

# ORDINARY COUNCIL MEETING

## Minutes

Meeting Date Thursday 20 July 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 8:34 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 are anticipated to attend 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

#### **Officers**

Jamie Criddle, Chief Executive Officer

Simon Lancaster, Deputy Chief Executive Officer

Dianne Raymond, Manager Finance & Corporate Services

#### **Visitors**

Nil

### **3.2 Apologies**

Nil

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

Cr Royce has been approved by resolution to take a leave of absence for the meeting held on July 2023.

## **4 Public Question Time**

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

Nil

### **4.2 Public Question Time**

## **5 Applications for Leave of Absence**

Nil

## **6 Disclosure of Interest**

Nil

## **7 Presentations**

### **7.1 Petitions**

The Council has not received any petitions at the time of writing this report.

### **7.2 Presentations**

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

### **7.3 Deputations**

The Council has not received any deputations at the time of writing this report.

## 8 Confirmation of Minutes from Previous Meetings

### Council Resolution

**Moved:** Cr Beverley Davidson    **Seconded:** Cr Katie Low

That the Minutes of the Ordinary Council Meeting held on 15 June 2023 be confirmed as true and accurate.

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

**Against** Nil

7 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-1**

## 9 Items to be dealt with En Bloc

## **10 Officer Reports**

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

Nil



## 10.2 Manager of Finance & Corporate Services

<b>10.2.1</b>	<b>Financial Management Report</b>
<b>Department</b>	Finance, Governance & Corporate Services Finance
<b>Author</b>	Dianne Raymond
<b>Reference(s)</b>	307.00
<b>Attachment(s)</b>	1. Financial Management Report May 2023 [10.2.1.1 - 31 pages]

### Voting Requirements

Simply Majority

### Staff Recommendation

That Council receives the financial management report supplied under separate cover for the months of May and June 2023

### Council Resolution

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

That Council receives the financial management report supplied under separate cover for the months of May and June 2023

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

**Against** Nil

**7 / 0**  
**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-2**

### 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 May and June 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**

5.1 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.

## 10.2.2 Policy Review CMP-050 Annual Wage Case Decisions

<b>Department</b>	Finance, Governance & Corporate Services Finance Human Resources
<b>Author</b>	Dianne Raymond
<b>Reference(s)</b>	411.01
<b>Attachment(s)</b>	1. CMP 050 Annual Wage Decisions tracked changes [10.2.2.1 - 1 page] 2. Updated CM P-050 Annual Wage Decisions [10.2.2.2 - 1 page]

### Voting Requirements

Simply Majority

### Staff Recommendation

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

### Council Resolution

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

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

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

**Against** Nil

7 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-3**

### 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

The Western Australian Industrial Relations Commission (WAIRC) issues a State Wage Case General Order (State Wage Order) annually in June which sets the WA minimum wage

for adults, apprentices and trainees, and adjusts wage rates under the State awards. The State Wage Order now applies to all Local Governments in WA (with the exception of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands). Local Governments must ensure that the wages paid to employees are the same as, or higher than, the State minimum wage.

## Comment

As a general rule, many Local Governments provide much higher rates of pay than the State minimum wage which is important for the attraction and retention of staff. Annually WAIRC considers factors pertaining to the state of the economy and reviews the minimum wage. Submissions are sought from all sectors with the WA Local Government Association providing a response from the WA Local Government sector. Council sits as one of approximately 58 WA Local Governments out of 137 covered by either the State awards or the new state instrument – Local Government Industry Award 2020 industrial agreement, which are generally the smaller Salaries & Wages Tribunal band 4 Local Governments that have more limited revenue and capacity to pay. Council needs to strike a balance between the need for fair wages to attract and retain essential skillsets with the requirement to carefully manage their budgets in the interest of their communities.

## 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.*
  
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:  
HR & Induction Policy & Procedures  
Finance 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**

### **Long Term Financial Plan**

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

## **Strategic Implications**

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

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

## **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 are given 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.

There is a risk associated with the organisation's Policies and Management Procedures being antiquated and not relevant, which could lead to poor operations and possible areas of non-compliance with legislation.

## 10.3 Chief Executive Officer

### 10.3.1 Write-off Outstanding Rate Interest

<b>Department</b>	Finance, Governance & Corporate Services Chief Executive Officer Finance
<b>Author</b>	Jamie Criddle
<b>Reference(s)</b>	Rate Assessment Numbers A1693, A 1064 & A1692
<b>Attachment(s)</b>	Nil

### Voting Requirements

Absolute Majority

### Staff Recommendation

That Council write-off a portion of interest on Rate Assessment Numbers A1693, A1064 & A1692 for the period (November 2022 to April 2023) due to an administrative error on Councils behalf totalling:

A1693	\$150.25
A1064	\$538.42
A1692	<u>\$680.39</u>
	\$1,369.06

### Council Resolution

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

That Council write-off a portion of interest on Rate Assessment Numbers A1693, A1064 & A1692 for the period (November 2022 to April 2023) due to an administrative error on Councils behalf totalling:

A1693	\$150.25
A1064	\$538.42
A1692	<u>\$680.39</u>
	\$1,369.06

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

**Against** Nil

**7 / 0**  
**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-4**

## 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 have received correspondence from Matt & Brenda Williamson pertaining to statements received for outstanding Rates & Charges (including penalty interest) on lots 6822 (A1692), 6095, 6818, 5, 3, 4 (A1064), 6789 (A1692) which were part of the sale between DK Williamson and M & B Williamson on 2<sup>nd</sup> May 2023.

The sale occurred on 2<sup>nd</sup> November 2022 but due to Council's external rates contractor not picking up the change of ownership until Council bought the function back "in-house" and the error of ownership being corrected in early May. This meant that the new owners were not aware of the overdue amounts (including interest) until this time.

Once the new owners were aware of the outstanding amount, the rates were paid, they are now just questioning the interest charged during the November 2022 to April 2023 period and are happy to pay the remainder.

The Chief Executive Officer has delegated authority to write off amounts of under \$100, but in this case as there was an error on our part in sending the rate notices to the new owners, it seems fair that Council write-off a portion of interest (November 2022 to April 2023), but the remainder rest with the new owners.

A1693	\$150.25
A1064	\$538.42
A1692	<u>\$680.39</u>
	\$1,369.06

## Comment

The total arrears owing on the assessments (\$19,755.42) rates with late payment interest fees (\$2,934.36) relates to these arrears.

Due to a changeover in staff (going from external back 'in-house'), a small error was picked up in that the rate record didn't update the ownership until recently (early May), resulting in the new owners (M & B Williamson) only receiving the overdue notice in early May.

## Statutory Environment

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

### 6.12. Power to defer, grant discounts, 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;*
  - (b) *wave 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

Delegation 3007 allows the Chief Executive Officer to write off penalty and legal fees up to the value of \$100.

## **Financial Implications**

### **Budgetary Implications**

The budget will be affected in the following ways:

Should Council approve the write-off of interest, the amount being written-off is \$1,369.06

## **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.

## **Consultation**

Nil

## **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.



## **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**

## **13 Delegates Reports**

That council receive the following Delegates Report:

**Cr Kirrilee Warr (President)** – Midwest Development Commission, Midwest Chamber Commerce, CEO Performance Review, Apology – Northern Country Zone Meeting

**Cr Darrell Forth (Deputy President)** – Chapman Valley Ag Society

**Cr Nicole Batten** - CEO Performance Review

## 14 Announcements by Presiding Member Without Discussion

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

### Council Resolution

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

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 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 as per Section 5.23(c).

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

**Against** Nil

7 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-5**

8:45am - Meeting closed to the public

### 15.0.1

### Confidential Item

#### Department

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(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.

#### CONFIDENTIAL ATTACHMENT

Reason for confidentiality - Local Government Act 1995, Section 5.23(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.

### Council Resolution

**Moved:** Cr Darrell Forth    **Seconded:** Cr Katie Low

That Council endorses the extension of the existing Nabawa Fuel Facilities Lease agreement with Searange Holdings Pty Ltd for a further five-year period to 30th June

2028, whereby a new lease is to be negotiated.

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

**Against** Nil

7 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-6**

### **Council Resolution**

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

Council open the meeting to the public.

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

**Against** Nil

7 / 0

**CARRIED UNANIMOUSLY**  
**Minute Reference OCM 2023/07-7**

**8.46am - Meeting open to the public**

## **16 Closure**

The Shire President thanked Elected Members and Staff for their attendance and closed the Ordinary Council Meeting 20 July 2023 at 8:47 am.