



SHIRE OF
Chapman Valley
love the rural life!

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 21 November 2018
at the Council Chambers, Nabawa
commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

NOVEMBER 2018

Shire's Vision

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

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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6.0 DISCLOSURE OF INTEREST

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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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The President, Cr Farrell welcomed Elected Members and Staff and declared the meeting open at 9.00am.

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 Kirrilee Warr (Deputy President)
Cr Nicole Batten
Cr Pauline Forrester
Cr Peter Humphrey
Cr Ian Maluish
Cr Trevor Royce

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	
Terri Shortland	Item 10.1.3

3.2 Apologies

Name

3.3 Previously Approved Leave of Absence

Name
Cr Forth – November 2018 Council Meeting

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions On Notice

Nil

4.2 Public Question Time

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.2	Cr Ian Maluish	Impartiality	Member of the Parkfalls Residents Association

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 BATTEN

SECONDED: CR HUMPHREY

8.1 Ordinary Meeting of Council held on Wednesday 17 October 2018

That the minutes of the Ordinary Meeting of Council held Wednesday 17 October 2018 be confirmed as a true and accurate.

Voting 7/0

CARRIED

Minute Reference: 11/18-1

9.0 ITEMS TO BE DEALT WITH EN BLOC

Nil

10.0 OFFICERS REPORTS

10.1

Manager of Planning

November 2018

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10.1.1 Proposed Outbuilding 25 (Lot 50) Green Drive, Nabawa

10.1.2 Bill Hemsley Park

10.1.3 Shire of Chapman Valley Local Planning Scheme No.3

10.1.4 Geraldton Alternative Settlement Agreement

AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED OUTBUILDING, NABAWA
PROPONENT:	AUSSIE SHEDS FOR N EDWARDS
SITE:	25 (LOT 50) GREEN DRIVE, NABAWA
FILE REFERENCE:	A1665
PREVIOUS REFERENCE:	N/A
DATE:	13 NOVEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Outbuilding Plans - 25 (Lot 50) Green Drive, Nabawa	√	
10.1.1(b)	R-Code Outbuildings Explanatory Guidelines	√	
10.1.1(c)	Received Submissions		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to construct an outbuilding upon 25 (Lot 50) Green Drive, Nabawa prior to a residence. The application has been advertised for public comment and is now presented to Council for its consideration. This report recommends refusal of the application. An alternative recommendation is provided, at the conclusion of the consultation section (immediately prior to the Staff Recommendation) in the event that Council consider that the application should be given conditional approval.

Figure 10.1.1(a) – Location Plan of 25 (Lot 50) Green Drive, Nabawa



COMMENT

25 (Lot 50) Green Drive, Nabawa is a vacant 1,620m² property that slopes down from the 160m contour at the front eastern corner of the property to the 115m contour at the rear western corner. The property is on the western side of Green Drive and backs onto a tributary line that runs across privately owned land to the rear of Lot 50.

Council's Outbuildings Local Planning Policy requires that outbuildings within the Residential zone should not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab.

Figure 10.1.1(b) – Aerial photograph of 25 (Lot 50) Green Drive, Nabawa



The applicant is proposing to construct a 12m x 6.08m (72.96m²) outbuilding with a wall height of 2.4m and a total roof height of 2.991m upon their vacant property. The proposed outbuilding would have classic cream colorbond wall and roof cladding and be sited 24.6m from the front boundary, 25.2m from the rear boundary and 7m from the closest (southern) side boundary.

As the application is seeking a variation to the Outbuilding Local Planning Policy requirements it is unable to be determined by Shire staff under delegated authority and is required to be placed before Council for its determination.

A copy of the applicant's supporting correspondence and submitted site, floor and elevation plans have been included as **Attachment 10.1.1(a)** to this report.

Figure 10.1.1(c) – View of Lot 50 looking south from Green Drive



Figure 10.1.1(d) – View of Lot 50 looking north-west from Green Drive



Council's Outbuildings Local Planning Policy maintains a presumption against sheds being constructed prior to residences upon residential zoned properties. In the formulation of the policy it was considered that the purpose of a shed in a residential area is to be incidental/ancillary to a main residence. In previous instances sheds upon vacant lots have become used for either habitation or commercial purposes leading to amenity issues with the surrounding area.

STATUTORY ENVIRONMENT

25 (Lot 50) Green Drive, Nabawa is zoned 'Residential R10' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Part 2 of the Scheme allows for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area. This application has been brought before Council for its consideration as it exceeds the delegated authority of Shire staff in relation to the Outbuilding Local Planning Policy.

Section 1.6 of the Scheme lists the following relevant aims of the Scheme:

- "(a) Provide for a variety of lifestyle opportunities."*
- "(d) Protect, preserve and enhance the environment, natural and cultural heritage and landscape and streetscape values."*
- "(e) Provide for the consolidation and/or expansion of the existing settlements of Nabawa, Yuna, Nanson and Howatharra."*

Section 4.2.1 of the Scheme lists the objectives of the 'Residential' zone as being:

- "(a) Provide for residential development to meet the needs of a range of household types; and"*
- "(b) Provide for other land-uses compatible with a high level of residential amenity."*

Section 5.2 of the Scheme notes the following:

"Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes."

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."*

Section 10.2 of the Scheme lists the following relevant matters to be considered by Council 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; ...*
- ...(y) any relevant submissions received on the application...*
- (za) any other planning consideration the local government considers relevant."*

POLICY IMPLICATIONS

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

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

The Shire of Chapman Valley Local Planning Policy 'Outbuildings' has the following objectives:

- "3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.*
- 3.2 To provide a clear definition of what constitutes an "outbuilding".*
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 3.4 To limit the visual impact of outbuildings.*
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 3.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

Shire of Chapman Valley 'Outbuildings' Local Planning Policy requires that outbuildings within the R10 zone should have a maximum area of 120m², wall height of 3m and maximum overall height of 4m (both as measured from natural ground level). The submitted application is for a 72.96m² outbuilding with a wall height of 2.4m and a total roof height of 2.991m and therefore meets with the area and height policy requirements.

Section 4.8 of the Outbuildings Local Planning Policy states that:

"The development of an outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently)."

FINANCIAL IMPLICATIONS

- **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 Residential Design Codes of Western Australia ('R-Codes') defines an outbuilding as "*an enclosed non-habitable structure that is detached from any dwelling.*" Section 7.3 of the Explanatory Guidelines for the R-Codes sets general guidelines for outbuildings and a copy of this has been provided as **Attachment 10.1.1(b)**. It is considered that the R-Codes base its definition and general guidelines on the outbuilding being ancillary to a main building upon that property.

- **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 Strategic Community Plan.

CONSULTATION

Section 4.11 of the Shire's Outbuildings Local Planning Policy requires that:

"Applications that propose variation to any part of the Policy will require consultation with effected owners and/or occupiers, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.

Note: The advertising of a received application that proposes variation to any part of the Policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted. The local government in determining the application will take into account the submissions received but is not obliged to support those views."

Section 5.5 of the Scheme and Section 4.1 of the R-Codes also note that when considering an application for planning approval, where, in the opinion of the local government, the variation may affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government may consult with the affected parties, and have regard to any expressed views prior to making its determination.

The Shire wrote to the 12 Green Drive landowners on 12 October 2018 providing details of the application and inviting comment upon the proposal prior to 2 November 2018, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 5 submissions had been received, 4 expressing support for the application, and 1 in objection. Copies of the received submissions have been provided as **separate Attachment 10.1.1(c)**.

A summary of the comments relevant to this application are provided below:

"More people here the better. Try and make a community of the place"

"No objection provided the shed is used only for storage as claimed, and not a residence."

"I understand Council's reluctance to having sheds or caravans sited on residential blocks but in this case, given the nature of the shed itself it is unlikely the owner is planning to reside in the shed for any long periods. If Council agrees regular checks of the block would ensure no attempt is being made to reside there."

"Perhaps a suggestion that during any earthworks i.e. excavation, movement of material from which dust may be released or become a nuisance, that prior to such work a suitable area be watered down."

"We do not have any confidence that the owners intend to build a residence on the property due to the location proposed for the shed and lack of house plans to accompany the application. This is a residential area and we support the future growth of the area with any proposed new residences, however we do not support the installation of a shed on residential land."

If, after reviewing the application, Council considers that the application should be approved it may consider the following alternative wording appropriate in its determination:

"That Council grant formal planning approval for an outbuilding to be constructed upon 25 (Lot 50) Green Drive, Nabawa subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 21 November 2018 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.*
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.*
- 3 The outbuilding is only to be used for the storage of the landowner's domestic items and must not be used for habitation, commercial or industrial purposes.*
- 4 The roof and wall cladding of the proposed outbuilding shall be coated metal sheeting (i.e. colorbond) that is consistent or complementary in colour with the surrounding natural landscape features, and to a finish, to the approval of the local government.*
- 5 Landscaping is required to be installed and maintained between the outbuilding and Green Drive for the purpose of softening the visual impact of the structure upon the land to the approval of the local government.*
- 6 All stormwater is to be disposed of on-site to the approval of the local government.*
- 7 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.*
- 8 Installation of crossing place/s to the standards and specifications of the local government.*
- 9 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.*

Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.*
- (b) 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.*

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR MALUISH

That Council refuse the application for an outbuilding prior to a residence upon 25 (Lot 50) Green Drive, Nabawa for the following reasons:

- 1 The development is considered contrary to Section 1.6(d) of the Shire of Chapman Valley Local Planning Scheme No.2.
- 2 The development is considered contrary to Section 4.2.1(b) of the Shire of Chapman Valley Local Planning Scheme No.2.
- 3 The development 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 development is considered contrary to Objectives 3.3, 3.4 & 3.6 and Section 4.8 of the Shire of Chapman Valley Outbuildings Local Planning Policy.
- 6 Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the residential amenity of the Nabawa townsite.

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 7/0
CARRIED**

Minute Reference: 11/18-2



Office and Display site: 279 Place Road, Webberton Geraldton

Town Planning Services
Shire of Chapman Valley
PO Box 1
Nabawa WA 6532

Justification Statement

Development 25 Green Drive, Nabawa WA 6532

To Whom It May Concern,

Please consider the following justification statement (non-technical report) for the storage shed at 25 Green Drive, Nabawa WA 6532.

The proposal is for a 6.08 x 12m (72.96m²) Garaport to be installed on the vacant block. We request for approval to install the storage shed prior to any other developments. The shed is proposed to be used for storage of personal belongings until future developments are done on the property. As per the design of the shed you can visibly see this is not setup for possible living with no windows etc.

There will not little to no visual impact for surrounding properties due to the wall height of 2.4m.

Client has expressed eagerness to visually develop and maintain the block with gardens and trees in the near future until further construction development is viable.

Your support would be greatly appreciated.

Please do not hesitate to contact me should you require any further information or assistance.

Kind Regards

Melanie Battilana
Aussie Sheds Group
Phone: 9964 6911



7 Design elements of the R-Codes – Building design

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7.3 Outbuildings

(Clauses 5.4.3 and 6.4.4 of the R-Codes)

All outbuildings could, in theory, be regarded as buildings and made to comply with the same design guidelines as the main building or buildings. However, Australia has a long tradition of backyard sheds, workshops, garages and other similar buildings, including outside laundries and toilets, and these have always been regarded in a different light to the main buildings they serve. The tradition is changing because contemporary living standards have led to the demise of the outside laundry and toilet, in part because the spacious quarter acre block has since given way to smaller lots, and also because urban lifestyles have changed.

Nevertheless, there is a case for relaxed standards for some outbuildings. The criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape. This means that any outbuilding that is to be exempt from the residential or dwelling standards should be:

- relatively small in area;
- relatively low in height;
- sited so as to preserve the use and amenity of open space;
- set back sufficiently from boundaries;
- confined to single houses and grouped dwellings; and
- excluded from street setback areas.

Other common private garden or backyard constructions such as pergolas, cubby houses and play fixtures, and dog kennels have not been included in the definition of building and are exempted from planning control, although some decision-makers do have policies to control certain backyard constructions (for example, cubby houses).

While outbuildings of less than 60m² in area (or 10 per cent of the site, whichever is the lesser) and no more than 2.4m in wall height are deemed to comply, they are still required to be sited in accordance with the setback requirements of clauses 5.1.3 and 6.1.4 of the R-Codes and comply with open space requirements in table 1 of the R-Codes.

Part 6 only

7.3.1 Outbuildings – Part 6 of the R-Codes

(Clause 6.4.4 of the R-Codes)

Place outbuildings in unobtrusive locations

Outbuildings should be located at the rear of the property so they are not visible from the street.

Screen outbuildings from the street and neighbouring properties

Where no opportunity exists to locate outbuildings at the rear of the property, they should be integrated into the development or adequately screened from public view (refer to figure 74).

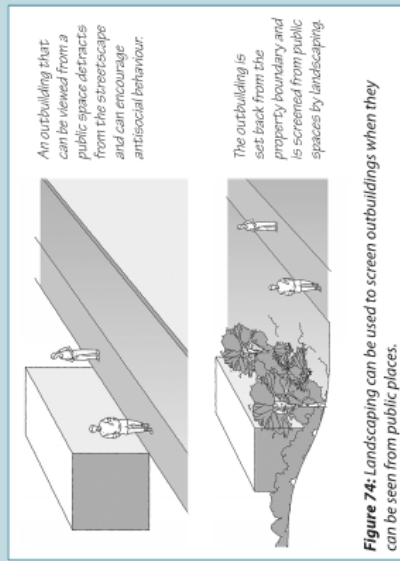


Figure 74: Landscaping can be used to screen outbuildings when they can be seen from public places.

AGENDA ITEM:	10.1.2
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	RESERVE 49641 REDCLIFFE CONCOURSE, 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 & 05/18-4-8 & 09/18-3
DATE:	12 NOVEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Bill Hemsley Park Management Committee Meeting 10 October 2018 Unconfirmed Minutes		√
10.1.2(b)	Bill Hemsley Park Concept Plan		√
10.1.2(c)	Draft Bill Hemsley Park Masterplan		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Bill Hemsley Park Management Committee met on 10 October 2018 and a copy of the minutes from this meeting have been provided as **separate Attachment 10.1.2(a)** for Council's information.

COMMENT

Council resolved at its 19 September 2018 meeting as follows:

"Advise the Bill Hemsley Park Management Committee that the adopted 2018/2019 Council budget lists the balance funds from the trust account as being utilised for the shade shelter."

Feedback from park users has been that the provision of more shade around the playground area would be welcome, particularly in summer.

The Management Committee discussed this issue on-site and identified a location for a gazebo to the north-west of the community centre that would match the existing bbq/gazebo in terms of its dimensions, style and materials. This gazebo would be initially constructed without a bbq but would have the ability to have a bbq installed at a later time when funding opportunities might permit.

The Management Committee also identified a location for a shade shelter to the north of the ballcourt area that would use similar materials to the existing bbq/gazebo but would be smaller in dimension and have a simpler skillion roof profile.

The 2018/2019 Council budget contains an allocation of \$15,000 for the provision of shade around the park. This figure is to be drawn from the final funds held in the Bill Hemsley Park Trust account.

The Management Committee resolved at its 10 October 2018 meeting as follows:

"That the Management Committee endorse the Council's budgeted expenditure of the remaining funds from the Bill Hemsley Park Trust Account for the establishment of shade structures at Bill Hemsley Park."

Council also resolved at its 19 September 2018 meeting as follows:

“Request that the Management Committee prepare an updated version of the Bill Hemsley Park Concept Plan (that details the now completed core area of the park and provides greater detail in regard to the location of various future items including the shade shelters, water tank, overflow carpark, bollards, perimeter path and other items) for the consideration of Council.”

With the delivery on-ground of many of the items in the park’s core as shown on the previously Council adopted Bill Hemsley Park Concept Plan it is now timely to review this plan so that it accurately reflects the on-ground items, and guides where the future items should be located.

The review of the Bill Hemsley Park Concept Plan was undertaken with the approach that it should not seek to introduce new items but rather allow for consideration of how the remaining park items might best be delivered given that, with the on-ground delivery of the core park items, greater knowledge is now to hand on how the park is being utilised and received.

A copy of the Bill Hemsley Park Concept Plan, as endorsed by Council at its 16 September 2015 meeting, that illustrates the items that are remaining to be delivered on-ground, and also illustrates the need to evolve the plan from a concept plan to a masterplan (i.e. some of the now delivered items are in slightly different locations/shapes and the plan needs to be adjusted to reflect this) is included as **Attachment 10.1.2 (b)**.

The Management Committee walked over the site and discussed various future items and their locations e.g. future bbq/gazebos, shade shelter, groundwater tank, overflow carpark, bollards, perimeter gravel trail, redirecting stormwater drainage etc.

The resulting draft Bill Hemsley Park Masterplan meeting is provided as **separate Attachment 10.1.2(c)**.

The masterplan gives consideration to the following:

- relocation of the proposed groundwater tank site further down the slope from the location as shown upon the concept plan so that it is closer to the building and less likely to impact on surrounding residents’ outlook;
- establishment of a gravel overflow car parking to the east of the bbq gazebo to cater for vehicles during peak usage (the concept plan illustrated that further car parking should instead be to the south-west of the sealed car park);
- identification of bollards to prevent vehicles from parking alongside the bbq gazebo;
- relocation of the 2 future bbq/gazebo sites to better address the site, outlook and prevailing winds;
- consideration that the perimeter horse trail/strategic firebreak as shown on the concept plan should also serve as the path for the fitness trail rather than the internal path as was shown on the concept plan;
- improved regard for the proposed future native planting areas to reduce the ongoing maintenance burden to the Shire.

The concept plan was prepared to guide the development of the Bill Hemsley Park and with the delivery of the main core area it is considered appropriate that this should evolve into a master plan that accurately depicts in detail the components that are now on-ground, that has regard for the now observable public usage and Shire maintenance patterns, and also plan for the remaining items to be delivered in a coordinated manner as future Shire budgeting and external opportunities permit.

The Management Committee also viewed the western facing sections of the community centre verandah and potential wind-break solutions that could be installed as part of the Community Growth Fund project. The Management Committee were generally in favour of a black shade cloth screen solution on the 2 railing sections and not obstructing the stepped section, although solutions including a shade cloth door on a frame at the stepped section were also considered.

Discussion also included that in the longer term, the proposed larger 32kL water tank could be sited to the south-west with potentially a timber screen wall (of similar material and style to the screen wall used in the bbq/gazebo) being constructed to house/screen the pump equipment on the northern side of the 32kL tank to further block the wind.

The Management Committee also discussed the issue of vehicles parking alongside the bbq/gazebo and close to the playground/ballcourt area which was giving rise to safety concerns with children using the playground.

It was discussed that the gravel driveway was always a temporary solution during the construction phase and it was generally agreed that its removal would assist in preventing this practice which was no longer appropriate now the park had entered its operational phase. The Management Committee also considered that there should

be shown on the masterplan the future installation of bollards between the overflow car park area and the bbq/gazebo to better address this safety issue, with it being resolved as follows:

“That the Management Committee recommend that, staff and resources permitting, that the removal of the gravel driveway, creation of the gravel overflow car park, and installation of bollards be undertaken as soon as possible to remove safety concerns.”

STATUTORY ENVIRONMENT

The legal agreement between the developer of the Parkfalls Estate and the Shire provided the terms for the transfer of the park and payment of funds by the developer to the Shire to be held in trust for expenditure on the park.

The Management Committee Agreement establishes the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the Management Agreement states:

*“3 Decisions not binding on Shire
The parties acknowledge and agree that the decisions and recommendations of the Management Committee are advisory only, and are not binding on the Shire or the Shire’s Council.”*

Part 4 of the Management Agreement states:

*“4.1 Use of Trust Payment
The Shire covenants and agrees to deposit the Trust Payment into a trust fund in accordance with the provisions of the Local Government Act 1995, and to only use such funds for construction and development upon the Recreation Site.*

*4.2 Acknowledgement
The parties covenant and agree that the expenditure of the trust fund can only be approved by the Council of the Shire based on the recommendations of the Management Committee provided such expenditure is for construction and development upon the Recreation Site.”*

The Management Committee at its 5 August 2016 meeting endorsed the proposed expenditure from the Bill Hemsley Park Trust Account as contained within the 2016/2017 Council budget, and this Management Committee endorsement, along with the subsequent 10 November 2015 and 10 October 2018 endorsement, satisfies Part 4 of the Management Agreement and enables expenditure of the final remaining trust funds.

POLICY IMPLICATIONS

Section 5.70 of the Shire of Chapman Valley Policy Manual 2015/2016 notes that in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Financial Management Regulations 1996*, monthly reporting will be provided for trust accounts.

Trust Account 18 contained \$14,257.91 as at 31/10/18.

FINANCIAL IMPLICATIONS

The adopted 2018/2019 Council budget lists the following items relevant to Bill Hemsley Park:

COA	Operating Revenue	Budget Amount	Comments
2803	Grants & Other Income Received	\$14,000	20–Trust Recoup from T18 Parkfalls Residents Assoc Inc
COA	Capital Expenditure / Reserve Transfers	Budget Amount	Comments
2834	Land & Buildings – Capital Expense	\$50,921	99–Job:CD023–carry over Mural Wall Project CAN funds–refer COA GL2864 Unspent Grant Reserve Job:CHEM-5 Year Building Program Capital Works–Complete Water Supply \$25,000 Shade Shelter \$15,000 (utilise balance funds from PRA Trust approx. \$14,000 and option to fund from Building Reserve if funding unsuccessful)

The Management Committee's 10 October 2018 resolution enables the Shire to proceed with the delivery on-ground of the 2nd gazebo and a shade shelter in 2018/2019, and the mural project is nearing conclusion with the opening event held on 9 November 2018.

The 2018/2019 Council budget also contains an allocation of \$25,000 for the water supply to Bill Hemsley Park, which will not be sufficient to deliver groundwater from the tested site back to Bill Hemsley Park, with the likely cost being closer to \$56,000.

The Shire has been unsuccessful with 3 grant applications to date and is awaiting a decision from the Minister for Water on 1 further grant application that has been made to the Community Water Supply funding program with an announcement expected in late 2018.

The Management Committee generally agreed that it should await the outcome of the grant process and then review its options which may include part-delivering the project in 2018/2019, not commencing the project in 2018/2019, or seeking a variation to Council's budget in the February/March 2019 review period.

The Management Committee also discussed the ability to further reduce the likely groundwater project cost, such measures might include the reduction in the park tank from 90kl to 32kl, removal of a tank at the bore site, and reduction in the delivery line pipe diameter. It was also noted that whilst savings might be achieved through these measures there may also be upwards project costs due to increases in the power connection component.

- **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

- **Strategic Community 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

The Bill Hemsley Park Concept Plan was adopted by Council at its 16 September 2015 meeting following extensive community consultation, and therefore the review of the concept plan was conducted with the aim of delivering the remaining items in a coordinated and staged manner whilst reducing maintenance costs. The review process did not seek to introduce new items or remove items from the concept plan but rather allow for consideration of how the remaining peripheral park items might be best delivered given that, with the on-ground delivery of the core park items, greater knowledge is now to hand on how the park is being utilised and maintained.

The reviewed plan is now presented to Council for its consideration and Council may choose to either endorse the plan, request further modification to the plan, or advertise it for comment prior to making its determination.

RISK ASSESSMENT

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 10 October 2018 Bill Hemsley Park Management Committee.
- 2 Adopt the Bill Hemsley Park Masterplan as provided in Attachment 10.1.2(c) on the understanding that the works contained upon the plan will be delivered in a staged manner as funding permits.
- 3 Advise the Management Committee that the wind-break solution on the western facing side of the community centre verandah will be limited at this time to the 2 railing sections of the verandah only and not the stepped section.

COUNCIL RESOLUTION

MOVED: CR MALUISH

SECONDED: CR FORRESTER

That Council:

- 1 Receive the minutes of the 10 October 2018 Bill Hemsley Park Management Committee.
- 2 Adopt the Bill Hemsley Park Masterplan as provided in Attachment 10.1.2(c) on the understanding that the works contained upon the plan will be delivered in a staged manner as funding permits.
- 3 Advise the Management Committee that the wind-break solution on the western facing side of the community centre verandah will be limited at this time to the railing sections of the verandah only and not the stepped section.

AMENDMENT

MOVED: CR HUMPHREY

SECONDED: CR BATTEN

That Council amend Item 2 to read:

- 2 Adopt the Bill Hemsley Park Masterplan as provided in Attachment 10.1.2(c) on the understanding that the works contained upon the plan may be delivered in a staged manner as funding permits.

**Voting 5/2
CARRIED**

Minute Reference: 11/18-3

The Substantive Motion then became:

That Council:

- 1 Receive the minutes of the 10 October 2018 Bill Hemsley Park Management Committee.
- 2 Adopt the Bill Hemsley Park Masterplan as provided in Attachment 10.1.2(c) on the understanding that the works contained upon the plan may be delivered in a staged manner as funding permits.
- 3 Advise the Management Committee that the wind-break solution on the western facing side of the community centre verandah will be limited at this time to the railing sections of the verandah only and not the stepped section.

**Voting 6/1
CARRIED**

Minute Reference: 11/18-4

Reason for Deviation from Staff Recommendation: Clarifying actual areas to be screened.

AGENDA ITEM:	10.1.3
SUBJECT:	SHIRE OF CHAPMAN VALLEY LOCAL PLANNING SCHEME No.3
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.11
PREVIOUS REFERENCE:	02/18-2 & 03/18-2
DATE:	13 NOVEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Schedule of Submissions		√
10.1.3(b)	Copy of received submissions		√
10.1.3(c)	Draft Shire of Chapman Valley Local Planning Scheme No.3		√
10.1.3(d)	Shire of Chapman Valley Local Planning Scheme No.2 (for comparative purposes)		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 21 March 2018 meeting to adopt draft Shire of Chapman Valley Local Planning Scheme No.3 for the purpose of advertising. The advertising period has now been completed and this report recommends that Council resolve to adopt the new Scheme, subject to modifications arising from the submissions received during the advertising period and forward it to the Western Australian Planning Commission ('WAPC') seeking final approval.

COMMENT

The current Shire of Chapman Valley Local Planning Scheme No.2 (gazetted on 20 November 2013) requires review to ensure the Scheme is consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations').

The last Scheme Review process that Council undertook required a significant, lengthy overhaul of Scheme No.1 (gazetted on 20 August 1982) and it was therefore considered that this Scheme Review should be more of an administrative and refinement process with changes generally limited to the following:

- Updating the Shire's Scheme Text provisions to accord with the new Model and Deemed Provisions for Scheme Text as contained in Schedules 1 & 2 of the Regulations to ensure consistency and assist Council's decision-making process for statutory matters;
- Modifications to the Scheme Text and Map to accord with the Scheme Amendments to Scheme No.2 that have been previously initiated by Council;
- Minor modifications to the Scheme Map around the Nabawa townsite to reflect Council's planning directions as contained in the Nabawa Townsite Revitalisation Plan;
- Review of the zonings to ensure that privately owned land was not identified for public purposes and that zonings for public/Crown land matched the management purpose.

Council resolved at its 21 March 2018 meeting as follows:

"That Council:

- 1 *Resolve to adopt Shire of Chapman Valley Local Planning Scheme No.3 pursuant to Part 5 of the Planning and Development Act 2005 and forward, in accordance with Part 5 Division 3 Section 81 of the Planning and Development Act 2005, notice of the resolution to adopt and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed.*

- 2 *Forward the Shire of Chapman Valley Local Planning Scheme No.3, in accordance with Part 4 Division 2 Section 21 of the Planning and Development (Local Planning Schemes) Regulations 2015, to the Western Australian Planning Commission seeking its consent to advertise.*
- 3 *Delegate to the Chief Executive Officer to undertake minor modifications to the Shire of Chapman Valley Local Planning Scheme No.3 that do not significantly alter the intent of the Scheme (including but not limited to; changes to format, spelling, grammar, numbering; Model or Deemed provisions; updates necessitated by Scheme Amendments, Structure Plans, Policies or other Strategies that have been given approval in the interim period etc.) as may be required by the Western Australian Planning Commission or otherwise prior to its advertising consent being granted.*
- 4 *Upon receipt of the Western Australian Planning Commission's advice that the Shire of Chapman Valley Local Planning Scheme No.3 can be advertised, and compliance with Part 5 Division 3 Section 82 of the Planning and Development Act 2005, proceed to advertise the Scheme in accordance with Part 4 Division 2 Section 22 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 5 *At the conclusion of the advertising period return the draft Shire of Chapman Valley Local Planning Scheme No.3, and any received submissions, to Council for its further consideration."*

The Environmental Protection Authority ('EPA') determined on 24 April 2018 that draft Scheme No.3 should not be assessed under Part IV of the *Environmental Protection Act 1986* and the Shire advised the WAPC of the EPA's determination and requested the WAPC's consent to advertise draft Scheme No.3.

Shire and WAPC staff agreed on a Schedule of Modifications to the Scheme Text and Maps that were considered minor and gave regard for recent gazetted Schemes in the state and their standardised provisions.

The WAPC advised on 29 June 2018 of its consent to advertise Scheme No.3 subject to the prepared Schedule of Modifications and these modifications were undertaken by the Shire and sent to the WAPC on 23 July 2018.

Advertising of Scheme No.3 commenced on 1 August 2018 and concluded on 31 October 2018.

STATUTORY ENVIRONMENT

Section 88 of the *Planning and Development Act 2005* ('the Act') requires Local Governments to review their planning scheme every five years. Schemes are prepared and adopted under Part 5 of the Act and must be in compliance with the Regulations.

The Regulations require that the Shire review its current Scheme (having been gazetted after 19 October 2010) prior to 2020.

Following the 21 March 2018 meeting where Council resolved to adopt draft Scheme No.3, it was required to be forwarded to the EPA for assessment in accordance with Section 81 of the Act and Section 48 of the *Environmental Protection Act 1986*.

On 24 April 2018 the EPA determined that Scheme No.3 did not warrant assessment under Part IV of the *Environmental Protection Act 1986* and on 29 June 2018 the WAPC issued consent to advertise the Scheme No.3 subject to minor modifications.

With the conclusion of the advertising period Council can now make its deliberation, and if satisfied, subsequently forward the documents to the WAPC. The WAPC and Minister for Planning may then resolve to either:

- approve Scheme No.3; or
- require modification to Scheme No.3; or
- refuse Scheme No.3.

A flowchart illustrating the Scheme Review process was provided as Attachment 10.1.1(b) with the 21 February 2018 Council Agenda.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

- **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 matter by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting. The Scheme review has provided the opportunity to ensure that the outcomes identified within the Shire's Strategic Community Plan are incorporated into its statutory planning and zoning document.

CONSULTATION

The draft Scheme No.3 was advertised as per Section 84 of the Act and Regulation 22 for a period of 90 days, commencing on 1 August 2018 and concluding on 31 October 2018, and the advertising included the following actions:

- display of the Scheme at the Shire office;
- display of the Scheme at the WAPC office in Perth;
- display of the Scheme on the Shire website;
- notice inviting comment in the Mid-West Times on 1 August 2018;
- correspondence inviting comment being sent to the following 27 government agencies:
 - Department of Biodiversity, Conservation & Attractions
 - Department of Communities
 - Department of Education
 - Department of Finance
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Jobs, Tourism, Science & Innovation
 - Department of Lands
 - Department of Local Government, Sport & Cultural Industries
 - Department of Mines, Industry Regulation & Safety
 - Department of Planning, Lands & Heritage (Aboriginal Heritage Directorate)
 - Department of Planning, Lands & Heritage (Heritage Council)
 - Department of Primary Industries & Regional Development
 - Department of Transport
 - Department of Water & Environment Regulation
 - Horizon Power
 - Housing Authority
 - Land Authority Western Australia (LandCorp)
 - Land Information Authority Western Australia (Landgate)
 - Main Roads WA
 - Telstra
 - Water Corporation
 - Western Power
 - City of Greater Geraldton
 - Shire of Northampton
 - ATCO Gas
 - Australian Gas (Dampier Bunbury Pipeline)

At the conclusion of the advertising period 14 submissions had been received, with 4 of these offering support for the Scheme, 9 expressing technical comment/seeking minor modification to the Scheme, and 1 in objection to an aspect of the Scheme.

A Schedule of Submissions has been provided as **separate Attachment 10.1.3(a)** that identifies the respondents, the nature of their submissions, and provides individual comment and recommends a modification

to the Scheme based upon the submissions (if considered required). Regulation 28(1)(a) requires that the Schedule of Submissions is forwarded to the WAPC with Council's resolution.

Copies of the received submissions have been provided as **separate Attachment 10.1.3(b)**.

A Schedule of Modifications will also be prepared by Shire staff following Council's determination. The Schedule of Modifications will draw upon the individual recommendations of the Schedule of Submissions, and any required Council modification and will list the suggested changes to the Scheme. Regulation 28(1)(c) requires that the Schedule of Modifications is forwarded to the WAPC with Council's resolution.

A copy of the advertised draft Shire of Chapman Valley Local Planning Scheme No.3 has been provided as **separate Attachment 10.1.3(c)** and a hard copy can be provided to Councillors upon request should they prefer.

A copy of the current Shire of Chapman Valley Local Planning Scheme No.2 has been provided for comparative purposes as **separate Attachment 10.1.3(d)** and a hard copy can be provided to Councillors upon request should they prefer.

RISK ASSESMENT

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

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council:

- 1 Notes the submissions received during the formal advertising period of the Draft Shire of Chapman Valley Local Planning Scheme No.3 as outlined in the Schedule of Submissions provided as Attachment 10.1.3(a) pursuant to Regulation 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 2 Adopt Shire of Chapman Valley Local Planning Scheme No.3 pursuant to Regulation 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the modifications as outlined in the recommendations of the Schedule of Submissions and instruct Shire staff to accordingly prepare the Schedule of Modifications pursuant to Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 3 Forward to the Western Australian Planning Commission the following, pursuant to Section 87 of the *Planning and Development Act 2005* and Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - (a) Notice of Council's resolution to adopt Shire of Chapman Valley Local Scheme No.3;
 - (b) Schedule of Submissions made on Shire of Chapman Valley Local Scheme No.3;
 - (c) Schedule of Modifications made to Shire of Chapman Valley Local Scheme No.3.
- 4 Requests the Honourable Minister for Transport, Planning and Lands grant final approval to Shire of Chapman Valley Local Planning Scheme No.3.
- 5 Inform those agencies and persons who made a submission on the Draft Shire of Chapman Valley Local Planning Scheme No.3 of its decision.

**Voting 3/4
LOST**

Minute Reference: 11/18-5

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR FORRESTER

That Council:

- 1 Notes the submissions received during the formal advertising period of the Draft Shire of Chapman Valley Local Planning Scheme No.3 as outlined in the Schedule of Submissions provided as Attachment 10.1.3(a) pursuant to Regulation 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 2 Adopt Shire of Chapman Valley Local Planning Scheme No.3 (***subject to the proposed rezoned rural townsite lots on Norris Road remaining zoned Public Open Space***) pursuant to Regulation 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015* subject to the modifications as outlined in the recommendations of the Schedule of Submissions and instruct Shire staff to accordingly prepare the Schedule of Modifications pursuant to Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 3 Forward to the Western Australian Planning Commission the following, pursuant to Section 87 of the *Planning and Development Act 2005* and Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - (a) Notice of Council's resolution to adopt Shire of Chapman Valley Local Scheme No.3;
 - (b) Schedule of Submissions made on Shire of Chapman Valley Local Scheme No.3;
 - (c) Schedule of Modifications made to Shire of Chapman Valley Local Scheme No.3.
- 4 Requests the Honourable Minister for Transport, Planning and Lands grant final approval to Shire of Chapman Valley Local Planning Scheme No.3.
- 5 Inform those agencies and persons who made a submission on the Draft Shire of Chapman Valley Local Planning Scheme No.3 of its decision.

**Voting 7/0
CARRIED**

Minute Reference: 11/18-6

Mrs Shortland left Chambers at 9.41am

Reason for Deviation from Staff Recommendation: Council required the Lots on Norris Road proposed to be rezoned as Rural Townsite remain zoned Public Open Space.

AGENDA ITEM:	10.1.4
SUBJECT:	GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT
PROPONENT:	DEPARTMENT OF PLANNING, LANDS & HERITAGE
SITE:	VARIOUS UNALLOCATED CROWN LAND
FILE REFERENCE:	706.00
PREVIOUS REFERENCE:	09/18-5
DATE:	9 NOVEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.4(a)	Geraldton Alternative Settlement Agreement Land Identification, Assessment & Selection Flowchart	√	
10.1.4(b)	Summary of Unallocated Crown Land – CONFIDENTIAL		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

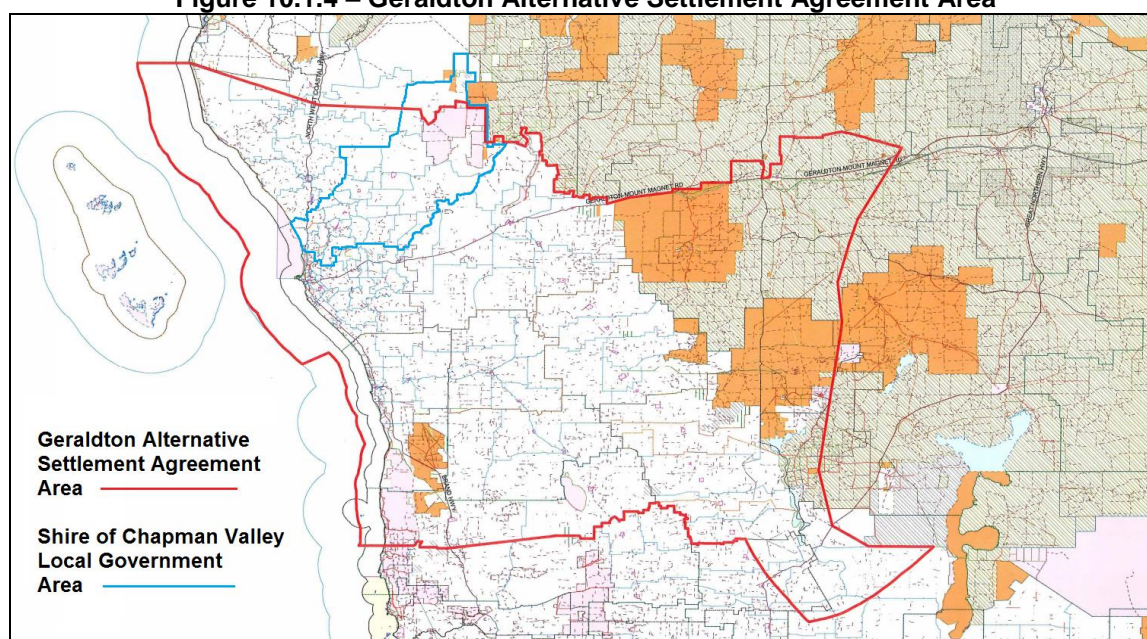
Council is in receipt of correspondence from the Department of Planning, Lands & Heritage seeking its comment in relation to 5 land parcels within the Shire of Chapman Valley that have been identified as areas of interest for the native title claimants and are currently being considered for inclusion into the Indigenous Land Use Agreements.

COMMENT

The State of Western Australia is currently negotiating an alternative native title settlement in the greater Geraldton region with four native title claimant groups (Southern Yamatji, Hutt River, Widi Mob and Mullewa Wadjari).

The State's proposal, under the Geraldton Alternative Settlement Agreement ('GASA') is that a settlement package will be agreed in exchange for the surrender of all native title rights and interests within the external boundaries of the GASA.

Figure 10.1.4 – Geraldton Alternative Settlement Agreement Area



Negotiations may include the following matters:

- development of, and initial support for, appropriate governance structures to ensure successful implementation of a final agreement;
- a heritage regime based on the Government Standard Heritage Agreement;
- **provision by the State of a land base;**
- joint vesting and/or management of conservation areas, including areas not yet reserved for conservation purposes;
- development of a ranger program;
- financial assistance for business and economic development opportunities; &
- recognition of traditional ownership.

The State's offer under the GASA includes provision by the State of a land base to the claimant groups. The negotiation of this part of the agreement entails members of the groups' Traditional Owner Negotiation Team selecting various parcels of land within the agreement area which they seek to have transferred to them, or management thereof. The Department of Planning, Lands & Heritage is responsible for reviewing these parcels to identify which of them might be eligible for transfer, what is the appropriate tenure and under what conditions (e.g. freehold, leasing, sole management or joint management of reserves).

A flowchart providing background information on the overall process has been provided as **Attachment 10.1.4(a)**.

The Department of Planning, Lands & Heritage are seeking the Shire's comment upon various Unallocated Crown Land parcels in the former Naraling townsite with respect to the following:

- “1 Are there any future proposals for the land identified? If so, in what time frame?
- 2 Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?
- 3 Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?
- 4 Are there any known land management issues with the land identified e.g. contamination etc?”

Shire staff have prepared **separate confidential Attachment 10.1.4(b)** that provides a cadastral map, aerial photograph and individual comment for each of the 5 Unallocated Crown Land parcels, and it is suggested that this form the basis for Council's response to the Department of Planning, Lands & Heritage.

STATUTORY ENVIRONMENT

Section 14 of the *Land Administration Act 1997* requires that:

“Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The GASA is following a similar process to that previously undertaken for the South West Native Title Claim Area, which is at a more advanced stage, that also sought to identify Unallocated Crown Land that might be either transferred to the Noongar Boodja Trust as freehold title or leasehold or managed reserves. The South West Native Title Settlement Fact Sheet, previously prepared by the Department of Premier & Cabinet in 2015 for that process, provides some general guidance on frequently asked questions, noting that:

“What is the difference between Freehold land and Managed Reserve Land?”

Each form of land tenure has different benefits.

- *Freehold is land that the Noongar Boodja Trust will own like any other private land owner in the State. It allows for the land to be developed, used for commercial purposes, used as*

security against loans, or to be sold. Like all other freehold land, there are costs that must be met, including local government rates and charges, insurance, fire service levies and any land management cost.

- *Managed reserves are areas of Crown land that has been reserved for a particular purpose. The Trustee will consult with the Noongar community as to the use of any individual reserve – i.e. whether it is held for particular Noongar social, cultural, or economic benefit, whether it can be subdivided, and so on.”*

“Will the Noongar Boodja Trust need to pay rates on the Freehold land allocated under the Settlement?”

As the owner of the freehold land, the Noongar Boodja Trust will be required to meet the normal costs, including rates or service charges, associated with owning freehold land. Freehold land can be exempted from rates under s.6.26(2)(g) of the Local Government Act 1995 (WA) where that land is used exclusively for charitable purposes. However, if the freehold land is used for a commercial purpose or leased for a commercial enterprise, it will not be exempt from rates.”

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and Section 6.3 notes that the objective of asset management is to meet a required level of service in the most cost-effective manner through the management of assets for present and future customers. On this basis the Shire comments in relation to the Unallocated Crown Land parcels have been structured to identify, and seek management of, only those parcels which Council would have some future purpose/requirement (e.g. for road widening or construction purposes).

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and lists its aim as being to maintain and build population while ensuring financial and asset management is robust to allow for effective service delivery as an independent shire participating in the growth of the region.

CONSULTATION

The Department of Planning, Lands & Heritage have advised that the parties to the proposed agreement are negotiating under tight timeframes imposed by the Federal Court and the Shire comment is required to be provided by 21 December 2018.

The Department of Planning, Lands & Heritage have advised as follows:

“Please note that this process is being carried out in the context of a Federal Court mediation which is confidential. Accordingly, you are not permitted to share any of the matters pertaining to this referral to a third party.”

The Department of Planning, Lands & Heritage have also advised that the Shire's comments may be provided to the Traditional Owner Negotiation Team members for their consideration.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR HUMPHREY

That Council endorse and forward the Shire response to the Department of Planning, Lands & Heritage as provided in Attachment 10.1.4(b).

Voting 7/0

CARRIED

Minute Reference: 11/18-7

**GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT –
STAGES OF THE LAND IDENTIFICATION, ASSESSMENT AND SELECTION PROCESS**



10.2 Finance November 2018

Contents

10.2 AGENDA ITEMS

10.2.1 Financial Reports for October 2018

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR OCTOBER 2018
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	21 NOVEMBER 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1	Financial Management Reports		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The financial position at the end of October 2018 is detailed in the monthly management report 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/PROCEDURE IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in the Financial Management Report October 2018

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

- **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 current Council and Management policies and formalise update process and timelines.

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. Risk rating is considered 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 WARR

SECONDED: CR BATTEN

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

- Statement of Financial Activities with notes
- Note 1 – Net Current Assets
- Note 2 – Explanation of Material Variances
- Note 3 – Cash & Investments
- Note 4 – Receivables
- Note 5 – Rating Revenue
- Note 6 – Disposal of Assets
- Note 7 – Capital Acquisitions
- Note 8 – Borrowings
- Note 9 – Reserves
- Note 10 – Grants & Contributions
- Note 11 – Trust Fund
- Note 12 – Budget Amendments

Additional Information

- Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

**Voting 7/0
CARRIED
Minute Reference: 11/18-8**

10.3

Chief Executive Officer

November 2018

Contents

10.3 AGENDA ITEMS

10.3.1 Team Values & Behaviours

10.3.2 Hill Hemsley Park Community Centre – Carpark Repairs

AGENDA ITEM:	10.3.1
SUBJECT:	TEAM VALUES & BEHAVIOURS
PROPONENT:	COUNCILLORS & SENIOR STAFF
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.04
PREVIOUS REFERENCE:	CONCEPT FORUMS (SEPTEMBER & OCTOBER 2018)
DATE:	21st NOVEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Code of Conduct (CP-005)	√	

DISCLOSURE OF INTEREST

BACKGROUND

Councillors and Senior Staff held a Leadership Workshop at the Bill Hemsley Park Community Centre on the 28th August 2018 with the assistance of Joanne Eggleston from Local Government Insurance Services. A set of draft Values and Behaviours was developed at this workshop, which were then discussed at both the September and October 2018 Concept Forums.

There was a consensus on the draft Values and Behaviours after discussions at the Concept Forums, which are now presented to Council for formal adoption and inclusion into the Code of Conduct as an Addendum.

COMMENT

As previously reported to the Concept Forums the draft Values & Behaviours are based upon the values agreed to at the Workshop i.e.

- Integrity – Trust – Respect – Honesty – Ethical

The Values and Behaviours established by the Shire Leaders (i.e. Elected Members & Senior Staff) will have a flow-on effect and realise the other values identified at the Workshop i.e.

- Diversity – Initiative – Adaptability – Flexibility
- Dependability – Professionalism – Leadership
- Relationships – Belonging
- Support – Family – Acceptance – Compassion – Social Intelligence – Consideration

It was important the Values and Behaviours have now been developed by the whole Leadership Group, so these will have strong ownership, which will make them more relevant to the current Councillors and Staff and to promote these with any future leaders of the organisation.

Once the Values and Behaviours have been formally adopted by Council and the Code of Conduct amended accordingly, a process will commence for these to be presented to all staff as the organisations position on Values & Behaviours to be aspired to.

STATUTORY ENVIRONMENT

Local Government Act 1995 (S5.103); and Local Government (Rules of Conduct) Regulations 2007

POLICY/PROCEDURE IMPLICATIONS

Council's existing *Code of Conduct* is provided at **Attachment 10.3.1(a)**. This Code has been amended (see **RED text**) with the Values and Behaviours added as an Attachment.

FINANCIAL IMPLICATIONS

There are no financial implications envisaged.

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

No effect on the LTFP.

STRATEGIC IMPLICATIONS

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

Ref	Objective	Strategy
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes

CONSULTATION

As previously mentioned, the process to establish a set of draft Values & Behaviours was by Councillors and Senior Staff attending a Leadership Workshop at the Bill Hemsley Park Community Centre on the 28th August 2018 and discussions at both the September and October 2018 Concept Forums.

RISK ASSESSMENT

There is always a risk of upheaval, discontent and poor behaviours in any organisation, which is why the establishment of an agreed set of Values & Behaviours can be important to refer to as a strategy/tool to assist the organisation through such times. I maintain the risk is lower with such agreed Values & Behaviours in place than without them. In this instance I believe the risk is **minor** in nature:

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 WARR

SECONDED: CR ROYCE

Council Endorse the amended Code of Conduct (as attached) and incorporate the agreed Values and Behaviours as an attachment to the Code.

**Voting 7/0
CARRIED**

Minute Reference: 11/18-9

POLICY NO	CP-005
POLICY	CODE OF CONDUCT – ELECTED MEMBERS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.80
LEGISLATION	LOCAL GOVERNMENT ACT 1995 (S5.103); AND LOCAL GOVERNMENT (RULES OF CONDUCT) REGULATIONS 2007

OBJECTIVES:

The Code of Conduct provides Elected Members of the Shire of Chapman Valley with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issues of ethical responsibility and encourages greater transparency and accountability.

The Code is complimentary to the principles adopted in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007 which incorporates four fundamental aims to result in:

- Better decision making
- Greater community participation in the decisions and affairs of the Council
- Greater accountability of the Council to its community
- More efficient and effective local government.

The Code provides a guide and a basis of expectations for Elected Members. It encourages commitment to ethical and professional behaviour and outlines principles in which individual and collective local government responsibilities may be based.

POLICY STATEMENT/S:**Statutory Environment**

The Code of Conduct observes statutory requirements of the Local Government Act 1995 (s5.103 – Codes of Conduct) and Local Government (Rules of Conduct) Regulations 2007.

Rules of Conduct

Elected Members acknowledge their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the Local Government Act 1995 and Local Government (Rules of Conduct) Regulations 2007.

Role of Elected Members

An Elected Member's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Shire of Chapman Valley will be the focus of the Elected Member's public life.

An Elected Member is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, Elected Members' activities will focus on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- Achieving sound financial management and accountability in relation to the Council's finances;
- Ensuring appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- Working with other governments and organisations to achieve benefits for the community at both a local and regional level;

- Having an awareness of the statutory obligations imposed on Elected Members and on the Shire of Chapman Valley.

Conflict and Disclosure of Interest

Conflict of interest

- Elected Members will ensure there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- Elected Members will lodge written notice with the CEO describing an intention to undertake a dealing in land within the Shire of Chapman Valley or which may otherwise conflict with the Council's functions (other than purchasing the principal place of residence).
- Elected Members who exercise a function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons. An individual's right to maintain their own political convictions are not impinged upon by this clause. It is recognised such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.
- An Elected Member is to disclose any interest he or she has in the matter to be discussed at a Council or Committee meeting they attend. Any disclosure to be made at the meeting immediately before the matter is discussed and is to be recorded in the minutes of the relevant meeting.

Pecuniary Interest

Elected Members will adopt the principles of disclosure of pecuniary interests as contained within the Local Government Act 1995.

Disclosure of Interest

- Elected Members will disclose, in a written return or at the relevant meeting, the interests which might be in conflict with their public or professional duties.
- Whenever disclosure is required, recommended in this Code, or otherwise seems appropriate, it will be made promptly, fully, and in writing within the register provided.

Personal benefit

Use of confidential information

Elected Members will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

Improper or undue influence

Elected Members will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

Gifts and bribery

Refer to Local Government (Rules of Conduct) Regulations 2007, Regulation 12. See *Appendix 1 for disclosures form*.

Conduct of Elected Members

Personal behaviour

Elected Members will:

- Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code
- Perform their duties impartially and in the best interests of the Shire of Chapman Valley uninfluenced by fear or favour

- Act in good faith (i.e. **respect, trust**, honestly, **integrity and ethics** for the proper purpose and without exceeding their powers) in the interests of the Shire of Chapman Valley and the community
- Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any conduct, in the performance of their official duties, which may cause any reasonable person unwarranted offence or embarrassment
- Always act in accordance with their obligation of fidelity to the Shire of Chapman Valley.
- Elected Members will represent and promote the interests of the Shire of Chapman Valley, while recognising their special duty to their own constituents.

Honesty and Integrity

Elected Members will:

- Observe the highest standards of **respect, trust**, honesty, integrity and ethics as listed in the **attached Team Values and Behaviours (see Attachment 1)** and avoid conduct which might suggest any departure from these standards
- Bring to notice of the President any dishonesty or possible dishonesty on the part of any other member and, in the case of an employee, to the CEO
- Be frank and honest in their official dealing with each other.

Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether it was intended to be made public or not.

Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members and Employees must ensure that their personal and private communications do not breach the requirements of this Code of Conduct and for Elected Members, the *Local Government (Rules of Conduct) Regulations 2007*.

- (b) Employees must not, unless specifically authorised to do so, disclose information, make comments or engage in communication activities about or on behalf of the Shire it's Elected Members, employees or contractors, which breach this Code of Conduct.
- (c) Elected Member comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a serious breach of the *Local Government Act 1995* and may be referred for investigation.
- (d) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be reported under the *Public Sector Management Act 1992*.

Performance of Duties

Elected Members will, at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Elected Members will be as informed as possible about functions of the Council, and treat all members of the community honestly and fairly.

Compliance with Lawful Orders

Elected Members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the CEO.

Elected Members will give effect to the lawful policies of the Shire of Chapman Valley, whether or not they agree with or approve of them.

Administrative and Management Practices

Elected Members will ensure compliance with proper and reasonable administrative practices and conduct and professional and responsible management practices.

Corporate Obligations

Communication and public relations as a representative of the community. Elected Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council.

In doing so Elected Members should acknowledge:

- As a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council.
- Information of a confidential nature ought not to be communicated until it is no longer treated as confidential.
- Information relating to decisions of the Council on approvals, permits and so on ought to only be communicated in an official capacity by a designated officer of the Council.
- Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

Relationships between Elected Members and Staff

An effective Elected Member will work as part of the Council team with the CEO and other members of staff. Teamwork will only occur if Elected Members and staff have a mutual respect and cooperate with each other to achieve the Council's corporate goals and implement the Council's strategies.

To achieve this Elected Members must:

- Accept their role is a leadership, not a management or administrative one.
- Acknowledge they have no capacity to individually direct members of staff to carry out particular functions.
- Refrain from publicly criticising staff in any way which may cast aspersions on their professional competence and credibility.

Appointments to Committees

As part of their representative role Elected Members are often asked to represent the Council on external organisations. It is important Elected Members:

- Clearly understand the basis of their appointment
- Provide regular reports on the activities of the organisation.

Dealing with Council property - Use of Local Government resources

Elected Members will:

- Be scrupulously honest in their use of the Shire of Chapman Valley's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body
- Use the Shire of Chapman Valley's resources entrusted to them effectively and economically in the course of their duties
- Not use the Shire of Chapman Valley's resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

Travelling and sustenance expenses

Elected Members will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Shire of Chapman Valley in accordance with Shire of Chapman Valley policy and the provisions of the Local Government Act 1995.

Access to information

Staff will ensure Elected Members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members
Elected Members will ensure information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.



TEAM VALUES AND BEHAVIOURS

Values: RESPECT, TRUST, HONESTY, INTEGRITY & ETHICAL

	Acceptable/Expected Behaviours	Unacceptable Behaviours
1	<i>Address the issue rather than holding grudges.</i>	<i>Holding a grudge can carry this mindset into future deliberations and impair good decision-making.</i>
2	<i>Remove misinformation.</i>	<i>Basing decisions on rumor, innuendo or ill-informed comments is detrimental to good decision-making.</i>
3	<i>Seek to know what you don't know.</i>	<i>Not making an effort to uncover what you don't know and basing your opinion only on what you know at the time.</i>
4	<i>Ensuring decisions are made based on full involvement & not manipulating the process to ensure a collective consensus of an outcome is achieved.</i>	<i>Manipulating the decision-making process (e.g. timing, absenteeism, misinformation) to achieve your own desired outcome.</i>
5	<i>Listen to all sides of the issue before making a decision.</i> <i>Listen to all of the debate</i>	<i>Not listening and make assumptions or predetermined decisions.</i> <i>Refuse to listen to different sides of the issue for the sake of exchanging opinions and making up your mind before you have heard the whole of the debate.</i>
6	<i>Agree to disagree without malice.</i>	<i>Being precious about your own position being the only outcome and not accepting alternative opinions.</i>
7	<i>Agree on ground rules and adhering to these (e.g. Code of Conduct, Values, Behaviours, Standing Orders, etc.)</i>	<i>Endorsing ground rules and boundaries as a token gesture only and not adhering to these.</i> <i>Only exercising the need for adhering to ground rules & boundaries when it suits you.</i> <i>Collapsing into our Lower State.</i>
8	<i>Consider the use of a mediator on occasions when needed to assist with issues.</i>	<i>Not supporting the need for a mediator and when a mediator is introduced not participating or communicating at the time of mediation and letting issues continue.</i>
9	<i>Speak positively about the Council, Staff, Community and all decision made by the Majority, irrespective of if the decision is contrary to your individual position.</i>	<i>Talking down the Council, Staff, Community and any decision made by the majority which may not be your individual position.</i>



TEAM VALUES AND BEHAVIOURS

Values: RESPECT, TRUST, HONESTY, INTEGRITY & ETHICAL		
	Acceptable/Expected Behaviours	Unacceptable Behaviours
10	Step back and view the big picture.	Advocate and promote a path based on a limited view only.
11	Address the issue rather than letting things fester.	Letting things fester and allowing the problem to continue and explode later.
12	Have an open-minded approach.	Not willing to listen to new ideas and opinions, to learn new things and consider alternate approach to problem solving.
13	Listen to and understand other points of view.	By not listening you show lack of empathy, understanding, appreciation and respect.
14	Remain focused on the issue rather than getting personal.	Tackling the person not the issue
15	Debate constructively/legitimately.	Becoming personal, argumentative & irrational during the debate.
16	Retaining confidentiality within the Team when required.	Divulging confidential and personal information to promote yourself or your personal position.
17	Being loyal to the absent. Avoid saying something about someone unless you would say it in the person's presence.	Talking behind each other's back.
18	Telling the truth at all times and challenging matters when truth is not being told	Avoiding the truth and ignoring/condoning untruths.
19	Adhering to my roles and responsibilities within the organisation.	Encroaching into area, roles and responsibilities of the organisation, which is outside my jurisdiction and role.

AGENDA ITEM:	10.3.2
SUBJECT:	BILL HEMSLEY PARK COMMUNITY CENTRE – CARPARK REPAIR
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	BILL HEMSLEY PARK COMMUNITY CENTRE
FILE REFERENCE:	A2040
PREVIOUS REFERENCE:	NA
DATE:	21st NOVEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Greenfield Technical Service - Memo		√
10.3.2(b)	Greenfield Technical Service – Cost Estimate		√
10.3.2(c)	Greenfield Technical Service – Site Plan		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Shire staff installed the carpark at the Bill Hemsley Park Community Centre (BHPCC) at the time the building was being constructed. This work was not part of the building or surrounds contracts. A problem has occurred with the carpark surface subsiding in several areas.

The Shire CEO, Manager Works & Services and Works Leading Hand have inspected the site with the Shire Consultant Engineers (Greenfield Technical Services). The reason being suggested for the damage is due to the area needing to be excavated to the bed-rock to ensure the required levels were obtained to compliment access to the building. This has resulted in the subsurface water being trapped on the bed-rock and not being able to leach naturally underneath base course, resulting in the basecourse becoming saturated. This view is supported by the fact the access road to the carpark area has not experienced similar subsidence issue due to the access road being built up (i.e. not excavated) as part of the construction process, which allows the subsurface water to drain naturally underneath the basecourse.

In hindsight it would have been better to have raised the building height to allow the carpark area to be built up, rather than excavated to obtain the desired access levels. This was not possible due to the need to keep the building roof height at a maximum level to ensure residents did not have their line-of-sight and views adversely affected by the BHPCC. Something the Council and adjacent land owners were strong on achieving during the initial stages of developing the building specifications.

COMMENTS

Greenfield Technical Services suggested solution to remedy the drainage and repair the carpark area, which is supported by staff is stated at **Attachment 10.3.2(a)**:

It is considered appropriate to undertake such works by using both internal staff & plant and external contractors.

STATUTORY ENVIRONMENT

In accordance with legislative requirements of the Local Government Act, 1995, Section 6.8(1)(b) Council is required to resolve by **Absolute Majority** to incur expenditure from its municipal fund for an additional purpose that is not identified in the Adopted Budget i.e.

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution*; or
- (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

(1a) In subsection (1):

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy or Procedure affected.

FINANCIAL IMPLICATIONS

The Consultant Engineer has estimated the actual cost to undertake all the necessary preventative and repair works to the BHPCC Carpark as being approximately \$20,000.

Council has received formal advice the 2018/2019 Direct Road Grants will be reinstated back to the amount received in 2016/2017. Council may recall the State Government reduced Direct Road Grants to local government was reduced in 2017/2018 to cover the Legislative Council's rejections of the State Government's proposal to remove the vehicle licensing concession afforded to local government authorities.

At the time the 2018/2019 Budget was adopted it was unknown whether (or not) the State Government would reinstate the Direct Road Grants to local government, so the budget was structured to reflect the lower amount to be received in 2017/2018. Therefore; there is an additional \$44,984 grant funds available in 2018/2019, which was not budgeted for i.e.

• Direct Grants Received -	\$116,926
• Direct Grants Budgeted -	<u>\$ 71,942</u>
Additional Funds -	<u>\$ 44,984</u>

Direct Grants are usually spent on Road Maintenance works, which is what the proposed repair works on the BHPCC carpark are.

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

No effect on the LTFP envisaged.

STRATEGIC IMPLICATIONS

It is important the drainage and repair work at the BHPCC carpark is undertaken as soon as possible to avoid the next wet weather period, which will create further damage to the carpark area.

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

Ref	Objective	Strategy
4.2	Manage and maintain roads, drainage and other essential infrastructure	Capital Road Works Programs

CONSULTATION

The Shire CEO, Manager Works & Services and Works Leading Hand have inspected the site with the Shire Consultant Engineers (Greenfield Technical Services).

RISK ASSESSMENT

If drainage and repair works are not undertaken as soon as possible, specifically before the next major wet season, there could be more damage incurred and more significant repair works required to the carpark, which will no doubt result in additional cost being incurred to reinstate the carpark area. Therefore, delays could result in the risk being **major** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR MALUISH

Council endorse a 2018/2019 Budget Variation to undertake drainage and repair works to Bill Hemsley Community Centre carpark area by allocating additional Direct Road Grants received in 2018/2019 to this project.

**Voting 7/0
CARRIED
Minute Reference: 11/18-10**

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

AGENDA ITEM:	11.1
SUBJECT:	CHANGE DATE – DECEMBER 2018 OCM
PROPOSER:	CR NICOLE BATTEN
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	406.00
PREVIOUS REFERENCE:	MINUTE REFERENCE: 11/17-4
DATE:	21 ST NOVEMBER 2018
AUTHOR:	CR NICOLE BATTEN MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
11.1(a)	Revocation Procedure & Flow Chart	✓	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is required under the Local Government Act 1995 to at least once a year set and advertise meeting dates, times and venues for Ordinary Council Meetings (OCM) for the next twelve-month period.

Council resolved the following at the November 2017 OCM for the 2017 Ordinary Council Meeting dates & venues:

“MOVED: CR ROYCE

SECONDED: CR FORRESTER

1. Council Ordinary Meeting dates and locations for the next Calendar Year as listed below be adopted:

DATE	MEETING LOCATION
21 February	Nabawa Chambers
21 March	Bill Hemsley Park Community Centre
18 April	Nabawa Chambers
16 May	Nabawa Chambers
20 June	Nabawa Chambers
18 July	Nabawa Chambers
15 August	Yuna Multipurpose Community Centre
19 September	Nabawa Chambers
17 October	Nabawa Chambers
21 November	Nabawa Chambers
19 December	Nabawa Chambers

2. Council set the start time for the Ordinary Council Meeting at 9.00am;
3. Council advertised Ordinary Meeting dates, locations and times in accordance with the Local Government (Administration) Regulations.

Voting 7/0
CARRIED

Minute Reference: 11/17-4

The Local Government (Administration) Regulations, 1996, sets the procedures required to revoke or change a decision of Council. See the **Statutory Implications** section of this report for how the proposed change to Minute Reference 11/17-4 is to be dealt with, if this is required by Council's.

COMMENT

Council meetings are usually held at Nabawa on the third Wednesday of the month, commencing at 9:00am, except for January when no Ordinary Council meeting is held.

The meeting date for December has occasionally been brought forward to the second Wednesday of the month to avoid clashes with Christmas/New Year break period. However; at the November 2017 OCM when this matter was discussed, it was not considered necessary to change the December 2018 OCM from the usual third Wednesday of the month date.

Cr Batten has contacted the Chief Executive Officer requesting Council consideration to bring the December 2018 OCM forward one week to **Wednesday 12th December 2018**.

An OCM is scheduled for the 21st November 2018, which will mean there will only be a three-week gap between the November and December 2018 OCMs. There will then be a ten-week gap between the December 2018 and February 2019 OCMs.

Reporting Staff are comfortable with the proposal to bring the December 2018 OCM forward to the 12th December 2018 with the understanding the Agenda will not be available until the Friday beforehand (i.e. 7th December 2018). This still complies with the legislative requirement to have Council Meeting Agendas available 72 hours prior to the meeting date.

Council resolved the following at the October 2018 OCM regarding the dates and venues for the 2019 OCMs:

"MOVED: CR BATTEN

SECONDED: CR ROYCE

Council Ordinary Meeting time, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations:

DATE	MEETING LOCATION
20 February	Nabawa Chambers
20 March	Bill Hemsley Park Community Centre
17 April	Nabawa Chambers
15 May	Nabawa Chambers
19 June	Nabawa Chambers
17 July	Nabawa Chambers
21 August	Yuna Multipurpose Community Centre
18 September	Nabawa Chambers
16 October	Nabawa Chambers
20 November	Nabawa Chambers
18 December	Nabawa Chambers

Voting 7/0

CARRIED

Minute Reference: 10/18-2

(Motion moved en-bloc)"

It will be noted a similar situation will occur at the December 2019 OCM as has occurred in 2018. If Council thinks it is appropriate to change the date of the December 2018 OCM by bringing this forward a week it may also be appropriate to consider a similar change to the December 2019 OCM.

STATUTORY ENVIRONMENT

Local Government Act 1995 states:

Convening council meetings - s5.5.

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 Clause 12(1) states:

Public notice of Council or Committee meetings – s 5.25(1)(g)

At least once each year a local government is to give local public notice:

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which:

- (a) the ordinary council meetings; and
- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

Revoking or Changing Council Resolution – See Attachment 11.1(a)

Local Government (Administration) Regulations, 1996

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

There will be a cost associated with advertising the change to date of the December 2018 OCM if this is agreed to by Council. However; such costs can be accommodated in the 2018/2018 Advertising Budget. The 2019 advertisement of OCM dates is yet to be placed.

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

No affect on the LTFP is envisaged.

STRATEGIC IMPLICATIONS

It is important for Council to include and engage all sectors of our community and the concept of structuring meeting times, dates and locations to reach out to the community is one means of improving this.

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

Leadership

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

Consultation has occurred with Shire Reporting Staff with the consensus being the suggestion of moving the December 2018 OCM forward from the 19th to the 12th December being able to be accommodate with the understanding the Agenda will not be available until Friday the 7th December 2018.

Staff have also indicated an advantage to the December 2018 OCM's being brought forward a week is more time being available for them to deal with actionable items from the meeting to be dealt with prior to the Christmas/New Year close down period.

RISK ASSESSMENT

No risk envisaged 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

- One Third Majority; and
- Absolute Majority

COUNCIL RESOLUTION / ELECTED MEMBER RECOMMENDATIONS

MOVED: CR BATTEN

SECONDED: CR WARR

RECOMMENDATION 1 – ONE THIRD REQUIRED (whether vacant or not – i.e. 3 Votes)

Council agrees to introduce a motion to change Minute Reference: 11/17-4 regarding the date of the December 2018 & 2019 Ordinary Council Meetings.

(Note: Recommendation 2 below is only dealt with if Recommendation 1 above is **Carried**)

Voting 7/0

CARRIED

Minute Reference: 11/18-11

COUNCIL RESOLUTION / ELECTED MEMBER RECOMMENDATIONS

MOVED: CR BATTEN

SECONDED: CR WARR

RECOMMENDATION 2 – ABSOLUTE MAJORITY (i.e. 5 Votes)

Council change the dates of the December 2018 and December 2019 Ordinary Council Meetings to the following, with the venue remaining the Council Chambers, Nabawa:

- 12th December 2018; and
- 11th December 2019

and advertise these changes in accordance with legislative requirements.

Voting 5/2

CARRIED

Minute Reference: 11/18-12

REVOCATION PROCEDURES AT COUNCIL & COMMITTEE MEETINGS (WITHOUT PRIOR NOTICE)

The following procedure is to ensure Council complies with Clause 10 of the Local Government (Administration) Regulations, 1996, in regard to revoking, or significantly changing, previously agreed Council Resolutions:

1. Elected Member moves a motion to revoke, or significantly amend, a Council decision.
2. Presiding Member requests, a “Seconded” for the motion.
3. If no “Seconded” forthcoming the motion will lapse, and Council are then required to move onto the next item of business.
4. If a “Seconded” is achieved the Presiding Member will then enquire with the Chief Executive on the following:
 - 4.1 Is revocation motion legally possible?
 - 4.2 Has initial resolution been acted upon?
 - 4.3 Will any third party be adversely affected by the revocation of motion change?
5. If the Presiding Member rules the revocation motion is acceptable, he/she will request TWO VOTES to occur:
 - 5.1 VOTE 1 Accept/Reject the Revocation Motion
 - (a) In the case where an attempt to revoke or change the decision had been made within the previous three months but had failed, requires an ABSOLUTE MAJORITY (i.e. 5 votes/8 positions i.e. more than 50% of number of offices whether vacant or not) if a similar attempt has been made to revoke/change the substantive motion within the past 3 months.
 - (b) In any other case requires at least 1/3 of Elected Members, whether vacant or not (i.e. 3 Votes).

(As per Clause 10 - Local Government (Administration) Regulations 1996)

If the required votes are not achieved the revocation process is discontinued and the substantive motion remains valid and Council are then required to move onto the next item of business.

If the required votes are achieved then the second vote is called for to actually revoke, or change, the substantive motion (i.e. move to point 5.2).

5.2 VOTE 2 Actually Revoke, or Change, a Substantive Motion

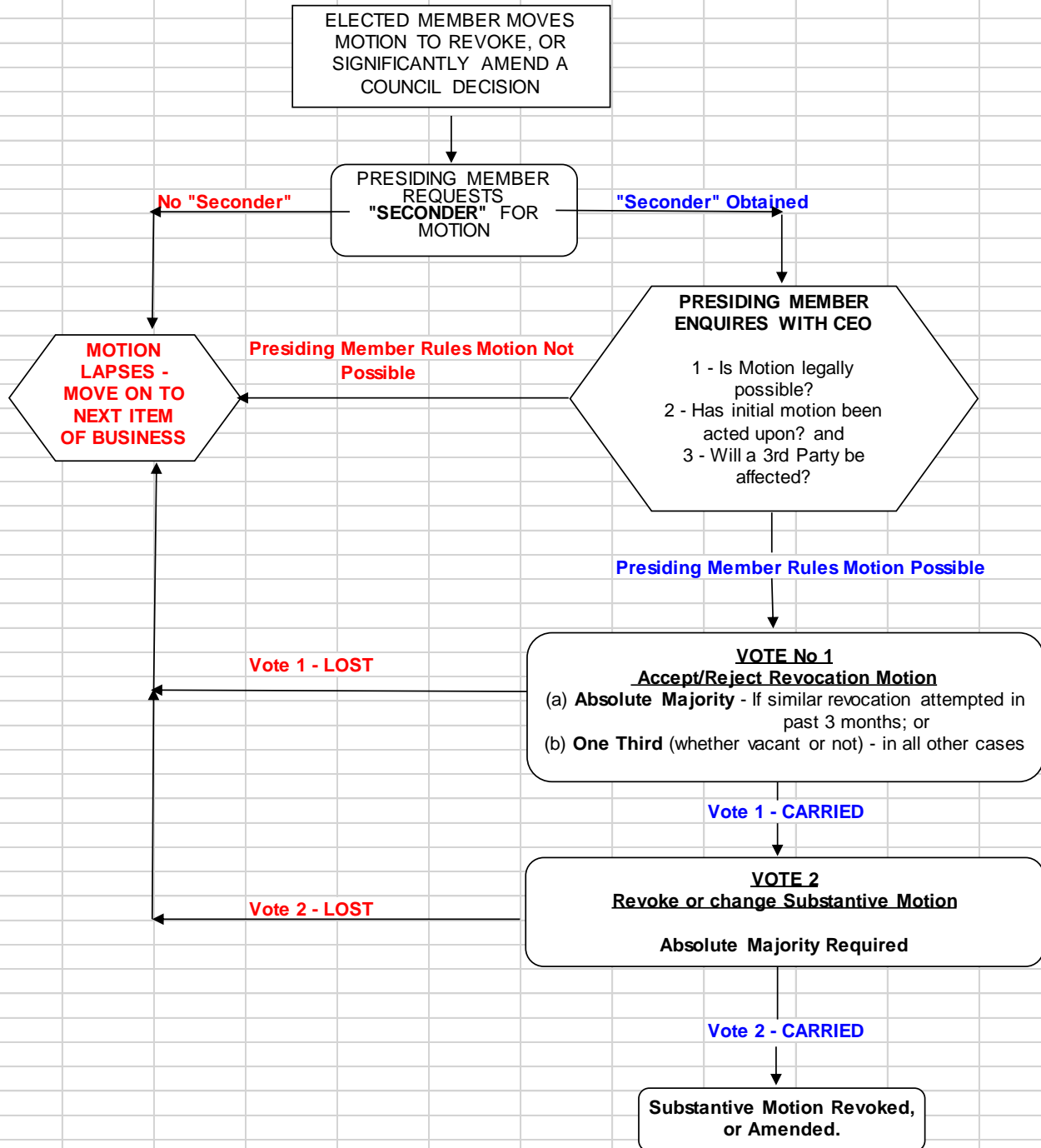
An ABSOLUTE MAJORITY (i.e. 5 votes) is required to carry this motion.

If this revocation motion is not successful, the substantive motion remains valid and Council are then required to move onto the next item of business.

If the revocation motion is successful, then the substantive motion lapses or is effectively changed in accordance with the revocation motion.

Where the substantive motion fully lapses, Council

REVOCATION PROCESS - FLOW CHART



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

Nil

Mr Battilana left Chambers at 10.08am

Cr Humphrey left Chambers at 10.09am

13.0 DELEGATES REPORTS

Cr Warr and Mr Battilana attended the Local Government Act Review at the City of Greater Geraldton.

Cr Humphrey and Mr Battilana re-entered Chambers at 10.11am.

Cr Humphrey advised that he and Mr Battilana had attended the Batavia Local Emergency Management Committee meeting held at the Shire of Chapman Valley.

Cr Humphrey raised that the Geraldton Volunteer Marine Rescue Group (Inc) are looking into getting a rescue helicopter to the Midwest.

Mr Battilana stated that he would be meeting with the three (3) Local Government CEO's to discuss the firebreak notices within their regions.

Cr Batten, Mr Battilana, Mr Lancaster and Mrs Cameron attended the Moresby Range Eco-Tourism meeting with representatives from the Department of Biodiversity, Conservation & Attractions, Department of Sport & Recreation and City of Greater Geraldton.

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 CEO Annual Performance Appraisal
- 15.2 Freeman Award Nominations

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR WARR

Council resolve the meeting be closed 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 and 15.2 in accordance with Management Procedure CMP-033 (Honour Awards).

Voting 7/0

CARRIED

Minute Reference: 11/18-13

Mr Lancaster, Mrs Raymond and Mrs Mckay left Chambers at 10.23am

Mr Battilana left Chambers at 10.25am

AGENDA ITEM:	15.1
SUBJECT:	CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE APPRAISAL & REMUNERATION REVIEW
PROPONENT:	CRS FARRELL, FORTH & FORRESTER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	PERSONAL FILE – 908.02
PREVIOUS REFERENCE:	MINUTE REF: 09/17-19 & 07/18-14
DATE:	21st NOVEMBER 2018
AUTHOR:	CR FARRELL, SHIRE PRESIDENT MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION / ELECTED MEMBERS RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

Council endorse the Chief Executive Officer's performance over the past twelve months in accordance with the following Review Panel's comments:

"Maurice continues to carry out his job with professional standards that flows throughout the organisation ensuring council is kept well informed of relevant information and obligations. He also works hard at keeping the organisation a harmonious fun place to work"

**Voting 7/0
CARRIED**

Minute Reference: 11/18-14

Mr Battilana re-entered Chambers at 11.14am

Mr Lancaster, Mrs Raymond and Mrs McKay re-entered Chambers at 11.20am.

AGENDA ITEM:	15.2
SUBJECT:	FREEMAN AWARD - NOMINATIONS
PROPONENT:	COUNCILLORS
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.00
PREVIOUS REFERENCE:	MINUTE REFS: 09/17-15 & 09/17-16
DATE:	21st NOVEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION / STAFF RECOMMENDATION 1 – Simple Majority

MOVED: CR FORRESTER

SECONDED: CR ROYCE

Council:

1. Bestow the title of *'Honorary of Freeman Shire of Chapman Valley'* upon the following in recognition of their outstanding services rendered to the Shire of Chapman Valley and community:
 - i. Peter John Batten; and
 - ii. John Philip Collingwood
2. The Shire President and Chief Executive Officer work with the award recipients to convene separate functions to commemorate the conferral of the *'Honorary Freeman of Shire of Chapman Valley'* upon both recipients.

**Voting 5/2
CARRIED**

Minute Reference: 11/18-15

COUNCIL RESOLUTION / STAFF RECOMMENDATION 2 – Absolute Majority

MOVED: CR FORRESTER

SECONDED: CR ROYCE

Council authorise a budget variation of \$5,000 from the additional surplus funds available from the end of 2017/2018 financial year position to accommodate both Freeman Award functions in 2018/2019, only if required.

In the event either (or both) the Freeman Award Functions are to be held in the 2019/2020 financial year the appropriate funds be quarantined in the budget for this financial year.

**Voting 7/0
CARRIED**

Minute Reference: 11/18-16

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

That the meeting be re-opened to the public.

**Voting 7/0
CARRIED**

Minute Reference: 11/18-17

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 11.25am.