



SHIRE OF
Chapman Valley
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ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 16 May 2018
at the Bill Hemsley Community Centre, Redcliffe Concourse, White Peak
commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

**CONFIRMED
MINUTES**

MAY 2018

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.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

*"a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality):

*"**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*

Item No.	Member/Officers	Type of Interest	Nature of Interest

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- 15.1 Manager Works & Services Contract

16.0 CLOSURE

ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The President, Cr Farrell welcomed Elected Members, Staff and Visitors and declared the meeting open at 9.04am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

3.1 Present

a. Councillors

Member
Cr Anthony Farrell (President)
Cr Trevor Royce
Cr Darrell Forth
Cr Ian Maluish
Cr Nicole Batten
Cr Pauline Forrester
Cr Peter Humphrey

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Mr Simon Lancaster	Deputy Chief Executive Officer
Mrs Dianne Raymond	Manager of Finance & Corporate Services
Mrs Karen McKay	Executive Services Administrator (Minute Taker)

c. Visitors

Name	
Ian Thompson	Nathan & Angela Baxby
Tom Davies	Adair Gillan
Julianne Elari	

Apologies

Name
Cr Warr – Leave of Absence approved April 2018

3.2 Previously Approved Leave of Absence

Cr Warr for the May 2018 Ordinary Council Meeting.

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions On Notice

Nil

4.2 Public Question Time

Ian Thompson from Redcliffe Concourse – regarding security lighting to the building. Can motion sensors be installed?

Cr Farrell responded that the Shire will work towards a solution.

Mr Battilana advised that motions sensors can be activated by moths, rabbits, etc. and these sensors regularly fail. Timing for the external bulkhead lights is from 6pm to 11pm to accommodate a curfew system Council wants on the property. This curfew system is still a work in progress.

Mr Thompson questioned whether lights can be on from 12 – 5am?

Mr Battilana advised that safety around building was essential to ensure people can safely get to their vehicles when the building has been closed off and all other lights have been extinguished.

Nathan Baxby stated he has motion sensor lights from Bunnings and these are not an issue. Don't want the lights on at the BHP building. Light pollution from the building is affecting resident's lives.

Mr Battilana advised Council can get the EHO in to investigate the lighting situation to determine if this a light pollution issue in accordance with legislation. However; the preference would to reach an amiable solution to the issue.

Angela Baxby stated that the PRA had advised her that the building lights would not be an issue.

Cr Farrell requested the residents work with the Shire to get the building lights to an acceptable.

Mr Thompson – how many evening functions will be held in the building?

Cr Farrell advised the Shire had been proactive in trying to have a curfew on the building, irrespective of the number of events.

Cr Humphrey – shrouds to lights should solve a lot of problems by directing the lighting downwards.

Cr Forth – Suggested Council identify which lights are the issue and determine the best solution to these lights. Dimmers linked to these lights could be a solution.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.3	Cr Maluish	Impartiality	Member of the Parkfalls Residents Association
10.1.2	Cr Royce	Impartiality	He uses the proponent as a consultant

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FORTH

8.1 Ordinary Meeting of Council held on Wednesday 18 April 2018

That the minutes of the Ordinary Meeting of Council held Wednesday 18 April 2018 be confirmed as a true and accurate record.

**Voting 7/0
CARRIED**

Minute Reference: 05/18-1

Mr Thompson, Mr & Mrs Baxby left the meeting at 9.31am.

9.0 ITEMS TO BE DEALT WITH EN BLOC

Nil

10.0 OFFICERS REPORTS

10.1 Manager of Planning May 2018

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10.1 AGENDA ITEMS

10.1.1 Relocated Building & 2 Sea Containers – Elari

10.1.2 Sign – Midwest Groundwater

10.2.3 Bill Hemsley Park

AGENDA ITEM:	10.1.1
SUBJECT:	RELOCATED BUILDING & 2 SEA CONTAINERS
PROPONENT:	J & P ELARI
SITE:	2186 (LOT 75) CHAPMAN VALLEY ROAD, NANSON
FILE REFERENCE:	A2065
PREVIOUS REFERENCE:	Nil
DATE:	8 MAY 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Applicant's Correspondence	√	
10.1.1(b)	Carney Hill Estate Structure Plan	√	
10.1.1(c)	Shire of Chapman Valley 'Relocated Buildings' Local Planning Policy	√	
10.1.1(d)	Shire of Chapman Valley 'Building Envelopes' Local Planning Policy	√	

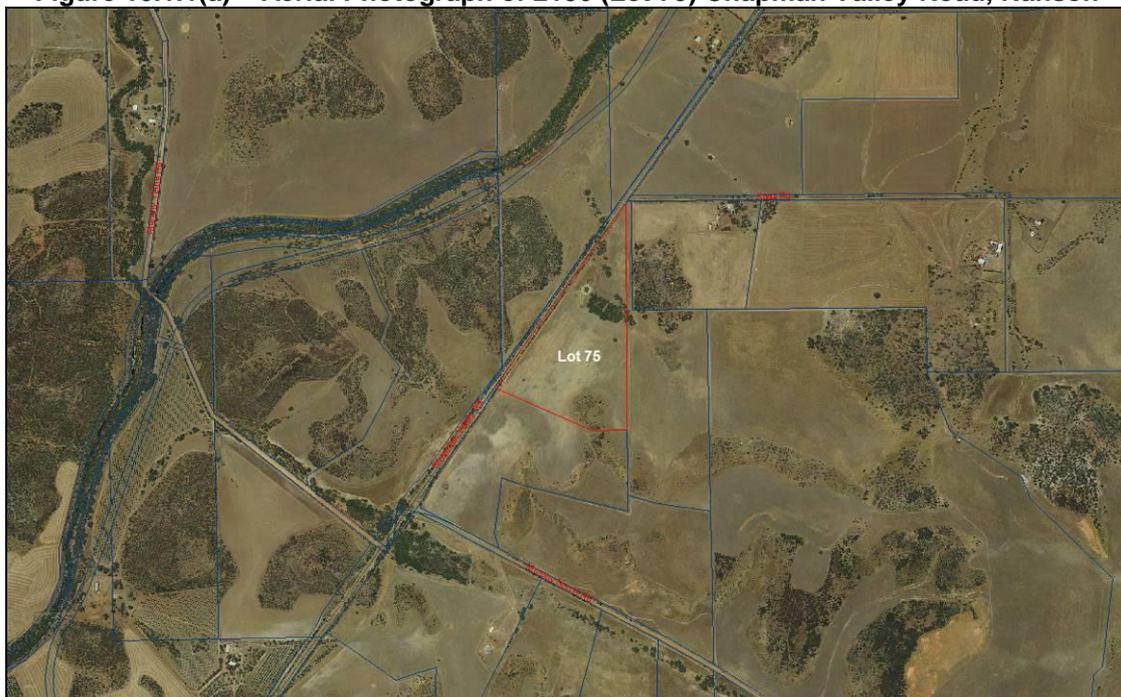
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to permanently site a relocated building upon 2185 (Lot 75) Chapman Valley Road, Nanson and undertake external works (verandah and carport) to the building. The applicant also seeks approval to permanently site 2 sea containers upon Lot 75 with an annexe between them to serve as an outbuilding. The proposed location of the outbuilding is outside the Lot 75's building envelope. This report recommends conditional approval of the application subject to lodgement of a bond that would be held by Council until the works are completed.

Figure 10.1.1(a) – Aerial Photograph of 2186 (Lot 75) Chapman Valley Road, Nanson



COMMENT

Lot 75 is a largely cleared 20.0721ha triangular shaped property, bordered by the Chapman Valley Road on its western frontage and located within the Carney Hill Estate subdivision.

The landowner has placed the relocatable building and the 2 sea containers upon Lot 75.

Figure 10.1.1(b) – View of Lot 75 looking east from Chapman Valley Road



Figure 10.1.1(c) – View of Relocated Building upon Lot 75 looking south-west



Figure 10.1.1(d) – View of Relocated Building upon Lot 75 looking south-east



Figure 10.1.1(e) – View of 2 sea containers and annexe upon Lot 75 looking south-east



Figure 10.1.1(f) – View of 2 sea containers and annexe upon Lot 75 looking south-west



The Shire wrote to the landowner (J & P Elari) on 6 March 2018 to advise that the siting of the relocatable building and 2 sea containers required Council approval and that they were required to either remove the items from the property or lodge an application that would then be placed before Council for its consideration.

The landowner lodged application on 23 March 2018 seeking Council approval to permanently site the relocatable building (and install a surrounding verandah/carport) and permanently site 2 sea containers (with connecting annexe) upon Lot 75.

A copy of the applicant's submitted plans have been included as **Attachment 10.1.1(a)**.

It is considered that the application has the capability to meet with the requirements of Council's Relocated Buildings policy, subject to the imposition of conditions relating to the external appearance of the building, namely; painting, skirting, addition of a surrounding verandah, and the installation and maintenance of landscaping.

It is also considered that Council should require lodgement of a bond by the applicant to ensure that the works are undertaken, and within a period of 12 months.

The location for the relocatable building is setback approximately 180m from Chapman Valley Road and this is within the building envelope identified for Lot 75 upon the Carney Hill Estate Structure Plan.

The 2 sea containers and annexe are located approximately 250m east of Chapman Valley Road and approximately 30m from the eastern side property boundary. The proposed outbuilding location is 30m east of/outside the building envelope identified for Lot 75 upon the Carney Hill Estate Structure Plan.

A copy of the building envelope plan for the Carney Hill Estate has been included as **Attachment 10.1.1(b)**.

Shire staff do not raise objection to the outbuilding being located outside of the building envelope on the following basis:

- the intended location for the outbuilding is in proximity to the intended location for the relocatable building;
- the intended location for the outbuilding is well setback from Chapman Valley Road and partially obscured by an existing tree, and is located below the edge of mesa/flat top formation, and thus would not appear on the skyline as viewed from Chapman Valley Road;
- the proposed outbuilding location has been advertised to surrounding landowners inviting comment and no objections were received; &
- there is the ability to reduce the visual impact of the outbuilding through painting/cladding it in earth tones and planting of additional landscaping.

STATUTORY ENVIRONMENT

2186 (Lot 75) Chapman Valley Road, Nanson is zoned 'Rural Smallholding 2' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.5 of the Scheme lists the objectives of the 'Rural Smallholding' zone as being:

- "(a) Provide for residential development within a low density environment and integrated with a variety of agricultural/rural activities, including agricultural/rural activities undertaken on a commercial basis;*
- (b) Provide for other land-uses compatible with the predominant use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land."*

Schedule 12 of the Scheme lists the following additional requirements for the 'Rural Smallholding 2' zone:

- "2 Building*
 - (a) Buildings shall be confined to the building envelope as identified on the Structure Plan.*
 - (b) All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours*
 - (c) All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.*
 - (d) All building development shall accord with the Local Government's Rural Bushfire Policy & FESA requirements.*
 - (e) All property boundaries for new lots shall be fenced to a minimum standard of 6 strand ring lock in a uniform manner."*

- "6 Land Use*
 - (a) Landowners shall not proceed with any form of development or change in land use without having first obtained planning consent from the local government."*

The proposed development area for Lot 75 also falls within the 'Moresby Range Landscape Special Control Area' zoning that requires:

- "6.3.2 The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give consideration to the purpose of the Special Control Area.*

- 6.3.2 Within Special Control Area 2 no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for:*
 - (a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the Local Government's Bush Fire Notice and/or any fire management plan endorsed by the Local Government;*
 - (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the Local Government; and/or*
 - (c) Clearing as may be allowed under the Department of Environment and Conservation Land Clearing Regulations;*
 - (d) Trees that are diseased or dangerous.*

- 6.3.4 In the determination of any application for planning approval within Special Control Area 2 the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding:*
 - (a) The siting of the proposed development;*
 - (b) The design and layout of the proposed development;*
 - (c) The materials and finishes to be used in the proposed development;*

- (d) *The protection of remnant native vegetation or re-vegetation located on the site;*
- (e) *The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or*
- (f) *The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.”*

Section 1.6(d) establishes the following aims of the Scheme:

“Protect, preserve and enhance the environment, natural and cultural heritage and landscape and streetscape values.”

Section 5.8 of the Scheme states:

“5.8 Appearance of Land and Buildings

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

5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.

5.8.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.”

Section 10.2 of the Scheme lists the following relevant matters (amongst others) to be considered by the Local Government in considering a development application:

“(a) the aims and provisions of the Scheme ...

...(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...

...(i) the compatibility of a use or development with its setting;...

...(n) the preservation of the amenity of the locality;

(o) the relationship of the proposal 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 proposal;...

...(v) 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;

...(za) any other planning consideration the Local Government considers relevant.”

Section 5.11 of the Scheme states:

“5.11 Building Envelopes

5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.

5.11.2 No development of any structures shall occur within any area/s identified as ‘Development Exclusion Area’, ‘Re-vegetation Area’, ‘Remnant Vegetation’ or similar on the subdivision guide, structure or fire management plan;

- 5.11.3 *Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*
- 5.11.4 *In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:*
- (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;*
 - (b) unnecessary clearing of remnant native vegetation;*
 - (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;*
 - (d) suitability for landscape screening using effective screening vegetation; and*
 - (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Local Planning Policies.”*

POLICY IMPLICATIONS

Section 2.2 of the Scheme provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

A copy of the Shire of Chapman Valley Local Planning Policy ‘Relocated Buildings’ has been provided as **Attachment 10.1.1(c)**.

The objectives of the ‘Relocated Buildings’ policy are as follows:

- “3.1 To ensure that any development proposing to use a second hand building or second hand cladding material meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.*
- 3.2 To address the issue of exposure risks from asbestos cement cladding.*

The Shire’s ‘Relocated Buildings’ Local Planning Policy makes the following statement:

“4.1 Definition

A ‘relocated building’ is considered to be a dwelling or outbuilding that has previously been constructed on a different lot and has the ability to be dismantled in whole or in part for the purpose of being transported and sited on another property. A purpose designed, new transportable home is not considered a relocated dwelling for the purposes of this policy however Shire staff retain the right to request an application should it be considered appropriate.

4.2 General Requirements

- (a) The use of second hand cladding materials and second hand buildings can result in unacceptable development by reason of poor aesthetic result and by adversely affecting the amenity of an area. Council requires that an applicant demonstrate that the proposed use of a second hand building and/or the use of second hand cladding material will not result in any adverse effect on the amenity or the aesthetics of the area within which it is proposed.*
- (b) Unless specific approval is given, all external asbestos cement cladding must be removed and replaced with new material prior to the relocation of a transported building to its new site.*
- (c) The Shire at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard.”*

A copy of the Shire of Chapman Valley Local Planning Policy 'Building Envelopes' has also been provided, as **Attachment 10.1.1(d)**.

Local Planning Policy 'Building Envelopes' was adopted by Council in order to give guidance to landowners and staff when dealing with applications that requested the relocation and amendment of designated building envelopes.

The objectives of the 'Building Envelopes' Local Planning Policy are listed as:

- “3.1 To provide guidance with respect to the amendment of a building envelope (relocation, expansion) that will not lead to unacceptable impacts on surrounding properties.*
- 3.2 To provide criteria by which the amendment of a building envelope should be considered to assist in protecting the integrity of the application of building envelopes.*
- 3.3 To provide guidance in relation to the information required to be submitted as part of an application for the amendment of a building envelope.”*

Sections 4.3 & 4.4 of the 'Building Envelopes' Local Planning Policy state that:

- “4.3 In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:
 - (a) justification for the proposed amendment;*
 - (b) the secondary nature of the development should the application be to site a building/s outside of the envelope (i.e. horse stables);*
 - (c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;*
 - (d) unnecessary clearing of remnant native vegetation;*
 - (e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;*
 - (f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;*
 - (g) use of materials and colours to assist in softening any perceived visual impact;*
 - (h) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.**
- 4.4 Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.”*

Section 4.2 of the Shire of Chapman Valley 'Sea Container' Local Planning Policy also requires that

- “A sea container proposed to be permanently sited upon a property is required to comply with the following criteria:
 - (a) A maximum of one (1) sea container on a lot (excepting industrial or rural zoned land).*
 - (b) The sea container is to be sited behind the front building line of an existing or under construction built development upon the property and must not impinge on any boundary setbacks as required by the Local Planning Scheme.*
 - (c) The sea container is to be positioned at a maximum separation distance of 2m.*
 - (d) The sea container is to be used for general storage purposes only associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.*
 - (e) The sea container is required to be painted or clad in materials the same colour as the existing structure up against which the sea container is positioned.”**

When the above criteria are not met the policy requires an application to be lodged.

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

FINANCIAL IMPLICATIONS

On determination of this application (refusal/approval) should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be incurred by the Shire through its involvement in the appeal process.

The 'Relocated Buildings' policy notes that Council may require the applicant to lodge a bond, of at least 5% of the estimated value of an equivalent new building, to a maximum of \$5,000 and minimum of \$1,000. The policy also notes that bond moneys will only be refunded (if not forfeited) after works required to prevent forfeiture have been carried out to the satisfaction of the Shire.

The landowner has sited the relocatable building and 2 sea containers and annexe upon Lot without approval. An offence under the *Planning and Development Act 2005* carries a maximum penalty of up to \$200,000 and in the case of a continuing offence, a further maximum fine of \$25,000 for each and every day during which the offence continues.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy (2008) identifies Lot 75 as being located within 'Precinct 3 – Chapman Valley' the vision for which is:

"A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources."

Council has sought to develop Chapman Valley Road as a scenic tourism route with the intent for it to become the Mid West's Swan Valley, with tourism focused businesses supplementing rural activity (e.g. bed and breakfasts, farm stays, restaurants and cafes, music and cultural events, galleries, local produce and craft retail, brewery/distillery tastings and sales etc.) that build on the area's scenic attractions. The Strategy notes for Precinct No.3 that:

"A majority of Precinct 3 consists of cleared pasture actively farmed for the production of broadacre crops mixed with grazing. However, a trend toward farming diversification has started to emerge with the development of small aquaculture, horticulture and viticulture enterprises, particularly in areas where a known sustainable fresh water supply has been identified. Coupled with areas of high land capability, opportunities currently exist for the experimentation and expansion of alternative crop rotations, the introduction of stock varieties and the development of intensive pursuits, as mentioned above.

Further opportunity exists for limited low-key tourist development linked with local industries, farm stays and farm diversification in close proximity to established tourist routes where a suitable level of infrastructure exists. Most of the local road network within the Chapman Valley consists of gravel formed and paved roads, with the exception of Chapman Valley Road, Northampton Nabawa Road, Morrell Road, Chapman Road East, Narra Tarra Moonyoonooka Road and Durawah Road constructed to bitumen seal standard. Heritage trails are also evident along the Chapman Valley Road and Nanson Howatharra Road with the potential to be developed further for tourism purposes."

Given that the proposed development upon Lot 75 is visible from the scenic tourism route of Chapman Valley Road it is considered reasonable for Council to require that improvements be made to the visual appearance of the buildings, and that they be required to be completed in a timely manner.

• **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

CONSULTATION

The applicant is seeking to locate the outbuilding approximately 30m outside of the building envelope as shown upon the Carney Hill Estate Structure Plan that was adopted by Council at its 16 December 2009 meeting.

Applications that propose variance to the Carney Hill Estate Structure Plan are deemed to be unable to be determined by Shire staff under delegated authority.

Section 4.1 of the Shire's 'Building Envelopes' Local Planning Policy notes that an application seeking to relocate, remove or expand a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.

Section 4.5 of the 'Relocated Buildings Local Planning Policy' notes that an application may be advertised prior to being placed before Council for determination.

The Shire wrote to the 7 adjoining landowners, and placed a sign on-site, inviting comment on 4 April 2018. At the conclusion of the advertising period on 27 April 2018, 1 submission had been received, expressing support for the proposal, no objections were received.

RISK ASSESMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple Majority required

STAFF RECOMMENDATION

That Council grant planning approval for the siting of a relocated building upon 2185 (Lot 75) Chapman Valley Road, Nanson, and the accompanying siting of 2 sea containers with an annexe between them to serve as an outbuilding (outside of the building envelope), subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 16 May 2018 and subject to any modifications required as a consequence of any conditions 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 building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The relocated building and sea containers are required to be painted in a colour that is in harmony with the landscape character of the area, and to a finish, to the approval of the local government.
- 4 The applicant is required to undertake works to the relocated building to improve its visual appearance, inclusive of a verandah around the building and skirting between the floor level and ground level, to the approval of the local government.
- 5 The building must not be occupied until it is compliant with the Class 1 requirements of the Building Code of Australia to the requirements of the local government.
- 6 Landscaping is required to be installed and maintained between the relocated building and sea containers, and Chapman Valley Road and the neighbouring properties, for the purpose of softening and screening the visual impact of the development to the approval of the local government.
- 7 A bond of \$5,000 must be lodged by the applicant with the local government that will be returned upon completion of the requirements pertaining to the abovementioned conditions within a period of 12 months,

and in the event that the works described in the application are not carried out within the 12-month timeframe the bond shall be forfeited to the local government.

Advice Notes:

- (i) In regard to condition 7 should the bond be forfeited then Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies should be expended to address the outstanding conditions.
- (ii) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FORTH

That Council grant planning approval for the siting of a relocated building upon 2185 (Lot 75) Chapman Valley Road, Nanson, and the accompanying siting of 2 sea containers with an annexe between them to serve as an outbuilding (outside of the building envelope), subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 16 May 2018 and subject to any modifications required as a consequence of any conditions 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 building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The relocated building and sea containers are required to be painted in a colour that is in harmony with the landscape character of the area, and to a finish, to the approval of the local government.
- 4 The applicant is required to undertake works to the relocated building to improve its visual appearance, inclusive of a verandah around the building and skirting between the floor level and ground level, to the approval of the local government.
- 5 The building must not be occupied until it is compliant with the Class 1 requirements of the Building Code of Australia to the requirements of the local government.
- 6 Landscaping is required to be installed and maintained between the relocated building and sea containers, and Chapman Valley Road and the neighbouring properties, for the purpose of softening and screening the visual impact of the development to the approval of the local government.
- 7 A bond of \$1,000 must be lodged by the applicant with the local government that will be returned upon completion of the requirements pertaining to the abovementioned conditions within a period of 12 months, and in the event that the works described in the application are not carried out within the 12-month timeframe the bond shall be forfeited to the local government.

Advice Notes:

- (i) In regard to condition 7 should the bond be forfeited then Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies should be expended to address the outstanding conditions.
- (ii) 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.

**Voting 7/0
CARRIED
Minute Reference: 05/18-2**

Deviation to Staff Recommendation: Councillors requested change to Item 7 to amend the amount of the bond to something more suited to the situation.

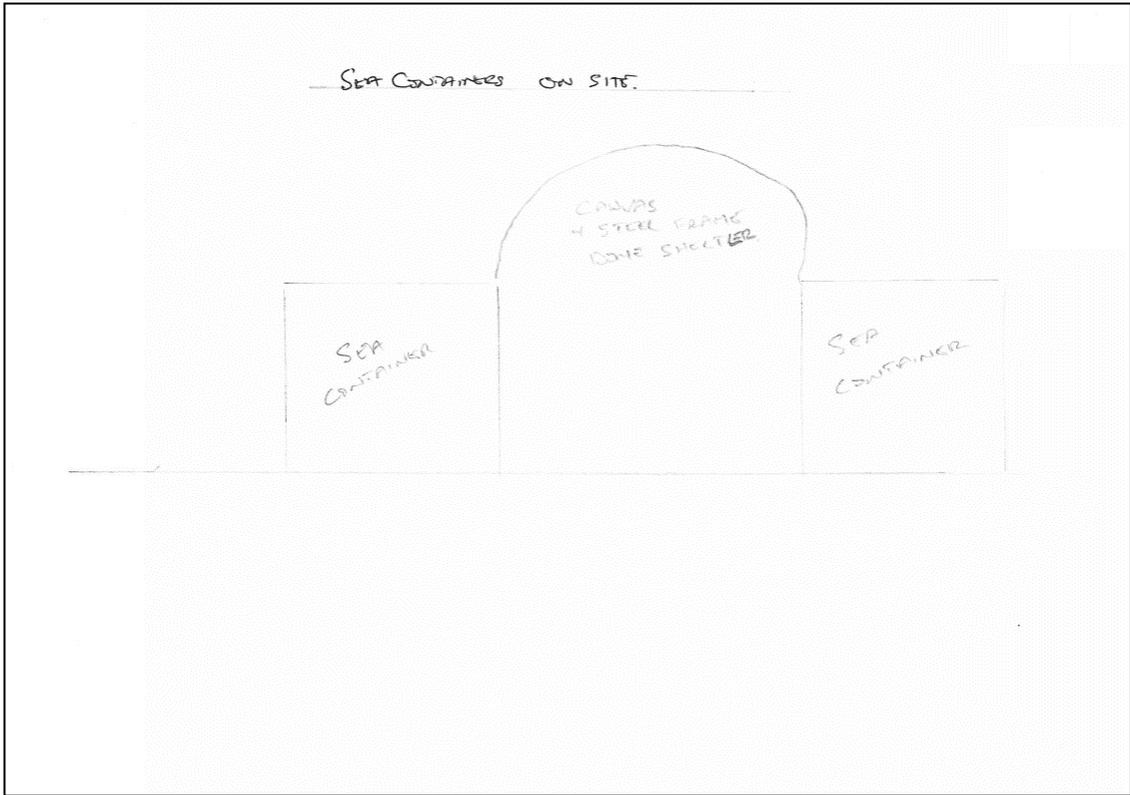


RELOCATABLE DONGA

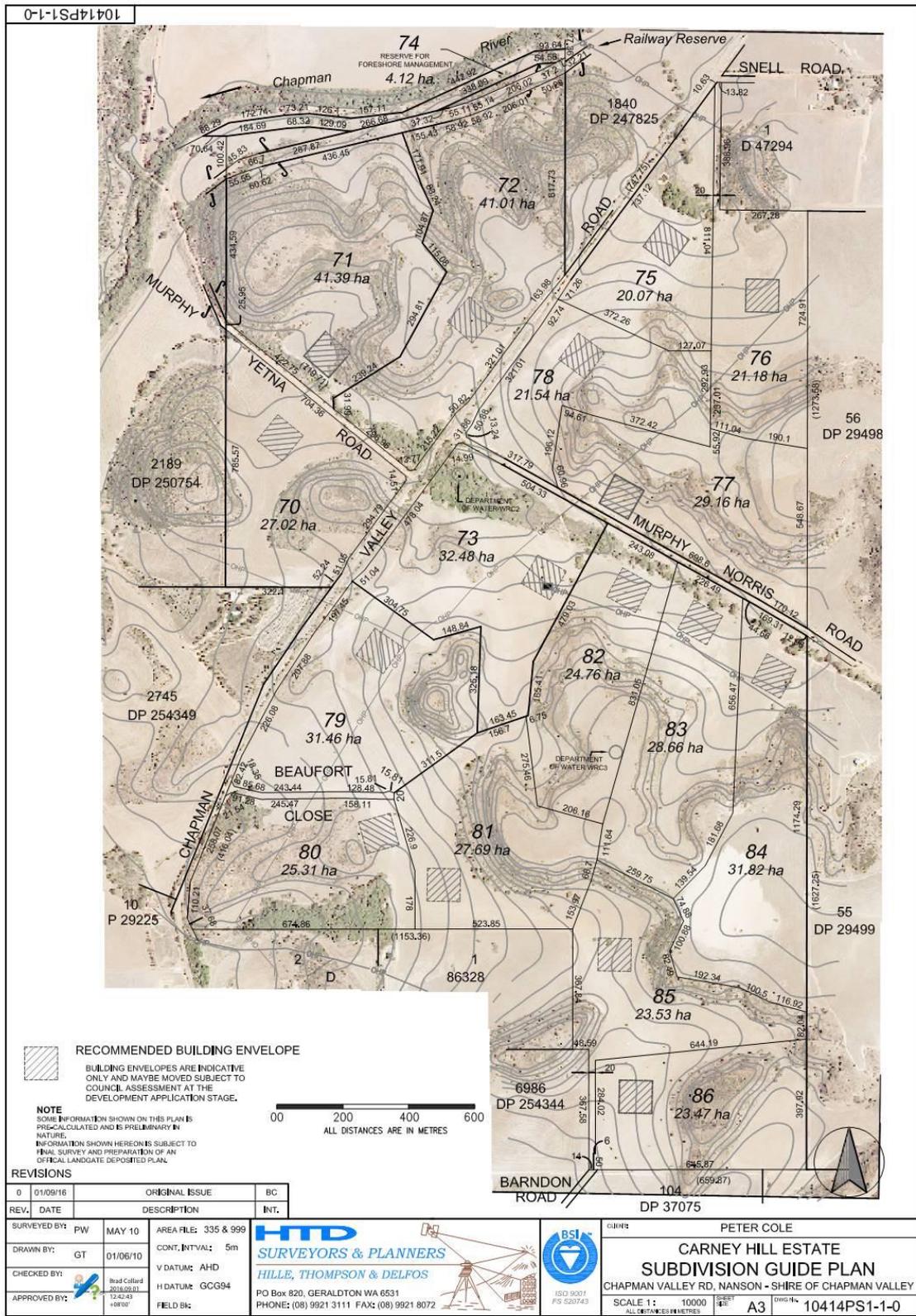


END ELEVATION





ATTACHMENT 10.1.1(b)



RELOCATED BUILDINGS

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

- 3.1 To ensure that any development proposing to use a second hand building or second hand cladding material meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.
- 3.2 To address the issue of exposure risks from asbestos cement cladding.

4. POLICY STATEMENT

4.1 Definition

A 'relocated building' is considered to be a dwelling or outbuilding that has previously been constructed on a different lot and has the ability to be dismantled in whole or in part for the purpose of being transported and sited on another property. A purpose designed, new transportable home is not considered a relocated dwelling for the purposes of this policy however Shire staff retain the right to request an application should it be considered appropriate.

4.2 General Requirements

- a. The use of second hand cladding materials and second hand buildings can result in unacceptable development by reason of poor aesthetic result and by adversely affecting the amenity of an area. Council requires that an applicant demonstrate that the proposed use of a second hand building and/or the use of second hand cladding material will not result in any adverse effect on the amenity or the aesthetics of the area within which it is proposed.
- b. Unless specific approval is given, all external asbestos cement cladding must be removed and replaced with new material prior to the relocation of a transported building to its new site.
- c. The Shire at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard.

4.3 Application Requirements

An application for a relocated building shall include:

- a. Completed *Form of Application for Planning Approval* signed by the owner(s) of the property upon which the building will be located.
- b. Plans that have been drawn to scale and include at a minimum:
 - i. A site plan;
 - ii. Floor plan and elevations for the relocated building. These plans need to demonstrate any proposed works/upgrades that are required to be undertaken to the building (i.e. new cladding, additional verandahs etc.);
 - iii. A series of photographs of each elevation of the relocated building prior to it being dismantled showing its standard of presentation;
 - iv. A detailed report on the structural integrity of the relocated building prepared by a qualified Building Surveyor or a certified structural engineer; &
 - v. A written submission from the proponent detailing the proposed works to be undertaken to the relocated building to improve its visual presentation and ensure it complies with the relevant building and health standards as required. This needs to include a clear timeframe over which it is proposed that the above works will be carried out.
- c. Planning Application fee based on the cost of the building plus any transportation, installation and upgrade costs. This is calculated per Item 1 of the Shire's current Planning Services Fees.

4.4 Post Application

Should a planning application be granted planning consent by the Shire the following conditions shall be imposed and required to be undertaken by the applicant prior to the lodgement of the necessary building licence:

- a. A bond, of at least 5% of the estimated value of an equivalent new building, to a maximum of \$5,000 and minimum of \$1000.
- b. A statutory declaration, signed by the applicant(s) and appropriately witnessed, indicating that the bond will be forfeited to Council if:
 - i. The works described in the application are not carried out within the timeframe indicated;
 - ii. Within 12 months of the date of the agreement, the development does not reach a point where externally it appears complete; and
 - iii. Any notice duly served upon the builder is not promptly complied with.
- c. Bond moneys will only be refunded (if not forfeited) after works required to prevent forfeiture have been carried out to the satisfaction of the Shire's Building Surveyor and/or Planning Officer.

4.5 Delegation

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

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

Adopted at the 19 February 2014 Ordinary Meeting of Council

BUILDING ENVELOPES

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

- 3.1 To provide guidance with respect to the amendment of a building envelope (relocation, expansion) that will not lead to unacceptable impacts on surrounding properties.
- 3.2 To provide criteria by which the amendment of a building envelope should be considered to assist in protecting the integrity of the application of building envelopes.
- 3.3 To provide guidance in relation to the information required to be submitted as part of an application for the amendment of a building envelope.

4. POLICY STATEMENT

- 4.1 An application for the relocation, removal or expansion of a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.
- 4.2 In submitting an application for planning consent to amend, relocate or site development outside of a designated building envelope on a particular lot the proponent shall:

- a. Provide justification, relevant building plans (sketch floor plan and elevations, and schedule of materials and colours), and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features; and
 - b. Mark the revised/amended building area on-site to clearly delineate the change or new location for assessment purposes.
- 4.3 In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:
- a. justification for the proposed amendment;
 - b. the secondary nature of the development should the application be to site a building/s outside of the envelope (ie horse stables);
 - c. unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;
 - d. unnecessary clearing of remnant native vegetation;
 - e. visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;
 - f. suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;
 - g. use of materials and colours to assist in softening any perceived visual impact;
 - h. compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.
- 4.4 Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

Adopted at the 19 February 2014 Ordinary Meeting of Council

Cr Royce declared an interest in this item.

AGENDA ITEM:	10.1.2
SUBJECT:	SIGN
PROPONENT:	MIDWEST GROUNDWATER
SITE:	1172 (LOT 8) CHAPMAN VALLEY ROAD, NARRA TARRA
FILE REFERENCE:	A431
PREVIOUS REFERENCE:	Nil
DATE:	7 MAY 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Applicant's Correspondence	√	
10.1.2(b)	Shire of Chapman Valley 'Signage' Local Planning Policy	√	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to site a sign upon 1172 (Lot 8) Chapman Valley Road, Narra Tarra. This report recommends refusal of the application in accordance with Council's signage policy.

COMMENT

Lot 8 is a largely cleared 7.2ha property, bordered by the Chapman Valley Road on its western frontage and the Chapman River to the east, and is located immediately south of the Fig Tree Crossing bridge.

Figure 10.1.2(a) – Aerial Photograph of 1172 (Lot 8) Chapman Valley Road, Narra Tarra

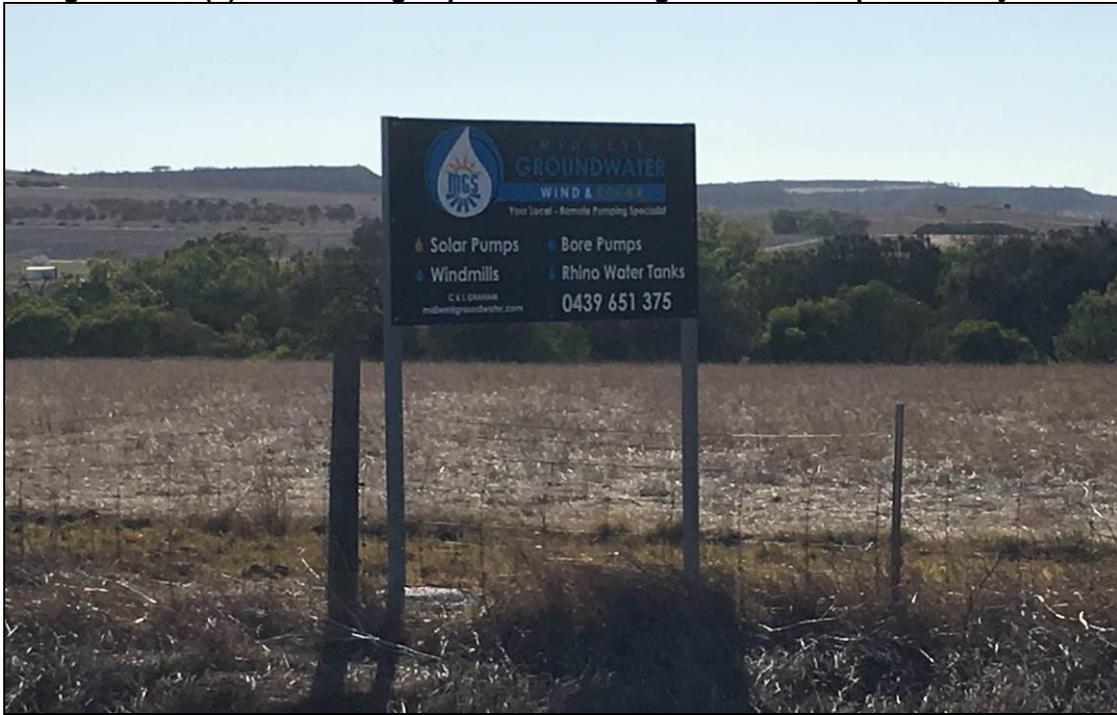


Lot 8 contains a residence, a number of outbuildings and the Shalom Pet Cemetery, and the recent development history for the property is as follows:

- 1993 Existing residence re-roofed and verandah added;
- 1994 Pet Cemetery approved;
- 2005 Extensions undertaken to existing residence.

A sign has been placed on Lot 8 fronting Chapman Valley Road advertising Midwest Groundwater, a supplier for water pumps and tanks.

Figure 10.1.2(b) – View of sign upon Lot 8 looking east from Chapman Valley Road



The Shire wrote to the landowner (M & W Smith) on 12 April 2018 to advise that the installation of a sign is deemed to be a development for which Council approval is required to be obtained, and that as no approval has been issued for a sign upon Lot 8 they were required to remove the sign within 60 days.

The landowner made immediate contact with the Shire to advise that they were unaware of the requirement to obtain approval and would liaise with the owner of the sign (Midwest Groundwater).

Shire staff advised the landowner that they could lodge application seeking Council approval for the sign, however, were also advised that Council’s signage policy was to generally support signage that relates to activities conducted upon the property. The sign upon Lot 8 would be considered remote signage and Council’s policy recommends that such signage only be supported where it relates to local tourism or directions.

A copy of the applicant’s submitted correspondence in support of their sign has been included as **Attachment 10.1.2(a)** for Council’s information.

STATUTORY ENVIRONMENT

1172 (Lot 8) Chapman Valley Road, Narra Tarra is zoned ‘Rural’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Section 4.2.6 of the Scheme lists the objectives of the ‘Rural’ zone as being:

- “(a) Provide for a variety of agricultural/rural activities;
- (b) Provide for other land-uses compatible with the predominant use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;
- (d) Provide appropriate protection from incompatible development for existing land-uses; and
- (e) Protect the environmental and landscape values of the land.”

Section 1.6(d) establishes the following aims of the Scheme:

“Protect, preserve and enhance the environment, natural and cultural heritage and landscape and streetscape values.”

Section 5.8 of the Scheme states:

“5.8 Appearance of Land and Buildings

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

5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.

5.8.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.”

Section 10.2 of the Scheme lists the following relevant matters (amongst others) to be considered by the Local Government in considering a development application:

“(a) the aims and provisions of the Scheme ...

...(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme; ...

...(i) the compatibility of a use or development with its setting; ...

...(n) the preservation of the amenity of the locality;

(o) the relationship of the proposal 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 proposal; ...

...(za) any other planning consideration the Local Government considers relevant.”

The sign would not meet the requirements of an exempted advertisement under Schedule 5 of the Scheme.

POLICY IMPLICATIONS

A copy of the Shire of Chapman Valley Local Planning Policy ‘Signage’ has been provided as **Attachment 10.1.2(b)**.

The Shire of Chapman Valley ‘Signage’ Local Planning Policy has the following objective:

“to provide adequate controls and guidance in the use and placement of signage within the Shire of Chapman Valley taking into account the visual appearance and amenity of the area, and safety of all residents and visitors to the municipality.”

The sign upon Lot 8 meets the definition under the policy of a ‘pylon sign’ this being *“means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added.”*

Sections 4.3 and 4.4 of the ‘Signage’ Policy set the following requirements:

“4.3 Standards

All signs or advertising devices (including an exempted sign) erected or displayed in the Shire shall:

- (a) be constructed and erected to the satisfaction of the Council;
- (b) be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed;
- (c) comply with the regulation 297 of the Road Traffic Code 2000;
- (d) be maintained in good order and clean condition to the satisfaction of the Council;
- (e) **be directly associated with the approved use of the property on which it is displayed (other than a service or tourist direction sign);**
- (f) not be erected or displayed in a position that in the opinion of Council:
 - (i) obstructs the passage of or creates a hazard for vehicles or pedestrians;
 - (ii) adversely affects the visual appearance or local amenity of the area;
 - (iii) significantly obstructs or impedes all or part of a view deemed to be of significance to the local area;

4.4 Relationship and Design

All signs, unless otherwise determined by Council, shall directly relate to the property they are positioned on and be designed to complement the existing surroundings, including buildings, landscape features and other signage structures. In this regard the Council will generally not support remote advertising or advance warning signs (other than a direction, service or tourist sign) so as to avoid proliferation of signage to the detriment of the amenity of the Shire."

The sign upon Lot 8 does not relate to a use or business undertaken from the property and could not be considered to be a tourism sign, or 'service direction sign' which is defined under the policy as being "a traffic sign with white letters and/or symbols on a blue background used to: guide travellers to services provided for their personal, automotive and travel needs, or indicate other facilities not normally shown on direction signs or tourist signs."

In the event that Council does not grant development approval for the sign upon Lot 8 then Section 4.9 of the 'Signage' Policy becomes relevant:

"4.9 Unlawful Signage

Where a sign has been erected, placed or displayed without Council approval and/or is contrary to the provisions of the Local Planning Scheme and/or this policy, the following will apply:

- (a) The sign shall be removed by the owner upon a notice being served by the Council, with an appeal right for a period twenty-eight (28) days from a notice being served being afford to the owner of the sign under the Act.
- (b) Failure to remove the sign, or lodge an appeal, within the twenty-eight (28) day period will constitute an offence under the Act, with the possibility of enforcement action being taken by the Council;
- (c) If removed by the Council, the sign will be impounded at the Shire of Chapman Valley Depot in Nabawa for a maximum period of two (2) months, where:
 - (i) the sign may be collected by the owner upon payment of an impoundment fee in accordance with the Council's Schedule of Fees to be paid at the Shire Administration Offices;
 - (ii) upon expiration of this time the Council may initiate proceedings to dispose of the sign and recover all costs from the owner in relation to this action;
 - (iii) The Council may continue with enforcement action/prosecution in relation to 8 b) above and in accordance with the provisions of the Act."

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

FINANCIAL IMPLICATIONS

On determination of this application (refusal/approval) should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be incurred by the Shire through its involvement in the appeal process.

An offence under the *Planning and Development Act 2005* carries a maximum penalty of up to \$200,000 and in the case of a continuing offence, a further maximum fine of \$25,000 for each and every day during which the offence continues.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy (2008) identifies Lot 8 as being located within 'Precinct 3 – Chapman Valley' the vision for which is:

"A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources."

Council has been keen to develop Chapman Valley Road as a scenic tourism route with the intent for it to become the Mid West's Swan Valley, with tourism focused businesses supplementing rural activity (e.g. bed and breakfasts, farm stays, restaurants and cafes, music and cultural events, galleries, local produce and craft retail, brewery/distillery tastings and sales etc.) that build on the area's scenic attractions. The Strategy notes for Precinct No.3 that:

"A majority of Precinct 3 consists of cleared pasture actively farmed for the production of broadacre crops mixed with grazing. However, a trend toward farming diversification has started to emerge with the development of small aquaculture, horticulture and viticulture enterprises, particularly in areas where a known sustainable fresh water supply has been identified. Coupled with areas of high land capability, opportunities currently exist for the experimentation and expansion of alternative crop rotations, the introduction of stock varieties and the development of intensive pursuits, as mentioned above.

Further opportunity exists for limited low-key tourist development linked with local industries, farm stays and farm diversification in close proximity to established tourist routes where a suitable level of infrastructure exists. Most of the local road network within the Chapman Valley consists of gravel formed and paved roads, with the exception of Chapman Valley Road, Northampton Nabawa Road, Morrell Road, Chapman Road East, Narra Tarra Moonyoonooka Road and Durawah Road constructed to bitumen seal standard. Heritage trails are also evident along the Chapman Valley Road and Nanson Howatharra Road with the potential to be developed further for tourism purposes."

With this strategic goal in mind, Council established a signage policy that allows for tourism related directional signage, and signage relating to business conducted upon the property, but discourages remote and third-party signage as this can detract from the natural attraction of an area. It should be considered that if one remote and third-party sign is permitted then this creates precedent for the acceptance of all such sign applications.

Lot 8 immediately adjoins land identified as a 'visually sensitive area' within the Western Australian Planning Commission's Moresby Range Management Strategy (2009). The Strategy also identifies Chapman Valley Road as a major road for views and makes the following recommendations:

- "47 Minimise development in key view corridors and travel route corridors (map 5 and map 6 respectively); advocate the siting and design of buildings and structures to have minimum possible impact on key view corridors and from travel routes, and to reflect the surrounding character:
- particular attention should be paid to the location and orientation of large sheds and screening to minimise their impact on views to the range; and
 - lower sites should be chosen, sheds should be orientated perpendicular to the primary view and screening should be provided, whether by vegetation or other development.

- 2 The sign is considered contrary to Section 4.2.6€ of the Shire of Chapman Valley Local Planning Scheme No.2.
- 3 The sign is considered contrary to Section 5.8.1 of the Shire of Chapman Valley Local Planning Scheme No.2.
- 4 In its consideration of the application Council is not satisfied that the development satisfies the matters under Section 10.2 of the Shire of Chapman Valley Local Planning Scheme No.2.
- 5 The sign is considered contrary to Recommendations 47 & 48 of the Moresby Range Management Strategy.
- 6 The sign is considered contrary to Section 4.3€ and Section 4.4 of the Shire of Chapman Valley Local Planning Policy 'Signage'.
- 7 Approval of this application would 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 amenity of the locality and the visual appearance of the scenic tourism route of the Chapman Valley Road.

Advice Note:

Should the applicant be aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**Voting 5/2
CARRIED
Minute Reference: 05/18-3**

26th April 2018
Midwest Groundwater
Chad and Loretta Graham
16 Elliott St
ISSEKA WA 6535

Chapman Valley Shire
3270 Chapman Valley Rd
NABAWA WA 6532

Dear Councillors of Chapman Valley Shire,

RE- SIGN 1172 (LOT 8) Chapman Valley RD, Narra Tarra.

We write to you regarding our advertising sign erected at the above address.

It was erected on the 10th April, 2018 after seeking approval of the owner of said land.

The owner was subsequently sent a letter from Chapman Valley Shire stating that the sign was not approved by council. And if not removed a fine of \$200,000 would be imposed.

Please let Midwest Groundwater extend its apologies to the Chapman Valley Shire and Councillors for not seeking approval. And please be assured that we did not intend to break any council laws. Merely ignorance on our part, thinking it was on private land, in a free country.

We have been informed that signage in the CV Shire are for local businesses only. Please consider that although we live only a few kilometres outside the CV Shire boundary we do service many clients within the CV Shire.

I was born and raised in Geraldton and we have chosen to raise our family and build our business in the local community. With our main client base in the Northampton and Chapman Valley Shires.

Community is important to us and we sponsor local events, wherever we can, including the Chapman Valley Show.

I am also the Captain of the ISSEKA Fire Brigade, which is where we base our business and have lived for the past ten years.

Midwest Groundwater is in the final stages of installing 3 x 160,000L Rhino Water tanks for the Northampton Shire and looking at modernising the Shire's water pumping systems. So it was not our intention to offend or put any councillors offside as we hope to do business with Chapman Valley Shire in the future.

We have forwarded our application for planning approval to the Chapman Valley Shire Deputy CEO.

Please consider the application for our sign.

We are happy to look at alterations to the current sign format.

Yours sincerely



Chad Graham

Midwest Groundwater



SIGNAGE

LOCAL PLANNING POLICY



1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

3. OBJECTIVE

- 3.1 to provide adequate controls and guidance in the use and placement of signage within the Shire of Chapman Valley taking into account the visual appearance and amenity of the area, and safety of all residents and visitors to the municipality.

4. POLICY STATEMENT

4.1 Definitions

"Act" means the *Planning and Development Act 2005*;
"advertisement" has the same meaning as "sign";
"advertising device" means any object on which words or numbers or figures are written, printed, affixed, illustrated or painted for the purpose of advertising any business, function, operation, event or undertaking or any product or thing and includes any vehicle or trailer or other similar stationery object placed or located so as to serve the purpose of advertising any business, function, event or undertaking or any product or thing;

<i>"bill"</i>	means any material on which words, numbers or figures are written, placed, printed, illustrated or painted;
<i>"business"</i>	includes the conduct of a profession, trade or occupation;
<i>"business direction sign"</i>	means a sign erected in a public thoroughfare or public place which indicates the nature of the business that may be located by following the direction indicated by the sign, but does not include any such sign erected by the Commissioner of Main Roads under regulation 297 of the Road Traffic Code 2000;
<i>"CEO"</i>	means the Chief Executive Officer of the Shire;
<i>"Council"</i>	means the Council of the Shire of Chapman Valley;
<i>"depth"</i>	unless otherwise specifically stated, refers to the height of a sign, and not a three dimensional measurement. The word "depth" is used to differentiate between the lateral width of a sign and the height of the sign.
<i>"development sign"</i>	means a sign erected on an area of land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of the approval of the sign;
<i>"district"</i>	means the district of the Shire;
<i>"electoral sign"</i>	means a sign containing an advertisement relating to an election or to a referendum;
<i>"exempt sign"</i>	means a sign referred to in Statement 1 of this Policy;
<i>"fascia sign"</i>	means a sign erected or displayed on the fascia of a building or the fascia of a verandah;
<i>"fly posting"</i>	means advertising through the placement of posters on fences, walls, trees and like structures;
<i>"freestanding sign"</i>	means any sign not attached to a structure or permanently fixed to the ground or pavement and includes "A frame" or "Sandwich Board" signs consisting of two sign boards attached to each other at the top or elsewhere by hinges or other means;
<i>"hoarding"</i>	means a detached or detachable structure other than a pylon sign that is erected for the sole purpose of displaying a sign or signs and includes a poster panel or an illuminated panel; but does not include a hoarding within the meaning of Section 377 of the Local Government (Miscellaneous Provisions) Act 1960;
<i>"horizontal sign"</i>	means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension being horizontal;
<i>"illuminated sign"</i>	means a sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light;

<i>"institutional sign"</i>	means a sign erected or placed on any land or building used for or in conjunction with a surgery, clinic, hospital, rest home, home for the aged or other institution or place of a similar nature;
<i>"Local Planning Scheme"</i>	means an existing Local planning scheme of the Shire made under the Act;
<i>"planning consent"</i>	means the approval granted by Shire for the erection or display of a sign pursuant to the Local Planning Scheme;
<i>"premises"</i>	means land and, unless the context otherwise requires, the buildings upon that land;
<i>"public thoroughfare"</i>	includes a street, road, footpath , carriageway and all other parts of a road reserve;
<i>"pylon sign"</i>	means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infills may be added;
<i>"reserve"</i>	includes land vested in, or under the care, control and management of the Shire;
<i>"roof sign"</i>	means a sign erected on or above the roof of a building;
<i>"rural producer sign"</i>	means a sign erected on land zoned rural under a Local Planning Scheme indicating the products grown, reared or produced on the property;
<i>"sale sign"</i>	means a sign displayed on premises advertising the sale, letting or auction of the premises;
<i>"service direction sign"</i>	a traffic sign with white letters and/or symbols on a blue background used to: guide travellers to services provided for their personal , automotive and travel needs, or indicate other facilities not normally shown on direction signs or tourist signs.
<i>"service station sign"</i>	means a sign used solely for the purposes of advertising the price of petrol, diesel, gas or other fuel products sold from the premises.
<i>"Shire"</i>	means the Shire of Chapman Valley;
<i>"sign"</i>	includes any advertising device or other sign type defined in this Local Law;
<i>"sign infill"</i>	means a panel which can be fitted into a pylon sign framework;
<i>"Surveyor"</i>	means the Building Surveyor of the Shire;
<i>"tourist direction sign"</i>	a traffic sign with white letters and/or symbols on a brown background used to guide travellers to: natural features and approved heritage sites of interest to tourists; and approved tourist establishments.
<i>"verandah"</i>	includes cantilever verandahs and balconies whether over thoroughfares or over private land;
<i>"verandah sign"</i>	includes any sign, above or below a verandah fascia;
<i>"vertical sign"</i>	means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension being vertical;
<i>"window sign"</i>	means any sign fixed to or painted on the glazed area of a window of a building.

4.2 Exemptions

- a. Any sign which is classified as exempt under Shire of Chapman Valley Local Planning Scheme No.2
- b. All local government road signage
- c. Any sign which is the subject of an existing approval made prior to the date of effect of this Policy
- d. Any advertisement affixed to or painted on a commercial premise window by the occupier of the business and relating to the activity carried on in the premise
- e. Any sign within a building
- f. Any name and/or number fixed to the facade on a residential building or group of buildings, such as home units, which has a single line of letters not exceeding 300mm in height
- g. Any newspaper poster
- h. A rural producer sign
- i. A freestanding sign which neither exceeds 500mm in height nor 0.5m² in area provided that the sign is placed or erected on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event
- j. Election signage (required to be removed within 7 days of the close of polls on the voting day)

4.3 Standards

All signs or advertising devices (including an exempted sign) erected or displayed in the Shire shall:

- a. be constructed and erected to the satisfaction of the Council;
- b. be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed;
- c. comply with the regulation 297 of the Road Traffic Code 2000;
- d. be maintained in good order and clean condition to the satisfaction of the Council;
- e. be directly associated with the approved use of the property on which it is displayed (other than a service or tourist direction sign);
- f. not be erected or displayed in a position that in the opinion of Council:
 - i. obstructs the passage of or creates a hazard for vehicles or pedestrians;
 - ii. adversely affects the visual appearance or local amenity of the area;
 - iii. significantly obstructs or impedes all or part of a view deemed to be of significance to the local area;

4.4 Relationship and Design

All signs, unless otherwise determined by Council, shall directly relate to the property they are positioned on and be designed to complement the existing surroundings, including buildings, landscape features and other signage structures. In this regard the Council will generally not support remote advertising or advance warning signs (other than a direction, service or tourist sign) so as to avoid proliferation of signage to the detriment of the amenity of the Shire.

4.5 Bill and Fly Posting

Bill posting shall only take place in the form of an advertisement affixed to, or painted on a commercial premise window or any sign within a building by the occupier of the premise. Fly posting is **not** permitted within the Shire, unless otherwise approved by Council under special circumstances.

4.6 Hoardings

The erection and display of a commercial hoarding is **not** permitted at any place or location within the Shire, unless otherwise approved by Council under special circumstances.

4.7 Crown Land under the care and control of Council

Unless otherwise permitted in this Policy, or approved by Council under special circumstances, an advertising sign or hoarding is not permitted on thoroughfares and reserves under the care and control of the Council. However, where approval is given for the erection or display of a sign on a thoroughfare or reserve under the care and control of the Council, the owner of the sign shall:

- a. indemnify and keep indemnified the Shire, its servants and agents against any claim or proceeding (and any cost and expenses incurred as a result) that may be made or brought by any person or corporation against the Shire, its servants and agents arising out of the erection, existence or operation of the advertisement or any negligence of the Shire, its servants and agents in granting approval to erect or display the advertisement or in setting or failing to set conditions or giving or failing to give directions for the erection, existence or display of the advertisement.
- b. In respect of that sign, effect and maintain a public liability insurance policy with a reputable insurer. The policy must include a cross liabilities clause, and be in the joint names of the sign owner and the Shire. The sum insured for any single event shall be \$1million.
- c. A copy of the above indemnification and insurance cover shall be forwarded to the Shire prior to the erection or display of a sign.

4.8 Requirements for particular signs

Development Signs

A development sign shall be removed from the site within 2 years from the date of the approval or when 80% of the lots in the subdivision have been sold, whichever is the sooner.

Freestanding Signs

- a. Freestanding or portable signs shall generally:
 - i. not exceed 1m in height or width;
 - ii. not exceed an area of 1m²;
 - iii. not be erected in any position other than immediately adjacent to the building or the business to which the sign relates; and
 - iv. be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;

- b. no more than 1 portable sign shall be erected in relation to the one building or business.

Horizontal Signs

A horizontal sign shall:

- a. be fixed parallel to the wall of the building to which it is attached;
- b. not project more than 150mm from the wall to which it is attached;
- c. conform to the following table:

Min. distance of sign above street	Max. depth of sign
Less than 7.5m	600mm
7.5m to 9m	750mm
9m to 12m	1,000mm

Illuminated Signs

An illuminated sign shall:

- a. have any boxing or casing in which it is enclosed constructed of incombustible material;
- b. where comprising glass (other than fluorescent tubing) have the glass so protected as to prevent its falling into a public place in the event of breakage;
- c. have its electrical installation constructed and maintained to the satisfaction of the appropriate electricity supply authority and in accordance with any written law with respect to the construction and maintenance of electrical installations for illuminated signs;
- d. be maintained to operate as an illuminated sign;
- e. not have a light of such intensity as to cause annoyance to the public or be a traffic hazard; and
- f. not emit a flashing light.

Information Panels

The Shire may provide tourist or other information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

Pylon Signs

- a. A pylon sign shall:
 - i. not have any part more than 6 metres above the level of the ground immediately below it;
 - ii. not exceed 4m² in area unless approved by the Shire;
 - iii. be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
 - iv. not be within 2 metres of the side boundaries of the lot on which it is erected unless the lot on which the pylon sign is erected abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2 metres;
 - v. not have any part less than 6 metres from another sign erected on the same lot.
- b. Where pylon signs are to be erected on a lot on which a premise is erected or to be erected, the Shire may require all the pylon signs to be incorporated into one sign in which case:

- i. all of the constituent or infill signs are of an equal size; and
- ii. one constituent or infill sign is provided for each business, shop or unit on the lot.

Roof Signs

A roof sign shall comply with the following table:

Height of main building above ground level at point where sign is to be fixed	Maximum height of sign
4m and under 5m	1,250mm
5m and under 6m	1,800mm
6m and under 12m	3,000mm

Rural Producer Signs

A rural producer sign shall:

- a. not indicate or display any matter otherwise than for the purpose of indicating the products grown, reared or produced on the property on which the sign is erected;
- b. be erected within the boundaries of the property; and
- c. not exceed 2m² in area.

Service Station Signs

A maximum of 2 service station signs are permitted unless otherwise required by legislation. The signs shall:

- a. Not exceed 0.8m² each side;
- b. Be located wholly within the boundaries of the site, unless otherwise approved by Council; and
- c. Be located so as to not cause a traffic or safety hazard to either vehicles or pedestrians.

Service and Tourist Direction Signs

The CEO has delegated authority to approve applications for the erection and the removal of service and tourist signs subject to the sign meeting the current MRWA standards.

Tourist signs may be installed for tourist establishments endorsed by the WA Tourism Commission.

The Shire is responsible for the approval, installation and routine maintenance for service and tourist signs on all roads except those under the control of MRWA (such as Chapman Valley Road and the North West Coastal Highway). In all cases the Shire retains ownership of the signs and the right to relocate, modify or remove them as necessary.

Signs on Fences

A sign may be painted or erected on the inside of a side or rear fence of a lot situated within a commercial or industrial area (or other areas as approved by Council), if the lot is occupied and used for business or industrial purposes. Any such sign shall not exceed 1m in height, nor be within 3m of any street boundary, unless specifically approved by Council.

Signs on Vehicles

No vehicle with a sign upon or inside, adapted and exhibited primarily to facilitate advertising, shall be permitted to park for any lengthy period of time, as determined by Council, on any thoroughfare (other than within an approved carpark) with the exception of directly in front of the owner's residence.

Verandah Signs

- a. A sign fixed to the fascia of a verandah shall:
 - i. shall not exceed 600mm in depth; and
 - ii. shall not project beyond the fascia.
- b. A sign under a verandah shall:
 - i. not exceed 2.5 metres in length or 400mm in depth;
 - ii. be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets; and
 - iii. be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of such sign.

Vertical Signs

A vertical sign shall:

- a. not project more than 50mm from the face of the building to which it is attached;
- b. not be within 600mm of either end of the wall to which it is attached;
- c. be of a height of at least twice its width;
- d. not be placed on a corner of building, except at a street intersection where it may be placed at an angle with the walls so as to be visible from both streets;
- e. not exceed 750mm in width exclusive of the back projection; and
- f. not exceed 2m² in total area on premises being a shop or office or both.

4.9 Unlawful Signage

Where a sign has been erected, placed or displayed without Council approval and/or is contrary to the provisions of the Local Planning Scheme and/or this policy, the following will apply:

- a. The sign shall be removed by the owner upon a notice being served by the Council, with an appeal right for a period twenty eight (28) days from a notice being served being afford to the owner of the sign under the Act.
- b. Failure to remove the sign, or lodge an appeal, within the twenty eight (28) day period will constitute an offence under the Act, with the possibility of enforcement action being taken by the Council;
- c. If removed by the Council, the sign will be impounded at the Shire of Chapman Valley Depot in Nabawa for a maximum period of two (2) months, where:
 - i. the sign may be collected by the owner upon payment of an impoundment fee in accordance with the Council's Schedule of Fees to be paid at the Shire Administration Offices;

- ii. upon expiration of this time the Council may initiate proceedings to dispose of the sign and recover all costs from the owner in relation to this action;
- iii. The Council may continue with enforcement action/prosecution in relation to 8 b) above and in accordance with the provisions of the Act.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005.

Adopted at the 19 February 2014 Ordinary Meeting of Council

Cr Maluish declared an interest in this item.

AGENDA ITEM:	10.1.3
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	A2040
PREVIOUS REFERENCE:	09/09-11, 08/10-3, 04/11-4, 05/11-29, 12/11-3, 04/13-5, 06/13-25, 10/13-3, 02/14-10-13, 06/14-6, 08/14-5 & 11/14-7, 12/14-19-21, 02/15-13, 03/15-4-5, 06/15-9, 09/15-2-8, 11/15-9, 04/16-10-11 & 05/16-9-12, 06/16-1, 06/16-3-10, 07/16-6-9, 08/16-3-5, 11/16-4-7, 12/16-6, 03/17-9-10, 04/17-10-11, 05/17-4-5, 10/17-9-11 & 12/17-5-8
DATE:	7 MAY 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Bill Hemsley Park Management Committee Meeting 26 April 2018 Unconfirmed Minutes		√
10.1.3(b)	Draft Bill Hemsley Park Community Centre Management Licence		√
10.1.3(c)	Parkfalls Residents Association correspondence		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Bill Hemsley Park Management Committee met on 26 April 2018 and a copy of the minutes from this meeting have been provided as **separate Attachment 10.1.3(a)** for Council’s information.

COMMENT

A draft Management Licence that followed the model template for other Shire buildings that are used by community groups was presented to the Bill Hemsley Park Management Committee meeting on 22 November 2017 with the Committee recommending that this first draft should be provided to the Parkfalls Residents Association and Council for initial consideration and feedback.

Council resolved at its 13 December 2017 meeting:

“That Council:

- 1 *Provide comment to the Shire CEO on the draft Bill Hemsley Park Community Centre Management Licence, and this feedback (along with any comment that is received from the Parkfalls Residents Association) be provided to the Management Committee for further consideration.*

- 2 *Adopt and advertise the following fees and charges for the hire of the Bill Hemsley Park Community Centre.*

<i>Whole facility</i>	<i>\$88.00 per use</i>
<i>Local Community member</i>	<i>\$46.50 per use</i>
<i>Annual booking fee</i>	<i>\$586.00</i>
<i>Adopt existing Venue Bonds</i>	

- 3 *The adopted Fees and Charges (and curfew times of 10pm all days unless otherwise determined by the CEO) will be imposed until the Management Licence has been finalised and endorsed by*

Council with the understanding that Council reserves the right to review these Fees and Charges annually when all Fees and Charges are reviewed.”

The Parkfalls Residents Association’s appointed representatives and Shire staff progressed discussions and the draft Management Licence was presented to the 26 April 2018 Bill Hemsley Park Management Committee meeting where it was endorsed and forwarded to Council for its consideration.

The draft Bill Hemsley Park Community Centre Management Licence is provided as **separate Attachment 10.1.3(b)** for Council’s consideration.

A copy of correspondence received from the Parkfalls Residents Association in support of the draft Management Licence has been provided as **separate Attachment 10.1.3(c)**.

STATUTORY ENVIRONMENT

Council has a range of management models in operation for the use of the facilities throughout the Shire and they include Management Licences established with an affiliation of user groups e.g. Yuna Multipurpose Community Centre, or where a facility is hired out on an as-needs basis e.g. Nabawa Community Centre.

POLICY IMPLICATIONS

Council’s ‘Corporate Management Procedures CMP-010 - Building & Facility Hire Conditions’ clarifies the responsibilities of the various organisations and the Shire in regards to the use of Shire owned/controlled buildings and facilities as follows:

- “1 *All hire charges must be paid at the Shire Office before keys will be issued.*
- 2 *Keys issued under the Non-Cut Key System to Clubs or community organisations will require a bond to be paid prior to issue. Bond will be an amount equivalent to the cost to replace/adjust locks and cut new key(s) in the event of loss. If a key(s) is lost, the relevant lock(s) will have to be renewed and the actual cost of this replacement will be the responsibility of the hirer.
Keys issued to Clubs or community organisations must be returned to the Shire Office at the end of their season.*
- 3 *It is the responsibility of the hirer to ensure the conduct of the persons present at the time of their function is orderly.*
- 4 *It is illegal to consume liquor on any part of the building and grounds without the prior written approval of the Shire. An additional licence must be obtained from the appropriate authority (e.g. Police, Dept. Racing & Gaming) for the sale of liquor.*
- 5 *The cleaning of all facilities used is the responsibility of the hirer, however if the premises have been left in an untidy state and Shire is required to clean them, costs involved in such cleaning will be payable by the hirer.
If any items used (e.g.: barbecues, etc.) are left in an unsatisfactory condition, the Hirer will be requested to carry out the necessary cleaning or repairs to such items to the satisfaction of the Chief Executive Officer.
If in the event that any specific Hirer refuses to undertake the necessary cleaning and/or repairs required as specified, then Shire Staff will carry out this work and an appropriate charge specified by the Chief Executive Officer will be forwarded to the Hirer.
Any future use of such items by the specific Hirer will require a bond to be deposited with the Shire prior to use.
This bond will be set by Shire at the time fees and charges are set annually and will not be refunded until the items have been returned in a satisfactory condition.
Ensure all lights, including lights on the oval, are turned off after function. Penalty may be imposed if lights left on.*
- 7 *No spiked shoes or boots or the like to be worn in any part of the building except the two main change rooms and public toilets.*
- 8 Crockery and Cutlery Hire
Breakages and losses - the cost of all replacements is the responsibility of the hirer.
- 9 Furniture
*Tables or chairs are not to be removed from the building unless with the prior approval of the Shire CEO. All tables and chairs must be stacked in an orderly manner and not left out after the event.
Furniture must not be dragged across floors.*
- 10 *The building must be left locked up and with all lights switched off.*

- 11 *Exemption to hall hire charge*
The Chapman Valley Parents and Citizens Association is exempt from paying hall hire charges at the Nabawa Community Centre for the following events: -
- *Annual Christmas Tree*
 - *Annual quiz night*
 - *School Presentation night.*
- Footnote – Community Newspaper Group “Valley Vibes” are exempt from paying hire charges for the “clinic” room at the Community Centre.*
- 12 *When alcohol is to be consumed on the premises, a refundable bond, in accordance with that set annually by Council, is to be collected from hirers of this facility.”*

FINANCIAL IMPLICATIONS

Council has adopted the following fees and charges for the hire of the Bill Hemsley Park Community Centre.

Whole facility	\$88.00 per use
Local Community member	\$46.50 per use
Annual booking fee	\$586.00
Adopt existing Venue Bonds	

These adopted Fees and Charges will be imposed until a Management Licence has been finalised and endorsed by Council with the understanding that Council reserves the right to review these Fees and Charges annually.

• **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and identifies the Bill Hemsley Park development as a strategic new project.

STRATEGIC IMPLICATIONS

The Bill Hemsley Park project is contained within the Capital Building Works Program, as reviewed by the Building & Disability Services Committee and endorsed by Council at its 15 March 2017 meeting.

• **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and lists developing, managing and maintaining built infrastructure as an objective for which the Shire is responsible to achieve the community’s vision.

CONSULTATION

Council resolved at its 18 October 2017 meeting to request that the Shire CEO approach the Parkfalls Residents Association to discuss the preparation of a Management Licence for the Bill Hemsley Park Community Centre.

The Parkfalls Residents Association advised the Shire on 14 November 2017 that:

“The PRA Committee recommend that the Bill Hemsley Park Management Committee pursue, on behalf of the PRA, the parameters and Terms and Conditions of the proposed issuing of a Management Licence prior to making any commitments.”

The Management Committee have endorsed a draft Management Licence for the Bill Hemsley Park Community Centre for the consideration of Council.

RISK ASSESMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple Majority required

STAFF RECOMMENDATION

That Council:

- 1 Receive the minutes of the 26 April 2018 Bill Hemsley Park Management Committee.
- 2 Adopt the Bill Hemsley Park Community Centre Management Licence and authorise the necessary signing and sealing as required.

COUNCIL RESOLUTION

MOVED: CR MALUISH

SECONDED: CR FORTH

That Council:

- 1 Receive the minutes of the 26 April 2018 Bill Hemsley Park Management Committee.
- 2 Adopt the Bill Hemsley Park Community Centre Management Licence between the Shire of Chapman Valley and the Parkfalls Residents Association as recommended by the Bill Hemsley Park Management Committee and authorise the necessary signing and sealing as required.

COUNCIL RESOLUTION

MOVED: CR HUMPHREY

SECONDED: CR FORRESTER

That Standing Order Clauses 8.4 to 8.13 be suspended to allow more open discussion and dialogue on this matter.

**Voting 7/0
CARRIED
Minute Reference: 05/18-4**

COUNCIL RESOLUTION

MOVED: CR FORTH

SECONDED: CR HUMPHREY

That Standing Order Clauses 8.4 to 8.13 be re-instated.

**Voting 7/0
CARRIED
Minute Reference: 05/18-5**

AMENDMENT

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

Clause 4.1 (2) be amended a period of one year.

**Voting 3/4
LOST
Minute Reference: 05/18-6**

AMENDMENT

MOVED: CR BATTEN

SECONDED: CR MALUISH

Clause 4.1 (2) be amended a period of three year.

**Voting 6/1
CARRIED
Minute Reference: 05/18-7**

SUBSTANTIVE MOTION NOW READ

MOVED: CR MALUISH

SECONDED: CR FORTH

That Council:

- 1 Receive the minutes of the 26 April 2018 Bill Hemsley Park Management Committee.
- 2 Adopt the Bill Hemsley Park Community Centre Management Licence between the Shire of Chapman Valley and the Parkfalls Residents Association as recommended by the Bill Hemsley Park Management Committee for an amended three-year period and authorise the necessary signing and sealing as required.

Voting 6/1

CARRIED

Minute Reference: 05/18-8

The meeting was adjourned at 10.36am

The meeting re-commenced at 10.53am and Ms Gillan and Ms Elari did not re-join the meeting

10.2 Finance May 2018

Contents

10.2 AGENDA ITEMS

- 10.2.1 Financial Reports for April 2018
- 10.2.2 2018/2019 Differential Rating
- 10.2.3 2018/2019 Proposed Fees & Charges

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR APRIL 2018
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	16 MAY 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1	Merged Financial Reports		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Financial Regulations require a monthly statement of financial activity report to be presented to Council.

COMMENT

The monthly financial statements for April 2018 have been provided as a **separate attachment** for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in April 2018 financial statements.

• **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

• **Strategic Community Plan/Corporate Business Plan:**

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. The Risk Rating is Level 1 Insignificant.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

That Council receives the financial report supplied under separate attachment for the month of April 2018 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Significant Accounting Policies
- Note 2 – Explanation of Material Variances
- Note 3 – Net Current Funding Position
- Note 4 – Cash & Investments
- Note 5 – Budget Amendments
- Note 6 – Receivables
- Note 7 – Cash Backed Reserves
- Note 8 – Capital Disposals
- Note 9 – Rating Information
- Note 10 – Information on Borrowings
- Note 11 – Grants & Contributions
- Note 12 – Trust
- Note 13 – Capital Acquisitions
- Appendix A – Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

**Voting 7/0
CARRIED
Minute Reference: 05/18-9**

AGENDA ITEM:	10.2.2
SUBJECT:	2018/2019 DIFFERENTIAL RATING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.08
PREVIOUS REFERENCE:	NIL
DATE:	16 MAY 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2 (a)	Differential Rates Modelling and Rating Information		√
10.2.2 (b)	Objects and Reasons for Differential Rating		√
10.2.2 (c)	Public Notice Advertisement		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

General rates may be imposed uniformly or differentially; it is the rate in the dollar imposed that 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 that 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 (Attachment 3) 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 (Attachment 2).

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 if council wish to continue with this rating methodology for the 2018/2019 Annual Budget.

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 so that 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 for processing, will see a total overall 0.08% increase in valuation for the next financial year. Although at this point in time the data has not been processed for individual analysis generally broad hectare unimproved values have had little increase across the shire. To enable council to maintain a revenue base which provide its various facilities, services and infrastructure to electors, residents and property owners a differential rate is proposed for the UV Oakajee Industrial Estate Buffer Zone.

In accordance with the endorsed Long Term Financial and Corporate Business Plans commitment for a sustained 5% yearly rate increase the following rate in the dollar and minimum rates are proposed:

UV Oakajee Industrial Estate: This category includes any property zoned Oakajee Industrial Estate and Buffer within Town Planning Scheme No.1. A rate in the dollar of 2.1740 cents on Unimproved Values with a minimum of \$400 is proposed.

Note: This affects two (2) rateable assessments on unimproved valuations for 2017/2018 with proposed differential rates to be levied of \$193,856.

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 1.1108 cents on Unimproved Values with a minimum of \$400 is proposed.

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 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.

STATUTORY ENVIRONMENT

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.
- FMR 5 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

Nil

FINANCIAL IMPLICATIONS

Although a draft Annual Budget has not been compiled for council at this point, the rating principle of a 5% increase will provide the basis for presenting a balanced budget. A differential rate model, presented under separate cover (attachment 1); indicating an overall annual rate revenue increase from 2017/2018 of 5%, represents a compliant model in relation to the proposed differential rates levied and proposed minimum rates levied. Once these have been advertised, Council may impose a lesser percentage increase to the rate in the dollars advertised, with a subsequent explanation provided in the budget notes (and budget brochure for ratepayers) being sufficient for compliance.

- **Long Term Financial Plan (LTFP):**

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 attached differential rate model is consistent with the rating principles of the endorsed Long Term Financial Plan.

STRATEGIC IMPLICATIONS

- **Strategic Community Plan/Corporate Business Plan:**

With the introduction of the Integrated Planning and Reporting framework, the annual budget process should be reflective of, and be in accordance with, the endorsed Corporate Business Plan. The attached differential rate model reflects council's planned 5% rate revenue increase over the next ten years to achieve organisational and financial objectives.

Ref	Objective	Strategy	Action
5.2	Be accountable and transparent in managing resources	Long Term Financial Management	Review Long Term Financial Plan regularly and maintain integration with other Strategic Plans within the Shire
5.3	Make informed decisions within resources and areas of responsibility	Council and Shire process formally incorporate integrated plans as references for decision making	Reference Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Long Term Financial Plan and Workforce Plan regularly as part of decision making process

CONSULTATION

To comply with legislative provisions, it is intended to publish notification of the Intention to Levy Differential Rates in the local paper Monday 21st May 2018. It is a requirement to allow 21 days for ratepayers to make submissions and to then consider these, if any, prior to the 2018/2019 annual budget adoption.

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. This would be a Minor (2) rating with some temporary noncompliance

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR 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 2018/2019 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 2018/2019 Draft Annual Budget.

Rating Category	Valuation Basis	Adopted Rate in \$	Adopted Minimum Rate	Proposed Rate in \$	Proposed Minimum Rate	Percentage of Properties on Minimums
		2017/2018	2017/2018	2018/2019	2018/2019	
GRV	Gross Rental Value	7.4300	\$ 560	7.8015	\$ 600	37%
UV	Unimproved Value	1.0579	\$ 350	1.1108	\$ 400	4%
UV Oakajee Industrial Estate	Unimproved Value	2.0705	\$ 350	2.1740	\$ 400	0%

**Voting 7/0
CARRIED
Minute Reference: 05/18-10**

AGENDA ITEM:	10.2.3
SUBJECT:	2018/2019 PROPOSED FEES & CHARGES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306
PREVIOUS REFERENCE:	NIL
DATE:	16TH MAY 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3	2018-2019 Proposed Fees & Charges		√

DISCLOSURE OF INTEREST

Nil

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 2018/2019 Annual Budget the Proposed Schedule of Fees and Charges for 2018/2019 is attached for review and approval to list in the 2018/2019 Draft Budget.

COMMENT

A significant number of Council's fees and charges are set by legislation and as such have remained the same as last year, although these may alter after review by the State Government. These include fees and charges associated with Planning, Building and Health regulations. Once reviewed and Gazetted any revisions will be updated to council's fees and charges schedule.

Forecast end of year revenue to be generated from council's users and statutory fees and charges represents approximately 7% of total revenue for 2017/2018 (\$318,000).

To put this into perspective total actual revenue for 2016/2017 comprised of the following breakdown:

Revenue Base	Percentage of total revenue
Rates	52.47%
Operating grants, subsidies and contributions	37.89%
Fees and charges	8.15%
Interest earnings	1.16%
Other revenue	0.33%
Total Revenue	100.00%

Of the 8.15% actual revenue generated from the 2016/2017 Fees and Charges component, 36% is derived from domestic rubbish collection fee and 24% from Coronation Beach camping fees.

The proposed changes in the 2018/2019 Draft Fees & Charges listed in Attachment 1 have been based on partial cost recovery, benchmarking with similar local governments or appropriate percentage increases. The percentage increases being similar to either the Local Government Cost Index forecasting (1.8%) or known cost percentage increases from contractors.

STATUTORY ENVIRONMENT

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 IMPLICATIONS

Shire of Chapman Valley 2018/20109 Draft Budget

FINANCIAL IMPLICATIONS

Shire of Chapman Valley 2018/2019 Schedule of Fees and Charges.

• **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

• **Strategic Community Plan/Corporate Business Plan:**

All the proposed amendments are consistent with the Strategic Community Plan and Corporate Business Plan.

Ref	Objective	Strategy	Action
5.2	Be accountable and transparent in managing resources	Long Term Financial Management	Review Long Tern Financial Plan regularly and maintain integration with other Strategic Plans within the Shire
5.3	Make informed decisions within resources and areas of responsibility	Council and Shire process formally incorporate integrated plans as references for decision making	Reference Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Long Term Financial Plan and Workforce Plan regularly as part of decision making process

CONSULTATION

Input has been sought from all key members of staff; comparison made with other Shires in the reviewed Draft 2018/2019 Schedule of Fees & Charges.

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORTH

SECONDED: CR FORRESTER

The Fees and Charges as presented to Council are adopted and included into the 2016/2017 Budget in accordance with the requirements of the Local Government Act, 1995.

**Voting 7/0
CARRIED
Minute Reference: 05/18-11**

10.3

Chief Executive Officer

May 2018

Contents

10.3 AGENDA ITEMS

- 10.3.1 Annual Tenders – 2018/2019
- 10.3.2 Review of Delegations Register
- 10.3.3 Budget Variation – Office Renovations

AGENDA ITEM:	10.3.1
SUBJECT:	ANNUAL TENDERS – 2018/2019
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	408.01 TENDERS
PREVIOUS REFERENCE:	N/A
DATE:	16th MAY 2018
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to seek Council endorsement for the Chief Executive Officer to call for tenders for those items identified in the 2018/2019 Adopted Budget, which are required to go to tender in accordance with Section 3.57 of the *Local Government Act 1995*.

The Staff Recommendation below does not specifically identify each individual item, rather requests authorisation for the Chief Executive Officer to call tenders on an “as needs” basis in accordance with items identified in the Shire’s adopted 2018/2019 Budget.

Section 5.43(b) of the Local Government Act gives Council the ability to delegate the acceptance of tenders up to a specific amount determined by Council.

To expedite Council’s 2018/2019 roadwork’s program, it is necessary to resolve to call tenders for the acquisition of road building material as soon as possible.

COMMENT

It is a requirement under the Local Government Act and Regulations for Council to resolve to call tenders for the provision of goods and services, which will exceed the \$150,000 (GST Exclusive) threshold. Therefore, as a resolution is required from Council now for the Chief Executive Officer to call tenders for all road building materials I believe it is also appropriate to incorporate all other items, which may be more than the tender threshold amount of \$150,000 at the same time.

The Staff Recommendation below incorporates a resolution for Council to call tenders for all items identified in the 2018/2019 Adopted Budget at the most appropriate time during the financial year, rather than the situation of requiring a separate resolution of Council on each occasion.

STATUTORY ENVIRONMENT

Local Government Act, 1995
Local Government (Function & General) Regulations 1996

POLICY IMPLICATIONS

The following Policies will be taken into consideration when Tenders are called for and awarded by Council:

- *Corporate Policy CP-024 – Purchasing; and*
- *Corporate Policy CP-025 – Regional Price Preference Policy*

FINANCIAL IMPLICATIONS

All items, which require tenders to be called will be identified in the adopted 2018/2019 Budget.

The intent is to obtain the best price for expenditure identified in the adopted 2018/2019 Budget for tender and purchasing.

- **Long Term Financial Plan (LTFP):**

No effect of the LTFP.

STRATEGIC IMPLICATIONS

To obtain the best possible price for the tender prices for the acquisition of goods and services identified in the adopted 2018/2019 Budget.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

Not applicable

RISK ASSESSMENT

The procurement process can be a high-risk activity if procedures are not in place and adhered to. The tender legislation and Council’s Purchasing Policy provides a clear process staff are required to follow as part of the delegation afforded to them for procurement on the Shire’s behalf. In this instance the agenda item is simply ensuring compliance with legislation so the risk is considered *insignificant* i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR FORRESTER

- 1 Council authorise the Chief Executive Officer to call tenders for all items within the adopted 2018/2019 Budget, which require tenders to be called in accordance with legislation.
- 2 Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted 2018/2019 Budget for the road works program.
- 3 All other tenders are to be brought back to Council for resolution on successful tender.

**Voting 7/0
CARRIED
Minute Reference: 05/18-12**

AGENDA ITEM:	10.3.2
SUBJECT:	REVIEW OF DELEGATION REGISTER
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.03
PREVIOUS REFERENCE:	MINUTE REFERENCES: 05/17-11
DATE:	16th MAY 2017
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2	Current Delegation Register – Reviewed May 2017		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this Agenda Item is to allow Council to review the current Delegations Register for delegations given to the Chief Executive Officer as required by the Local Government Act 1995:

s5.46 - *‘Register of, and records relevant to, delegations to CEO’s and employees’:*

s5.46(2) - *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.’*

The Shire of Chapman Valley has the following power under the Local Government Act 1995:

5.42. *Delegation of some powers and duties to CEO*

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

The Act also allows the Chief Executive Officer to delegate any of his/her powers to any employee; such sub-delegation must be done in writing. The Chief Executive Officer is permitted under the Act to place conditions on any sub-delegation passed onto another employee.

Council last reviewed the delegations register at the May 2017 OCM i.e.

“MOVED: CR HUMPHREY SECONDED: CR FARRELL

That Council endorses the Delegations Register as presented with the following change:

- *Remove acronym FAM and replace with DCEO page 9 and “Manager of Finance & Corporate Services” with “Deputy Chief Executive Officer - Delegation 2003 (Page 43)*
- *Remove blank pages in document (pages 28 & 29) and renumber pages accordingly.”*

COMMENT

The Chief Executive Officer and staff have reviewed the current Delegations Register (copy provided under separate cover) and have not recommended any changes.

STATUTORY IMPLICATIONS / REQUIREMENTS

Local Government Act 1995 – Section 5.42, 5.43, 5.44, 5.45 and 5.46.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No Impact

- **Long Term Financial Plan (LTFP):**

No Impact

STRATEGIC IMPLICATIONS

It is essential for the smooth operations of the organisation to have appropriate delegation provided to the Chief Executive Officer. Such delegation need to be reviewed at least annually in accordance with legislation.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

The legislative process to review the Delegation Register requires discussion and consultation at a Council and Staff level only, which is the basis of this Agenda Item.

RISK ASSESSMENT

It is important the Delegations Register is relevant and regularly reviewed to ensure efficiencies are in place for the operations of the organisation. There is a risk of the *day to day* operations being slowed and cumbersome if delegations are not in place and minor operational activities are continually taken back to Council for determination. With the current delegations I believe the risk is **insignificant** in this instance i.e.

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

VOTING REQUIREMENTS

Absolute Majority – If Changes made i.e.

Section 5.46 (2) states Council must review the Delegation Register annually, however, if no amendments are made to the existing register a simple majority may accept it without amendment. Section 5.42 (1) states that any decision to amend or revoke a delegation by a Local Government is to be by an Absolute Majority.

Simple Majority – If no changes made to existing register

COUNCIL RESOLUTION / STAFF RECOMMENDATION (Simple Majority Required)

MOVED: CR FORTH

SECONDED: CR BATTEN

Council endorse the Delegations Register as presented without change.

**Voting 7/0
CARRIED
Minute Reference: 05/18-13**

AGENDA ITEM:	10.3.3
SUBJECT:	BUDGET VARIATION - OFFICE RENOVATIONS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OFFICE RENOVATIONS
FILE REFERENCE:	104.01
PREVIOUS REFERENCE:	MINUTE REFERENCE:02/18-23
DATE:	16th MAY 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the February 2018 OCM:

"MOVED: CR FORTH

SECONDED: CR FORRESTER

That Council:

- 1 *Award Tender 6-17/18 to PS Chester & Son for the construction of the Shire office extension, inclusive of re-roofing additional amount/works, (subject to more detailed investigation with the preferred tenderer on the quantum of works and costs associated with re-roofing the building).*
- 2 *Arrange for a contract to be prepared detailing the required construction works, project management and timeframes.*
- 3 *Amend the 2017/2018 budget to increase the allocation in Account 0355 (Transfer from Building Reserve) from \$250,000 to \$300,000 and the corresponding allocation in Expenditure Account 0564 (Building Improvements – Shire Office Extension).*
- 4 *Council use internal and contract project management services throughout the building stage of the project and external contract costs be derived from surplus funds available from Expenditure Account 0564 (Building Improvements – Shire Office Extension).*

Voting 6/0

CARRIED

Minute Reference:02/18-23"

COMMENT

As explained in an email to all Elected Members on the 23rd April 2018, we have come across a number of issues with the Office Renovations Project i.e.

1. Electrical Wiring – This has been ruled as non-compliant. The old imperial wiring in place would have been compliant in the 60's when built. However, is not compliant now. There is also the problem with the wire coating being perished and brittle.
2. Water Pipes – The water pipes are currently placed in the floor slab. Again, this is how it was done in the 60's. These pipes are corroded and may leak in time. Therefore, it is suggested we relocate these pipes and remove them from the floor area entirely. Otherwise we run the risk of having to go back to repair these after the renovations have been completed.

3. Leach Drains – The EHO has stated PVC leach drains in the specification, which are compliant. However; the plumber has indicated this type of leach drain does experience difficulties in the clay type of soil we have around the office. The Plumber has recommended we change concrete leach drain, which are more trafficable and would work better in our situation.
4. Rainwater Tap & Plumbing (Kitchen) – There is an existing rain water tap in the kitchen, which is linked to the tank in the depot. This tap was not included in the specifications to be replaced (an oversight).

The total budget for the Shire Office Renovation Project is \$300,000 of which we have already committed \$294,430 before any of the above items are included.

If we include all the items above, which I have recommended we do (and has been endorsed by Elected Members *out-of-session* by return emails) the expenditure will exceed the budget i.e.

Original Budget	\$300,000
Committed Expenditure	\$294,430
Balance	\$5,570
Variations	
1 – Electrical Wiring	\$5,810
2 – Water Pipes	\$2,035
3 – Leach Drains	\$953
4 – Rainwater Tap & Plumbing	\$1,008
Variations Total	\$9,806
Amount Over Budget	\$4,236

The Elected Members *out-of-session* responses endorsed Council allocated an additional \$10,000 (i.e. Project Budget increased to \$310,000) from the Building Reserve to accommodate the abovementioned variations.

These variations have been given approval based upon the Elected Members *out-of-session* approval and it is now necessary to formalise this approval at today's meeting.

STATUTORY ENVIRONMENT

Below are the sections of Local Government Act 1995 and LG (Administration) Regulations ,1996 pertaining to elected members payments and allowances:

Local Government Act, 1995 - Division 8 — Local government payments and gifts to its members

[Heading inserted by No. 17 of 2009 s. 32.]

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

- (1) A council member who attends a council or committee meeting is entitled to be paid —
 - (a) the fee determined for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.
- (2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid —
 - (a) the fee determined for attending a meeting of that type; or
 - (b) where the local government has set a fee within the range determined for meetings of that type, that fee.
- (2) A council member who incurs an expense of a kind prescribed as being an expense —
 - (a) to be reimbursed by all local governments; or

- (b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,
- is entitled to be reimbursed for the expense in accordance with subsection (3).
- (3) A council member to whom subsection (2) applies is to be reimbursed for the expense —
 - (a) where the extent of reimbursement for the expense has been determined, to that extent; or
 - (b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.
 - (4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.
 - (5) The mayor or president of a local government is entitled, in addition to any entitlement that he or she has under subsection (1) or (2), to be paid —
 - (a) the annual local government allowance determined for mayors or presidents; or
 - (b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.
 - (6) A local government cannot —
 - (a) make any payment to; or
 - (b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.

- (7) A reference in this section to a **committee meeting** is a reference to a meeting of a committee comprising —
 - (a) council members only; or
 - (b) council members and employees.

[Section 5.98 amended by No. 64 of 1998 s. 36; No. 17 of 2009 s. 33; No. 2 of 2012 s. 14.]

LG (Administration) Regulations, 1996 - Clause 31.

Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

[(2)-(5)deleted] [Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and

- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No significant financial implications as funds are already budgeted to this account

- **Long Term Financial Plan (LTFP):**

Nil effect on the LTFP

STRATEGIC IMPLICATIONS

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
4.1	Develop, manage and maintain built infrastructure	Asset Management Plan	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire

CONSULTATION

Consultation and discussions have been held with:

- Elected Members;
- Building Contractors;
- Contract Architect;
- Electrical Engineer Consultant;
- Plumbing Sub Contractor
- Relevant Shire Senior Staff

RISK ASSESSMENT

It is felt if the additional works identified are not undertaken at the time the Office renovations are being done the cost to do these later will be far more significant. Therefore, the risk is considered **moderate** in this instance.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR FORRESTER

1. Council endorse the 2017/2018 budget variation expenditure to cover costs for additional renovations works to the Shire Offices/Chambers by increasing the total budget by \$10,000 (i.e. total project costs increased to \$310,000); and
2. The additional \$10,000 be derived from the Shire Building Reserve.

**Voting 7/0
CARRIED
Minute Reference: 05/18-14**

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Maluish withdraw this item.

AGENDA ITEM:	11.1
SUBJECT:	FACILITIES HIRE FEE EXEMPTIONS
PROPONENT:	CR IAN MALUISH
SITE:	YUNA MULTIPURPOSE COMMUNITY CENTRE (YMCC); BILL HEMSLEY PARK COMMUNITY CENTRE (BHPCC)& NABAWA COMMUNITY CENTRE (NCC)
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	NIL
DATE:	16 MAY 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
11.1(a)	Creating A Better Yuna (CABY) Correspondence	√	
11.1(b)	Parkfalls Residents Assoc. (PRA) Correspondence	√	

DISCLOSURE OF INTEREST

Cr Ian Maluish – Impartiality Interest being a Member of the PRA

BACKGROUND

An email has been received from Councillor Maluish accompanied by supporting correspondence from both CABY & PRA (see **Attachments 11.1 and 11.2**) seeking Council consideration to exempt specific uses of the following Shire owned/controlled buildings:

- Bill Hemsley Park Community Centre (BHPCC);
- Nabawa Community Centre (NCC); and
- Yuna Multipurpose Community Centre (YMCC)

COMMENT

Cr Ian Maluish

These three community centres have been paid for and maintained either directly, in-kind voluntary work and donations or through rates by members of the community and therefore should not be subject to any fees for uses that promote the needs of the community. The community needs to be encouraged to utilise these facilities.

Events that should be exempt include, but are not limited to, those that are involved in health and wellbeing, education, social and emotional development, child care and development, fitness, community support, socialisation and events that promote addressing isolation and community issues by bringing the community together.

There has been a change in the roles of local governments over recent years to focus more on 'building communities' as this is recognised as a preventative strategy in the occurrence of social issues that have negative effects on the community.

The minimal revenue loss that would occur is far out-weighted by the benefits to the community. My reason for this motion follows recent correspondence between Kim Batten and the CEO in regard to the recent unfortunate incident involving a Yuna resident.

Quote from Kim Batten "...I guess this shows the need for what I have in the past been pushing for, in terms of access to our facilities for things such as Yoga, Bootcamp and monthly catch up's for no other reason than to get

out and talk, keep fit and mentally healthy. In a small community it is sometimes distractive to hold such things if a usage fee is put on those who are willing to offer their time...

Response for the CEO *"...I would have hoped the usage fees for Shire facilities are not a deterrent for community access to these facilities. If this is the feeling amongst the community then it is something we need to discuss..."*

Being involved in the negotiations for a Management License for the Bill Hemsley Park Community Centre has also highlighted the feeling in the community that 'why should they have to pay to use a facility when they are working for the community and not for their own financial benefit.'

See attached supporting letters from CABY and the PRA.

CEO

It has always been a vexed question on what charge(s) the Shire should impose for Shire owned/controlled buildings and facilities. The charges have basically been focussed on covering some of the operating costs of the buildings (e.g. utilities, insurance, cleaning, maintenance, etc) and not to make a profit. When analysed Council usually make a loss on the facilities involved in the CABY & PRA's request, which isn't unusual in local government as these are facilities established for the community use, not to gain excessive revenue from.

The adverse aspects of providing these facilities free of charge as is being requested are as follows:

1. The wording *"...whose event is for the benefit of the general community, shall not pay any hire fee or bond..."* is open to interpretation and therefore subject to challenge;
2. This follows on from the above point with the wording *"...Hirer's eligibility for concession to be determined by the CEO Shire of Chapman Valley..."* also being subject to interpretation and the discretion of the CEO at the time and precedents creating a situation where the CEO may be placed in an awkward situation;
3. If no fee or an adequate bond is charged this could create a circumstance of a lack of respect for the facilities and the buildings could be left in poor condition after use by the exempted organisations. With no adequate bond being available to the Shire to repair, clean replace, etc. to bring the building back to a satisfactory state could also be a problem.
4. Council has recently removed the exemption once in place for the Education Department for the use of shire facilities. The exemptions being recommended reinstates this as it could easily be argued the Education Department's use of Shire facilities mentioned would be *"...for the benefit of the general community..."* and *"education"* is listed as part of Cr Maluish's examples on exempt events.
5. The Financial Regulation require a local government to list organisations offered an exemption from fees & charges and the reason(s) why the exemptions are given as a Note to the Annual Report. Therefore, a record will need to be kept of every organisation afforded an exemption and why. Therefore, a general exemption to anyone would make this difficult to report on. I would suggest an exemption offered would have to be only offered to a particular group/organisation for a specific purpose(s).
6. Further to Cr Maluish's comments accompanying the Elected Members motion, I have concerns with the wording i.e.

"Events that should be exempt include, but are not limited to, those that are involved in health and wellbeing, education, social and emotional development, child care and development, fitness, community support, socialisation and events that promote addressing isolation and community issues by bringing the community together."

This could basically cover everything as I am sure anyone could argue their event or function would fit one or more of these suggested reasons. In addition, the *"..social.."* aspect would basically cover every function.

I attempted to negotiate a position with both CABY and the PRA for them to take on more of the operational requirements of the YMCC & BHPCC (e.g. cleaning, basic maintenance, etc.) without success. I believe if Council wishes to go down the path of fee & charge exemptions for specific groups/organisations then these

groups/organisations should become affiliated under the one Management Licence and be required to undertake specific cleaning and/or maintenance works on behalf of the Shire at these facilities. The Shire could then off-set the payment fee & charge for the use of the facility by the affiliated groups/organisations in lieu of services provided (e.g. cleaning).

The PRA's response to this suggestion was they are not a big enough organisation in numbers at this stage to accommodate such an arrangement. However, the PRA is also keen to expand their affiliation with other groups and organisations over the next five years. Therefore, as this affiliation grows then so should the member numbers and their ability to undertake specific cleaning & maintenance works.

When this concept was discussed with CABY at the time the YMCC Management Licence was being established the suggestion by CABY was they wanted control of the Cleaner employed by the Shire as they did not want to be involved in staff employment (which is understandable) yet still wanted control over this person. This situation would be untenable as a Shire employee must be line-managed by the Shire Staff, not an external organisation.

The other issue with the CABY/YMCC cleaning proposal was the hourly rate the Shire paid in accordance with the Local Government Industries Australia Award for a Cleaner. No one in the Yuna area was keen to take on the cleaning task at the pay rate being offered in accordance with the Award.

Based on the CABY/YMCC experience I would suggest Council not employ anyone to undertake the cleaning requirements of their facilities (i.e. YMCC, BHPCC), rather this task be linked to the Management Licence and the exemption of fees & charges for specific, affiliated groups/organisations linked to a facility/building. This puts the onus of the building being cleaned back onto the predominant users of the buildings. This also gives some ownership and responsibility back to community in these areas in lieu of fees & charges being made exempt by Council. This concept should also alleviate the ongoing complaints of building not being cleaned to a standard required by some and the Shire being criticised for the cleanliness of these facilities.

The Shire could retain a contract management role on the cleaning requirements of the specific buildings, which would be linked to the Management Licences.

I do understand the genuine need to ensure Shire controlled community buildings and facilities need to be made available and affordable to the community. However; I believe rather than providing exemptions, as being recommended, this matter should be investigated and negotiated further with the groups Council has a current Management Licence with (i.e. CABY) or is in the process of being established (i.e. PRA) and this be brought back to Council at a later date for consideration.

STATUTORY ENVIRONMENT

The lease or licence of Reserves under the control of a local government authority is considered a disposition of property and subject to various legislative requirements, one being Ministerial approval, which is sought once Council and the Licensee have reached an agreed position.

The Local Government Act, 1995, also stipulates conditions associated with waivers or concessions i.e.

"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; or*
 - (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

Council's Management Licences become legally binding and either refer to Policy/Procedures or replace them; however, these Licences can be varied. Again, variations are subject to Ministerial approval.

FINANCIAL IMPLICATIONS

As previously mentioned, Council does not set fees & charges to recover costs or to make a profit on buildings and facilities such as the YMCC, BHPCC and NCC. The fees & charges are basically to help recover some of the operating costs for usage and to hopefully instill some respect and responsibility by those using the facilities.

This is clearly recognised in the figures below for the NCC and YMCC in past couple of years (obviously there are no figure yet for the BHPCC) i.e.

Revenue raised from Community Centre Hire	2016-2018
Hire of Nabawa Community Centre	1,091.37
Hire of Yuna Multipurpose Community Centre	3,991.58
	\$ 5,082.95

Expenditure for Community Centre	2016-2018
Nabawa Community Centre	74,106.29
Yuna Multipurpose Community Centre	17,968.83
	\$ 92,075.12

- **Long Term Financial Plan (LTFP):**

Nil affect.

STRATEGIC IMPLICATIONS

Establishing community buildings and facilities is an integral aspect and purpose of a local government and I fully concur with the comments made by Cr Maluish i.e.

- ~ *“The community needs to be encouraged to utilise these facilities.”*
- ~ *“The minimal revenue loss that would occur is far out-weighed by the benefits to the community.”*

However; it is also important to instill a sense of responsibility and ownership of shire owned/controlled facilities when being used by community groups. Hence the concept of fee & charge exemption being linked to tasked associated with cleaning and/or maintenance of these facilities.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required
		Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises.

CONSULTATION

Establishment of existing and proposed Management Licences for Shire owned/controlled buildings has resulted in significant consultation and dialogue between shire staff and the licensees. It is at this stage the establishment of fee and charges and the roles and responsibilities for the specific facility are discussed.

Each Management License has its unique aspects and are tailored to suit individual situations, yet consistency and fairness is always linked to each situation and compared to other buildings/facilities.

Note: The Draft Management License for the BHPCC is also listed for discussion at the May 2018 OCM (see DCEO’s Report) and there is the possibility of a conflict between both these items, specifically if the cleaning/maintenance responsibilities are to be considered a requirement for fee & charge exemptions.

RISK ASSESSMENT

The risk associated with loss of revenue is **minor**, yet the risk associated with fee or charge exemptions being offered and inadequate bonds being linked to the use of Shire owned facilities/buildings could be higher, though a significant concern.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

VOTING REQUIREMENTS

Absolute Majority.

ELECTED MEMBERS RECOMMENDATION

That:

- 1 A Hirer of the Yuna Multipurpose Community Centre or Nabawa Community Centre or Bill Hemsley Park Community Centre, whose event is for the benefit of the general community, shall not pay any hire fee or bond.
- 2 Hirer’s eligibility for concession to be determined by the CEO Shire of Chapman Valley.
- 3 Hirer to sign a guarantee of \$200 in lieu of bond.

ITEM WITHDRAWN



Creating a Better Yuna Inc. (CABY)

ABN: 31 452 366 372

cabymail@gmail.com

Sec: 0429 108 936

7 May 2018

Shire of Chapman Valley
Chapman Valley Road, Nabawa, WA, 6532
ceo@chapmanvalley.wa.gov.au

Dear Maurice

RE: Proposed Updates to Management Licence for the Yuna Community Centre

On behalf of Creating a Better Yuna Inc. (CABY) I am writing to request a couple of updates to the Management Licence of the Yuna Community Centre.

As the Park Falls Centre is about to be opened, Councillor Ian Maluish has contacted and been liaising with CABY President, Kim Batten, to ensure the management agreements of both buildings are fairly aligned.

We propose the following updates:

1. **CLEANING:** A cleaner to be contracted to clean the Yuna Community Centre once per month, unless an outside booking is made, in which the building should be cleaned after the event. Cleaning duties need to be clearly defined to ensure it is not just a sweep and mop, but more a window clean, spider web removal, bathrooms, etc. This has been missing in the past.
 - a. *Reasoning:* Other than a general sweep up, CABY does not think we should expect for an outside hirer (eg CBH) to clean the toilets after a grower meeting.

2. **HIRE FEES FOR COMMUNITY SERVICES:** Anyone providing a service to the community (eg bootcamp, yoga, etc) should be exempt from charges to use the building. This could be done simply by having the host endorsed by CABY and the venue hire then being processed as a CABY booking.
 - a. *Reasoning:* CABY believes it is very important to use the facilities as much as possible for community health and wellbeing.

In alignment with this proposal, CABY supports Cr Maluish’s motion for the upcoming May Council Meeting: *‘A Hirer of the Yuna Multipurpose Community Centre or Nabawa Community Centre or Bill Hemsley Park Community Centre, whose event is for the benefit of the general community, shall not pay any hire fee or bond’.*

CABY looks forward to hearing the outcome of this matter from the May meeting. In the meantime, feel free to contact either myself or CABY President Kim Batten (0427 311 067) with any queries.

Kind regards

Erin Green

Creating a Better Yuna Inc.
Secretary

PARKEALLS RESIDENTS ASSOCIATION INC.



EMAIL: PARKFALLSRESIDENTS@GMAIL.COM
Facebook: <https://www.facebook.com/groups/parkfallsresidentsassociation/>
Phone: Linda Saunders- President: 0417 949062

Maurice Battilana
CEO
Shire of Chapman Valley

Re: Notice of Motion by Councillor Maluish

Dear Maurice,

At a recent Parkfalls Residents Association committee meeting we were presented with an intended Notice of Motion that Cr. Maluish wishes to present to the Council.

We have held extensive consultation with the community during the process of negotiating for a management licence for the Bill Hemsley Community Centre. This motion addresses concerns residents have expressed during this period, many showing surprise that a voluntary association that organises and operates community projects for non-profit, would be required to pay for the use of a Shire owned centre.

We have commenced a time of establishing community unity and promoting new groups. This will be initially time consuming and need financing. We believe this can only be achieved through the use of this facility at no cost for groups that aim to meet a need in the community.

The PRA fully supports this Notice of Motion.

Yours sincerely

Linda Saunders

President
Parkfalls Residents Association.

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

12.1 Late Item – Conduct of Ward & Representation Reviews

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That this item be dealt with at this meeting

**Voting 7/0
CARRIED
Minute Reference 05/18-15**

LATE AGENDA ITEM:	12.1
SUBJECT:	CONDUCT OF WARD & REPRESENTATION REVIEWS
PROPONENT:	LOCAL GOVERNMENT ADVISORY BOARD (LGAB)
SITE:	WHOLE OF LOCAL GOVERNMENT SECTOR
FILE REFERENCE:	404.05
PREVIOUS REFERENCE:	NIL
DATE:	16th MAY 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
12.1(a)	WALGA Info Page	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence has been received from the Western Australian Local Government Association (WALGA) advising the LGAB is considering operational changes to the current practice of directing the carrying out of a review of Councillor to Elector ratios by way of a review of wards and representation (see **Attachment 12.1(a)**).

WALGA is seeking feedback on the LGAB review by the 14th June 2018. As this closure date for comments occurs after the June 2018 OCM it was necessary to put this to Council as a late agenda item at the May 2018 OCM.

It is always disappointing when such important issues are given limited response times. In this instance the email from WALGA was received on the 14th May 2018, after the May 2018 Agenda has been finalised and distributed, with the response deadline being set for the 14th June 2018.

COMMENT

Rural and regional local government authorities (LGAs) have grappled with the LGAB’s position of +/-10% ratio of Councillor to Elector since this direction was given some decades ago. At the time there was a strong LG industry opposition to the LGAB ratio; however, this was not listened to by the State Government at the time as it fell into the “one vote – one value” principle being advocated at the time.

The +/-10% Councillor to Elector ratio was strongly adhered to as a major principle upon which the LGAB based its decisions on approving/rejecting LGAs ward boundary representation reviews since this was established. What occurred in many LGAs was the moving around of ward boundaries to fit into the +/-10% ratio. This was the case

in the Shire of Chapman Valley until Council resolved to move away from Ward, which came into effect for the 2017 Ordinary Elections.

One of the arguments presented regarding the inequity of the +/-10% Councillor to Elector ratio is the imbalance of the amount of Rate Revenue derived from specific areas of the local government district. This was evident in the Shire of Chapman Valley where approximately 82% of Rate Revenue is derived from the Unimproved Valuation rural properties compared to approximately 18% from Gross Rental Valuation townsite & peri-urban properties.

It must be understood LGA revenue does not come from Rates alone. The Commonwealth Government General Purpose Financial Assistant Grants (FAGS) are based on a significant number of aspects & formulas; however, population is a strong component in the calculation. It could be argued this is over represented by the +/-10% Councillor to Elector ratio.

I personally believe the LGAB should not use the +/-10% Councillor to Elector ratio as the predominant component of determining ward representation as they have in the past and the determination should also take into consideration where the LGA derives its Rate Revenue from (i.e. UV, GRV, Urban Peri-Urban, etc.).

STATUTORY ENVIRONMENT

Local Government Act 1995 Schedule 2.2.

When considering changes to wards and representation, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. Community of interest;
2. Physical and topographic features;
3. Demographic trends;
4. Economic factors; and
5. Ratio of Councillors to Electors in the various wards.

The Local Government Advisory Board offers the following interpretation of these factors.

1. Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. Physical and topographic features

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.

3. Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

4. Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

Options to consider

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

- Option 1 Maintain the Current Ward Boundaries & Adjust Councillor Numbers to bring ratios in line with the required +/-10% level.
- Option 2 Maintain the Ward System & Adjust Boundaries to bring ratios in line with the required +/-10% level.
- Option 3 Abolish Wards – Maintain or Reduce Councillors

NB: Notwithstanding the above options, Council may consider other options including but not limited to creating/adding wards, modifying existing ward boundaries.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

- **Long Term Financial Plan (LTFP):**

No effect.

STRATEGIC IMPLICATIONS

Council has already resolved to abolish the Ward system, which came into effect at the 2017 Ordinary Council Elections.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

As mentioned in the *Background* section of this report, WALGA is seeking LGA feedback by the 14th May 2018 as part of the consultation process being undertaken by the LGAB on the issue ward representation reviews.

RISK ASSESSMENT

Insignificant i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

Council provide the following comment regarding the Local Government Advisory Board's (LGAB) into current practices for carrying out a review of Councillors to Electors ratios when undertaking a review of wards and representation:

- The LGAB should not use the +/-10% Councillor to Elector ratio as the predominant component of determining ward representation as they have in the past and the determination should also take into consideration where the local government derives its Rate Revenue from (i.e. UV, GRV, Urban Peri-Urban, etc.).

**Voting 7/0
CARRIED
Minute Reference: 05/18-16**

INFOPAGE

**To: All Local Governments
(particularly with a ward system
of representation)**

**From: Tony Brown
Executive Manager Governance &
Organisational Services**

Date: 11 May 2018

Priority: High



**Subject: CONDUCT OF WARD AND REPRESENTATION REVIEWS - LGAB
CHANGE IN PROCEDURE**

IN BRIEF:

Operational Area:	Governance
Key Issues:	<ul style="list-style-type: none"> The Local Government Advisory Board is considering operational changes to the current practice of directing the carrying out of a review of Councillor to Elector ratios by way of a review of wards and representation. WALGA is seeking feedback from member Local Governments, particularly those with a ward system of representation, to assist in our response to the proposal.
Action:	Feedback requested by Friday 14 June 2018

The Local Government Advisory Board (the Board) has approached WALGA to seek sector comment on a proposed change in procedure.

Background

Clause 6(1) of Schedule 2.2 of the *Local Government Act* requires Local Governments that have wards, to carry out a review of ward boundaries and Councillor number every eight years.

Clause 6(3) allows the Board to direct a Local Government to conduct a review at any time. Currently, the Board staff undertake an operational analysis of ward and representation ratios following each Local Government election. As a consequence of identifying ratios are plus or minus 10%, the Board will then require a ward and representation review to be conducted.

Proposal

The Board considers it would be more efficient to cease post-election analysis and any subsequent direction to Local Government. It would then be up to each Local Government to advise the Board on occasions when the ratio is identified as exceeding plus or minus 10%. The Board will then determine information provided to it and assess whether a review should be undertaken.

This shift in procedure is regarded as creating opportunity for Local Governments to be more accountable by recognising they are best placed to analyse local circumstances that may in turn impact on wards and representation. No legislative amendment is required to effect the proposed change in the Board's practice.

The opportunity for comment is open and you are requested to provide any comment by **Friday 14 June 2018** to James McGovern, Manager Governance on 9213 2093 or jmcgovern@walga.asn.au

For further information please contact:
Executive Manager Governance & Organisational
Services, Tony Brown on 9213 2051 or email
tbrown@walga.asn.au.

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12.2 LATE ITEM - WALGA - WASTE LEVY DISCUSSION PAPER

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR BATTEN

That this item be dealt with at this meeting.

**Voting 7/0
CARRIED
Minute Reference 05/18-17**

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR FORRESTER

Council endorse comments to WALGA made by the CEO in the email dated 15/05/2018 regarding the WALGA Waste Levy discussion paper i.e.

- 1. It is unacceptable for the WARR Levy funds to be used as stated in the Paper, as quoted:
 - ~ "...Overwhelmingly expenditure was directed towards the activities of the Department..";
 - ~ "...The Levy has been effective at raising funds, but as noted, a large proportion of these funds have either gone to consolidated revenue or remain unspent.."
 - ~ "Currently 75% of the Levy is directed to State Government general revenue. 25% of Levy funds are directed to the WARR Account.."

WALGA must continue to strongly lobby for the funds derived from the levy to be allocated to waste minimisation and not as an indirect tax by the State Government with a majority of these funds going into consolidated revenue;

- 2. The proposal to extend the application of the Levy to waste generated in non-metropolitan areas is a serious concern to small regional local government authorities, specifically those adjacent to a Regional Centre (e.g. Geraldton). The regional waste collection service established by a number of small LGAs adjacent to the City of Geraldton was implemented to reduce costs. If the Levy is to be imposed on the City of Geraldton's Meru refuse site (assuming it currently isn't imposed) then Council is sure this cost will be passed onto the small LGAs who transfer waste to this site, rather than using the existing refuse site within their districts. This additional cost will be yet another imposition on rural and remote local government authorities. This needs to be carefully considered and the full ramifications identified and analysed before WALGA take a position on the extension of where the Levy should be applied is made;
- 3. Council has concerns with a comment in the Paper where it states, "*The Levy needs to be supported by a comprehensive regulatory regime for both licenced premises and other sites.*". does the intention of this comment mean transfer stations will now be considered as an operational activity upon which the Levy will be imposed?

**Voting 7/0
CARRIED
Minute Reference 05/18-18**

13.0 DELEGATES REPORTS

Nil

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

15.1 Manager Works & Services Contract

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

Council close the meeting to members of the public to discuss Agenda Item 15.1 in accordance with the Local Government Act 1995 Section 5.23(2)(a) as it is considered a matter affecting an employee

**Voting 7/0
CARRIED**

Minute Reference: 05/18-19

Mr Davies, Mr Lancaster, Mrs McKay and Mrs Raymond left Chambers at 11.17am.

AGENDA ITEM:	15.1
SUBJECT:	CONTRACT OF EMPLOYMENT RENEWAL – ESKY KELLY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	908.102
PREVIOUS REFERENCE:	MINUTE REF: 9/13-14 & 07/14-6
DATE:	16th MAY 2018
AUTHOR:	MAURICE BATTILANA

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR ROYCE

Council endorse the Contract of Employment renewal for Esky Kelly to the position of Manager Works & Services for the Shire of Chapman Valley for the period of five years commencing on the 21st October 2018 in accordance with section 5.37 and 5.39 of the *Local Government Act 1995* superseding previous contract(s).

**Voting 7/0
CARRIED**

Minute Reference: 05/18-20

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FORTH

That the meeting be re-opened to the public at 11.28am.

**Voting 7/0
CARRIED**

Minute Reference: 05/18-21

16.0 CLOSURE

The President thanked the Elected Members and Staff for their attendance and closed the meeting at 11.28am.