal of its objection to Notice of Intention to Take N982297.*
- 2 Advise the Department of Planning, Lands & Heritage of Council’s resolution relevant to Reserve 9061 and, as a separate matter, advise the Department that Council supports the inclusion of the approximately 9,517m² unconstructed road reserve running across Lot 2075 Old Nabawa-Northampton Road, Nabawa into the Yamatji Nation Land Use Agreement and it being provided into the surrounding Naaguja Warangkarri Aboriginal Corporation freehold title landholding.”*

Figure 10.1.1(b) – Land parcels in the native title discussions relevant to the Nanson Showground Land Exchange



The native title claimants advised on 3 August 2020 that the objection to the native title notice of intent (NOITT) had been withdrawn enabling the Shire and the DPLH to commence finalisation of the Nanson Showground Land Exchange with Ballycastle Pty Ltd.

Reserve 9061 was included in the Yamatji Nation Indigenous Land Use Agreement Committed Land package.

However, the DPLH advised that due to timing it was unable to coordinate the inclusion of the road reserve across Lot 2075 into the Yamatji Nation Land Use Agreement, but that this could be considered as a separate formal road closure and disposal action.

The Shire made query with DPLH as to whether the land purchase costs that would normally be required to be paid to the DPLH by the acquiring landowner (in this case being the Naaguja Warangkarri Aboriginal Corporation) could be waived in this instance as the road reserve would have been provided free of cost if it had been included in the native title settlement package.

The DPLH advised that waiving, reducing or minimising fees and charges was a matter that its Assistant Director General would need to authorise.

The Shire therefore made contact with the Naaguja Warangkarri Aboriginal Corporation seeking a letter of support to assist it in its request to DPLH to waive the costs and fees involved in the road closure process.

The Naaguja Warangkarri Aboriginal Corporation have provided to the Shire correspondence which has been provided as Attachment 10.1.1.1 outlining their connection to country and their role in the community. It is recommended that a copy of this supporting correspondence be provided to the DPLH along with a Council request for the DPLH to waive the fees and costs it would normally charge for a road closure action (including land valuation and purchase costs).

Shire staff support the closure and disposal of the road reserve across Lot 2075 on the following basis:

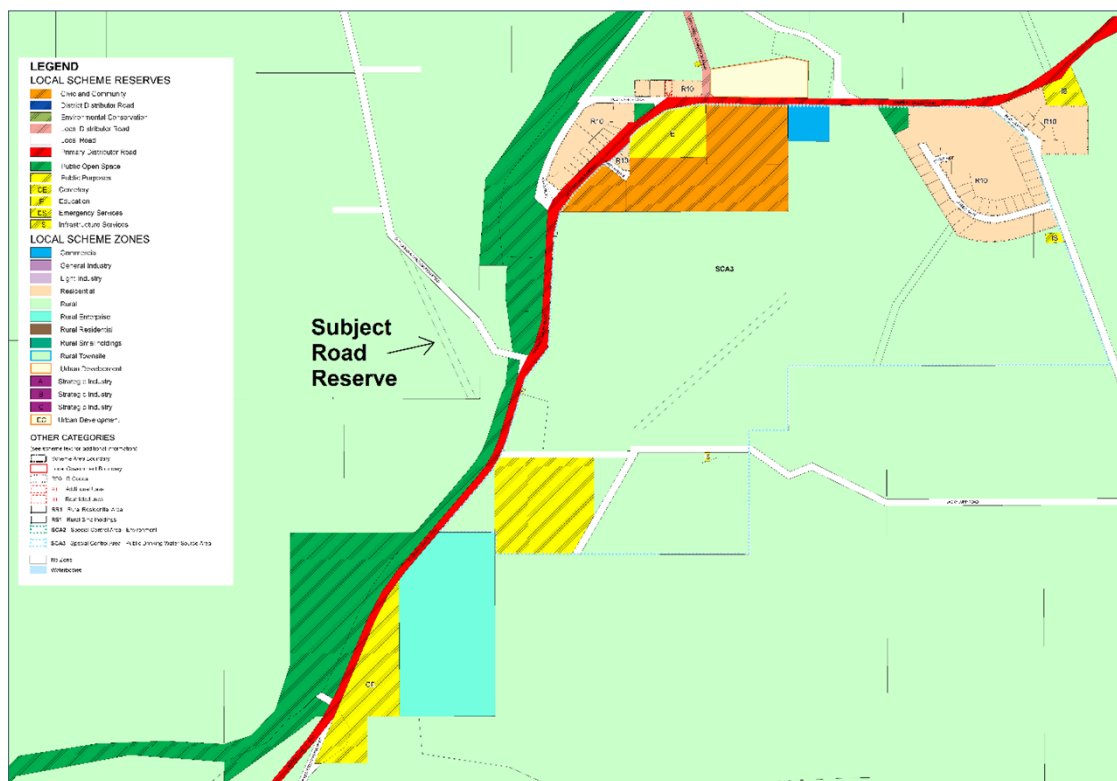
- the road reserve is unconstructed and does not provide general access;
- the road reserve is considered surplus to Shire requirements as it does not provide a through purpose and duplicates a parallel constructed road;
- the road reserve is not required to be constructed in future as the only other lot that it connects with (Lot 450) already has a constructed road frontage to Old Nabawa-Northampton Road;
- the closure of the unconstructed road would benefit the Shire by removing an unrequired asset, management responsibility and public liability concerns;
- the closure of the unconstructed road would benefit the landowner as the alignment runs between their cultural centre and the residence and farms sheds;
- the amalgamation of the road reserve into the surrounding lot will improve farm security for the landowner and ensure that the cadastral layout for the area corresponds with the on-ground reality and farming operations;
- the road already appears on-ground to form part of the landowner's property;
- it is considered that the subject land would be better managed under the private ownership of the adjoining landowner rather than under public ownership;
- the road closure process will provide the opportunity to consult with the adjoining landowners and all relevant service authorities to ensure that they have no objection to the proposed road disposal action.

Statutory Environment

The report complies with the requirements of the:
Shire of Chapman Valley Local Planning Scheme No.3

The subject road reserve is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.3 which corresponds with the surrounding Lot 2075 that it is proposed to be amalgamated into.

Figure 10.1.1(c) – Nabawa Townsite Zoning Map



Road closures are undertaken pursuant to Section 58 of the *Land Administration Act 1997*

“58 Closing roads

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) –*
 - (a) *by order grant the request; or*
 - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
 - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4) –*
 - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
 - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road*
 - (a) *becomes unallocated Crown land; or*

- (b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*"

In the event that the road closure process is concluded by Council to the satisfaction of the DPLH, the DPLH can then issue Crown Survey instruction for the preparation of a survey diagram to amalgamate the land into the surrounding lot and dispose of the Crown Land pursuant to Section 87 of the *Land Administration Act 1997*.

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.

The DPLH have advised that this road closure process would incur the following costs:

- \$2,500 GST exclusive Land Valuation; &
- \$1,356 DPLH Document Preparation Fee.

The Shire and Naaguja Warangkarri Aboriginal Corporation have prepared information that would be submitted to the DPLH outlining the reasons why the land valuation and purchase costs should be waived in this instance. This includes the cultural association of the Naaguja people to the subject land, its immediate relevance to the Naaguja farm, and that the land should have been included in the native title settlement package as it was identified by the Shire and native title claimants through joint discussion prior to the finalisation of the Yamatji Nation Indigenous Land Use Agreement, and if the land has been included in the agreement there would not have been a purchase or conveyancing cost.

The Shire will also make argument that for this reason the survey cost of a Deposited Plan being prepared that amalgamates the road reserve (in the event it is formally closed) should also be borne by the DPLH. However, should the DPLH not agree to this aspect the Shire has ability to cover this cost within its Surveying & Land Expenses Account 7052. The Shire has sought quote from a local surveyor and the anticipated cost of preparation of the Deposited Plan would be approximately \$2,000.

Strategic Implications

The closure and disposal of the road reserve that impacts the Naaguja cultural centre would align with the following objectives of both the Western Australian and Mid West Tourism Development Strategy:

"Aboriginal. Outcome: Provide every visitor with the opportunity to have an Aboriginal tourism experience: facilitate and support opportunities for access to land and tenure for the development of tourism; supporting industry in interfacing with government, maximising involvement in government tourism programs; opportunities and pathways for Aboriginal employment in tourism and hospitality, including through traineeships and cadetships". (MWDC, page 11)

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.

COMMUNITY HEALTH & LIFESTYLE

1.4 Maintain and enhance community safety and security.

1.4.1 Maintain safe roads and infrastructure.

Consultation

Should Council initiate the road closure process, it is required under Section 58 of the *Land Administration Act 1997* to be publicly advertised for 35 days and would include the following actions inviting comment:

- notice being placed in the Mid West Times;
- advisory letters being sent to surrounding landowners;
- advisory letters being sent to relevant service/government authorities (this would be considered to be ATCO, Australian Gas Infrastructure Group, Telstra, Water Corporation and Western Power); &
- a sign detailing the proposed road closure being erected onsite.

At the conclusion of the advertising period the proposal is required to be returned to a meeting of Council for consideration of any received submission and determination.

Risk Assessment

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

10.2 Manager of Finance & Corporate Services

10.2.1 Financial Management Report

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	307.00
Attachment(s)	1. Financial Management Report [10.2.1.1 - 67 pages]

Voting Requirements

Simply Majority

Staff Recommendation

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

Council Resolution

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

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

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

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-4

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

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 April 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

No Policy or Management Procedure affected.

Financial Implications

No Financial Implications Identified.

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.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

Not Applicable

Risk Assessment

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

10.2.2 Waiver Fees & Charges For a Better Chapman Valley

Department	Finance, Governance & Corporate Services Finance
Author	Dianne Raymond
Reference(s)	Minute Ref 11/20-07; 07/21-04; 06/22-09 & 12/22-09
Attachment(s)	1. CM P-066 Waiver of Fees Charges Application June 2023 Fab CV [10.2.2.1 - 2 pages]

Voting Requirements

Absolute Majority

Staff Recommendation

Council advise For a Better Chapman Valley (FabCV) of the following regarding their application to waiver fees, charges and bond relevant to the hire of the Nabawa community Centre (including Library meeting area, Yuna & Bill Hemsley Park Community Centres for the 2023/2024 budget year only:

- 1 Full waiver of fees, charges and bond for all venues, as requested, is not agreed to;
- 2 An annual fee equivalent to the hire of one venue, as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a maximum of 34 uses (meetings/events) per venue. Any use in excess of the this for 2023/2024 will incur the budgeted one-off local community event hire fee;
- 3 The full bond equivalent to the hire of one venue, as set by the Shires' adopted budget is to be paid, yet the bond will be relevant to all three venues used.

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Elizabeth Elliott-Lockhart

Council advise For a Better Chapman Valley (FabCV) of the following regarding their application to waiver fees, charges and bond relevant to the hire of the Nabawa community Centre (including Library meeting area, Yuna & Bill Hemsley Park Community Centres for the 2023/2024 budget year only:

- 1 Full waiver of fees, charges and bond for all venues, as requested, is not agreed to;
- 2 An annual fee equivalent to the hire of one venue, as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a maximum of 34 uses (meetings/events) per venue. Any use in excess of the this for 2023/2024 will incur the budgeted one-off local community event hire fee;
- 3 The full bond equivalent to the hire of one venue, as set by the Shires' adopted budget is to be paid, yet the bond will be relevant to all three venues used.

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

7 / 0
CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-5

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

For A Better Chapman Valley (FabCV) Inc commenced in late 2020 (post TC Seroja event) to support and foster community ideas, visions and create social connectedness amongst the community within our shire.

Council has already resolved to assist FabCV since November 2020 and continued to support amendments to the fee structure in July 2021, June 2022, and December 2022 Ordinary Council Meetings:

MOVED: Cr. Batten

SECONDED: Cr. Davidson

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

Voting F6/A0

CARRIED

Minute Reference: 11/20-07

MOVED: Cr. Forth

SECONDED: Cr. Davidson

COUNCIL RESOLUTION/STAFF RECOMMENDATION

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

1. *Full waiver of fees, charges and bond for all venues, as requested, is not agreed to;*

2. *An annual fee equivalent to the hire of one venue, as set by the Shire's adopted annual budget, is to be paid, yet all three venues can be used for a combined maximum of twelve meetings/events held at all venues. Any use in excess of the twelve events per annum will incur the budgeted one-off local community event hire fee;*
3. *The full bond equivalent to the hire of one venue, as set by the Shires adopted budget is to be paid, yet the bond will be relevant to all three venues used.*

Voting F6/A0

CARRIED

Minute Reference: 07/21-04

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

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

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

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

MOVED: Cr Batten

SECONDED: Cr Humphrey

COUNCIL RESOLUTION/STAFF RECOMMENDATION

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

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

Voting F8/A0

CARRIED

Minute Reference: 06/22-9

MOVED: Cr Batten

SECONDED: Cr Humphrey

COUNCIL RECOMMENDATION (Absolute Majority)

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

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

Voting F8/A0

CARRIED

Minute Reference: 12/22-09

Comment

The FabCV committee has completed a Waiver of Fees and Charges application which is attached to this agenda item seeking further ongoing support in 2023/2024 budget year.

There are two sets of thought process to be considered for this application. One being that as an active group and advocate for our community removing financial barriers assists in fostering inclusivity, promoting engagement, and enhancing the overall well-being of our community.

- **Fostering Inclusivity:** By waiving fees & charges for this community group we encourage individuals from all socio-economic backgrounds can participate without facing financial constraints. This inclusivity promotes diversity, encourages representation, and creates an environment where everyone's voice can be heard, regardless of their financial circumstances.
- **Promoting Engagement:** By removing the financial burden, we encourage increased involvement, leading to a more vibrant and connected community. This engagement, in turn, strengthens social bonds and fosters a sense of belonging across all our community.
- **Enhancing Well-being:** Our community groups play a pivotal role in enhancing the overall well-being of our residents. By offering a waiver of fees, we enable individuals to access valuable resources, opportunities, and recreational activities that contribute to their physical, mental, and emotional health. This support aligns with our shared goal of promoting a thriving and resilient community.

The second consideration is the long-term financial impacts of reduced revenue for the waiving fees & charges against ongoing building maintenance, electricity, water, cleaning costs etc.

- **Financial Implications:** Waiving fees for events, groups or bookings reduces the revenue we are able to raise during the year to assist in covering the ongoing costs across the buildings the shire must maintain.
- **Equity and Fairness:** While the intention of the waiver is to promote inclusivity, it may inadvertently create inequities within the community. Those who pay fees may perceive the waiver as an unfair advantage, leading to potential dissatisfaction among community groups.

- Resource Allocation: Waiving fees may lead to an increased demand for services and resources (cleaning, mowing, specific maintenance) which would otherwise be adequately met without stretching the organization's capacity to meet those needs.

It is essential to strike a balance between providing access to all while maintaining fairness and equity.

Instead of a blanket waiver of fees & charges I would encourage alternative solutions which address the financial concerns of the group. A sliding scale structure as we have seen in the past of an annual booking fee which allows access across various facilities for the budget year. Full fees and charges for Bill Hemsley Park Community Centre, Nabawa Community Centre & Yuna Community Centre would be \$1,758.00 for 2x uses per week for a local community member. To scale this back to one fee across all three venues would equate to annual venue hire of \$586.00 (\$1758/3) for 0.66x (104/3) uses per week at one of the three venues ie: 34 uses per year at each venue. I would suggest this would adequately cover any events, meetings, workshops, or educational programs which FabCV wish to promote.

Statutory Environment

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

The council has a legal process to follow regarding waiving fees and charges: All waivers of Fees & Charges are to be reported in the Annual Financial Report.

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

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) ***waive or grant concessions in relation to any amount of money; or***
 - (c) *write off any amount of money,*
- which is owed to the local government.*

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

Policy/Procedure Implications

A Policy or Procedure is affected:
Finance Policy & Procedures

Council has several Finance Policy & Procedures for financial assistance:

Corporate Management Procedure CMP-064 Financial Assistance
Corporate Management Procedure CMP-065 Community Enhancement & Sponsorship
Corporate Management Procedure CMP-066 Waiver of Fees & Charges
Corporate Management Procedure CMP-067 Community Growth Fund

Financial Implications

Budgetary Implications

The budget will be affected in the following ways:

Loss of revenue for venue hire

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.

1.1.2 Determine a whole of Shire community integration approach.

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

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

Risk Assessment

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

10.3 Chief Executive Officer

10.3.1	Policy & Procedure Review
Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	411.01
Attachment(s)	<ol style="list-style-type: none">1. Reviewed Drug & Alcohol Policy 2023 [10.3.1.1 - 4 pages]2. Grievance, Investigations & Resolution Policy 2023 [10.3.1.2 - 3 pages]3. Complaints Management Policy 2023 [10.3.1.3 - 3 pages]4. Habitual & Vexatious Complainants 2023 [10.3.1.4 - 3 pages]5. Disciplinary Action Policy 2023 [10.3.1.5 - 3 pages]6. Service Request Complaints (Management Directive) [10.3.1.6 - 3 pages]7. Complaints Register 2023 [10.3.1.7 - 1 page]

Voting Requirements

Simply Majority

Staff Recommendation

That Council endorse amendments, deletions and additions to the following Shire of Chapman Valley Policies & Management Procedures as presented i.e.

Organisational Corporate Policy, Procedure & Guidelines Manual

- Drug & Alcohol Policy
- Grievance, Investigations & Resolution Policy
- Complaint Management Policy
- Habitual & Vexatious Complainants
- Disciplinary Action Policy
- Service Request Complaints (Management Directive)

9:08 am - Cr Peter Humphrey left the meeting.

Council Resolution

Moved: Cr Elizabeth Elliott-Lockhart **Seconded:** Cr Trevor Royce

10:16 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 10.3.1:

8.5 Priority when speaking,
8.7 Relevance,

8.8 Speaking twice,
8.9 Duration of speeches

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

Against Nil

6 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-6

Discussion was undertaken on the item.

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Elizabeth Elliott-Lockhart

10:18 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 10.3.1:

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

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

Against Nil

6 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-7

Council Resolution

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

That Council endorse amendments, deletions and additions to the following Shire of Chapman Valley Policies & Management Procedures as presented i.e.

Organisational Corporate Policy, Procedure & Guidelines Manual

- Drug & Alcohol Policy
- Grievance, Investigations & Resolution Policy
- Complaint Management Policy
- Habitual & Vexatious Complainants
- Disciplinary Action Policy
- Service Request Complaints (Management Directive)

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

Against Nil

6 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-8

9:56 am - Cr Peter Humphrey returned to the meeting.

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 reviewed its Policy suite at the April OCM, with some discussion surrounding further work to continue on several existing policies and the possible inclusion of some others.

At the April 2023 OCM the following was resolved:

Council Resolution

Moved: Cr Nicole Batten **Seconded:** Cr Peter Humphrey

That Council endorse amendments, deletions and additions to the following Shire of Chapman Valley Policies & Management Procedures as presented.

CMP-064 Financial Assistance

CMP-065 Community Enhancement Donations & Sponsorship

CMP-067 Community Growth Fund - Operational

and with additional wording to CMP-065 Individuals only one (1) application approved per year

For Cr Beverley Davidson, Cr Darrell Forth, Cr Nicole Batten, Cr Peter Humphrey, Cr Trevor Royce and Cr Kirrilee Warr

Against Nil

6 / 0

CARRIED UNANIMOUSLY

Comment

Section 2.7(2)(b) of the Local Government Act 1995 ("the Act") states that the making of policy is a role of the Council. Policies provide clarity, ownership and accountability to the Chapman Valley community and for the staff of the Shire.

The following policies have been amended or included for adoption:

- Drug & Alcohol Policy
- Grievance, Investigations & Resolution Policy
- Complaint Management Policy
- Habitual & Vexatious Complainants
- Disciplinary Action Policy

There has also been a Management Directive added to the Complaint Management Policy for direction:

- Service Request Complaints (Management Directive)

Statutory Environment

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

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

Role of Council

- 1. The council:*
 - 1. Governs the local government's affairs; and*
 - 2. Is responsible for the performance of the local government's function.*
 - 3.*
 - 4.*
- 2. Without limiting subsection (1), the council is to:*
 - a. Oversee the allocation of the local government's finances and resources; and*
 - b. Determine the local government policies.*

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

Policy/Procedure Implications

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

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

Financial Implications

No Financial Implications Identified.

Strategic Implications

Nil

Strategic Community Plan/Corporate Business Plan Implications

GOVERNANCE & ACCOUNTABILITY

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

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

Consultation

All *Responsible Staff* members have been given to opportunity to recommend to the CEO any amendments, deletions and additions to the existing policies & procedures, which forms the basis of the Staff Recommendation presented for Council consideration.

Risk Assessment

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

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

10.3.2 Local Government's Interface with Future Industries & Renewable Energy Developments

Department	Finance, Governance & Corporate Services Chief Executive Officer
Author	Jamie Criddle
Reference(s)	Nil
Attachment(s)	1. Renewable Energy Developments - Community Engagement Issues Paper [10.3.2.1 - 4 pages]

Voting Requirements

Simply Majority

Staff Recommendation

That Council requests WALGA (via Northern Country Zone of WALGA) to formulate a State wide Local Government Future Industries Engagement Framework to serve as a blueprint for LGA's to navigate the complexities of emerging industries to help drive economic growth, foster innovation, and improve the overall well-being of their communities.

9:56 am - Cr Katie Low left the meeting.

9:56 am - Cr Elizabeth Elliott-Lockhart left the meeting.

9:57 am - Cr Katie Low returned to the meeting.

9:57 am - Cr Elizabeth Elliott-Lockhart returned to the meeting.

Council Resolution

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

That Council requests WALGA (via Northern Country Zone of WALGA) to formulate a State wide Local Government Future Industries Engagement Framework to serve as a blueprint for LGA's to navigate the complexities of emerging industries to help drive economic growth, foster innovation, and improve the overall well-being of their communities.

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

Against Nil

7 / 0

CARRIED UNANIMOUSLY
Minute Reference OCM 2023/06-9

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

In the rapidly evolving global landscape, local governments (LGA's) are facing the challenge of adapting to emerging industries and technologies. As Australia moves towards net zero emissions LGAs are increasingly being approached by industry proponents, state and federal government representatives, companies and organisations.

To this end, what is the role of LGAs in the evolving landscape, and how does local government engage and "stay in the lane"? recognising demands on LGAs are increasing, and day-to-day operations and compliance requirements are modernising and a focal priority.

To navigate this dynamic environment successfully, it is crucial for LGA's to develop a robust engagement framework that fosters collaboration with future industries, levels of government, supporting industries/ organisations and community.

This paper aims to raise the necessity of a universal comprehensive framework that LGA's can utilise to engage with and support future industries effectively.

The Shire of Chapman Valley believes a universal framework is essential for Western Australia Local Governments to understand the opportunities, threats, challenges, risks, and leverage associated with future industries, and respectfully request WALGA to undertake research and development of such policy and framework.

Comment

The rapid advancing of net zero policies and transition to renewables and future industries, such as green hydrogen and ammonia requires careful planning and consideration. We don't know what we don't know! LGAs welcome a greater understanding of future industries and developing an engagement framework they can reference and adopt while dealing with multiple large-scale infrastructure and future industry projects all while attaining best possible outcomes for their community. Key points to help scope such a strategy.

- Economic and Social Impact
- Technological Advancements
- Workforce Transformation
- Infrastructure, Investment, and Development
- Policy and Regulatory Alignment
- Collaboration and Partnerships
- Environmental & Synergistic
- Funding and Investment Mechanisms
- Engagement Strategies

OPPORTUNITIES AND PROPOSED ACTIONS:

Development of best practices and case studies via

1. International Examples

Highlight successful engagement frameworks implemented by international cities and regions to illustrate best practices and lessons learned in engaging with future industries.

2. National Examples

Highlight successful engagement frameworks implemented by other Australian state, regional, or cities/towns to illustrate best practices and lessons learned in engaging with future industries.

3. Local Success Stories

Several LGAs in WA have already had development in future industries approved and constructed, which provides a learning point. Showcase case studies of local governments that have effectively engaged with future industries, demonstrating the positive outcomes, tangible benefits achieved through collaboration and strategic planning along with any negative detractions and lessons learnt.

Development of an MOU to support partnerships across levels of government and stakeholders.

DESIRED OUTCOMES:

A Local Government Future Industries Engagement Framework serves as a blueprint for LGA's to navigate the complexities of emerging industries successfully. By adopting a proactive approach and implementing effective strategies, LGA's can harness the potential of future industries to drive economic growth, foster innovation, and improve the overall well-being of their communities. With a comprehensive framework in place, LGA's can become key facilitators of sustainable development in the era of rapid technological advancements and transformative industries.

Statutory Environment

The report complies with the requirements of the:
Planning & Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015.

Policy/Procedure Implications

No Policy or Management Procedure affected.

Western Australian Planning Commission Position Statement: Renewable Energy Facilities (March 2020) which replaced the former Planning Bulletin 67 Guidelines for Wind Farm Development (2004).

Financial Implications

No Financial Implications Identified.

Strategic Implications

It is important Councillors and staff are fully conversant with Policies/Procedures and external frameworks of the organisations to assist in the way Council communicates with its stakeholders.

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.

GOVERNANCE & ACCOUNTABILITY

5.3 Make informed decisions within resources and areas of responsibility.

5.3.2 Regular and relevant briefings to Elected Members.

Consultation

All *Responsible Staff* members have been given to opportunity to recommend to the CEO any amendments, deletions and additions to the existing policies & procedures, which forms the basis of the Staff Recommendation presented for Council consideration.

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

10:06 am - Cr Nicole Batten left the meeting.
10:06 am - Dianne Raymond left the meeting.
10:08 am - Cr Nicole Batten returned to the meeting.
10:08 am - Dianne Raymond returned to the meeting.

That council receive the following Delegates Reports.

Cr Kirrilee Warr (President) - MW Economic Summit, ACH Art Education Workshop, Bendigo Bank Event

Cr Darrell Forth (Deputy President) - CVAS Meeting, FabCV Meeting

Cr Nicole Batten - MW Economic Summit, ACH Act Education Workshop

Cr Elizabeth Elliott-Lockhart - MW Economic Summit, FabCV Meeting, CVAS Meeting

Cr Peter Humphrey - Batavia LEMC, Tree sapling giveaway at BHPCC

Cr Catherine Low - FabCV Meeting

Cr Trevor Royce - MW Economic Summit, ACH Act Education Workshop, Tree sapling giveaway at BHPCC

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

Local Government Act 1995

Administration Part 5

Council meetings, committees and their meetings and electors'

meetings Division 2

s. 5.23

The council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for.

The Council has no confidential items for consideration.

16 Closure

The Shire President thanked Elected Members and Staff for their attendance and closed the Ordinary Council Meeting 15 June 2023 at 10:29 am.