



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 15 May 2019  
at the Council Chambers, 3270 Chapman Valley Road, Nabawa  
commencing at 9:00am.

Maurice Battilana  
CHIEF EXECUTIVE OFFICER

**CONFIRMED  
MINUTES**

**MAY 2019**

*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.

A handwritten signature in black ink, appearing to read "M. Battilana", is written over a large, faint, circular watermark or background mark.

Maurice Battilana  
**CHIEF EXECUTIVE OFFICER**

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

### Section 5.60A:

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

### Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –*

*(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or*

*(b) a proposed change to the zoning or use of land that adjoins the person's land; or*

*(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

### Regulation 34C (Impartiality):

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

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

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**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**

<b>Member</b>
Cr Anthony Farrell (President)
Cr Pauline Forrester
Cr Darrell Forth
Cr Peter Humphrey
Cr Ian Maluish

**b. Staff**

<b>Officer</b>	<b>Position</b>
Mr Maurice Battilana	Chief Executive Officer
Mr Simon Lancaster	Deputy Chief Executive Officer
Mrs Dianne Raymond	Manager Finance and Corporate Services
Mrs Karen McKay	Executive Services Administrator (Minute Taker)

**c. Visitors**

<b>Name</b>
Leander Crickmay – Item 10.1.1

**3.2 Apologies**

<b>Name</b>
Nil

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

<b>Councillor</b>	<b>OCM Month &amp; Year</b>	<b>Date Approved</b>	<b>Minute Reference</b>
Cr Pauline Forrester	May 2019 OCM	17/04/2019	04/19-1
Cr Ian Maluish	May 2019 OCM	17/04/2019	04/19-1

*\*Note: If Elected Members' application for Leave of Absence is for the meeting that the request is submitted, they will be noted as an apology until Council consider the request. The granting of the leave, or refusal to grant the leave and reason for that refusal, will be recorded in the minutes of the meeting.*

*If Elected Member on Approved Leave subsequently attends the meeting, this will be noted in the minutes*

#### 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 (By Resolution of Council)

Cr Warr requested Leave of Absence for the July 2019 OCM.

##### COUNCIL RESOLUTION

**MOVED: CR FORTH**

**SECONDED: CR HUMPHREY**

That Cr Warr be granted Leave of Absence for July 2019 OCM

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-1**

#### 6.0 DISCLOSURE OF INTEREST

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.2	Cr D Forth	Impartiality	Related to applicant
10.3.3	Cr K Warr	Impartiality	Financial Member of Creating a Better Yuna

#### 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 FORTH**

**SECONDED: CR HUMPHREY**

##### 8.1 Ordinary Meeting of Council held on Wednesday 17 April 2019

That the minutes of the Ordinary Meeting of Council held Wednesday 17 April 2019 be confirmed as a true and accurate.

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-2**

**9.0 ITEMS TO BE DEALT WITH EN BLOC**

Nil

**10.0 OFFICERS REPORTS**

# 10.1

## Deputy Chief Executive Officer

### May 2019

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### 10.1 AGENDA ITEMS

10.1.1 Proposed Outbuilding - 8 (Lot 131) Dune Vista, Buller

10.1.2 Proposed Outbuilding - Lot 154 North West Coastal Highway, Buller



<b>AGENDA ITEM:</b>	<b>10.1.1</b>
<b>SUBJECT:</b>	<b>PROPOSED OUTBUILDING, BULLER</b>
<b>PROPONENT:</b>	<b>LEANDER CRICKMAY ARCHITECTS FOR A &amp; A JONES</b>
<b>SITE:</b>	<b>8 (LOT 131) DUNE VISTA, BULLER</b>
<b>FILE REFERENCE:</b>	<b>A1880</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>7 MAY 2019</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Submitted correspondence & plans relating to proposed outbuilding at 8 (Lot 131) Dune Vista, Buller	√	
10.1.1(b)	Received submissions	√	
10.1.1(c)	Applicant's response to issues raised during advertising period	√	

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council is in receipt of an application to construct an outbuilding upon 8 (Lot 131) Dune Vista, Buller. The application has been advertised for public comment and 2 submissions, 1 in support and 1 in objection, were received. This report recommends approval of the application, subject to condition that the outbuilding floor level be lowered.

**Figure 10.1.1(a) – Location Plan of 8 (Lot 131) Dune Vista, Buller**



**COMMENT**

8 (Lot 131) Dune Vista, Buller is a 4,000m<sup>2</sup> property in the Wokarena Heights Estate that slopes down from the 44m contour in its north-eastern corner to the 38m contour in its south-western corner. The property contains a single storey, brick wall, colorbond roof residence and the applicant is proposing to build a swimming pool and outbuilding to the side/north of this.

**Figure 10.1.1(b) – Aerial Photograph of 8 (Lot 131) Dune Vista, Buller**



The proposed outbuilding would have a 10° skillion roof, 4.686m in height as measured to its highest point (southern elevation), and this elevation would be sited upon an area of 0.386m fill, meaning that the highest point of the outbuilding as measured from current ground level would be 5.072m.

Council's Outbuildings Local Planning Policy requires that outbuildings within the Residential R2.5 zone should have a maximum wall height of 3.5m and maximum overall height of 4.5m (as measured from natural ground level).

Prior to construction of the residence upon Lot 131 in 2014/2015, cut earthworks were undertaken to achieve a level building site. As a result, the proposed outbuilding is situated in an area of approximately 0.7m of cut below the original natural ground level. On this basis the outbuilding would have a maximum height of 4.372m as measured from the original natural ground level which would comply with Council's total outbuilding height policy requirement of 4.5m, but not the policy's wall height requirement of 3.5m at the southern elevation.

The outbuilding is also proposed to be sited 2.9m from the northern side property boundary at its closest point. Table 1 of the state-wide Residential Design Codes of Western Australia ('R-Codes') recommends a setback for (non-front) boundary setbacks of 7.5m for R2.5 zoned properties.

As the application is seeking variation to the Outbuilding Local Planning Policy height and R-Code setback 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 131 looking west from Dune Vista**



**Figure 10.1.1(d) – View of Lot 131 looking south-west from Dune Vista**

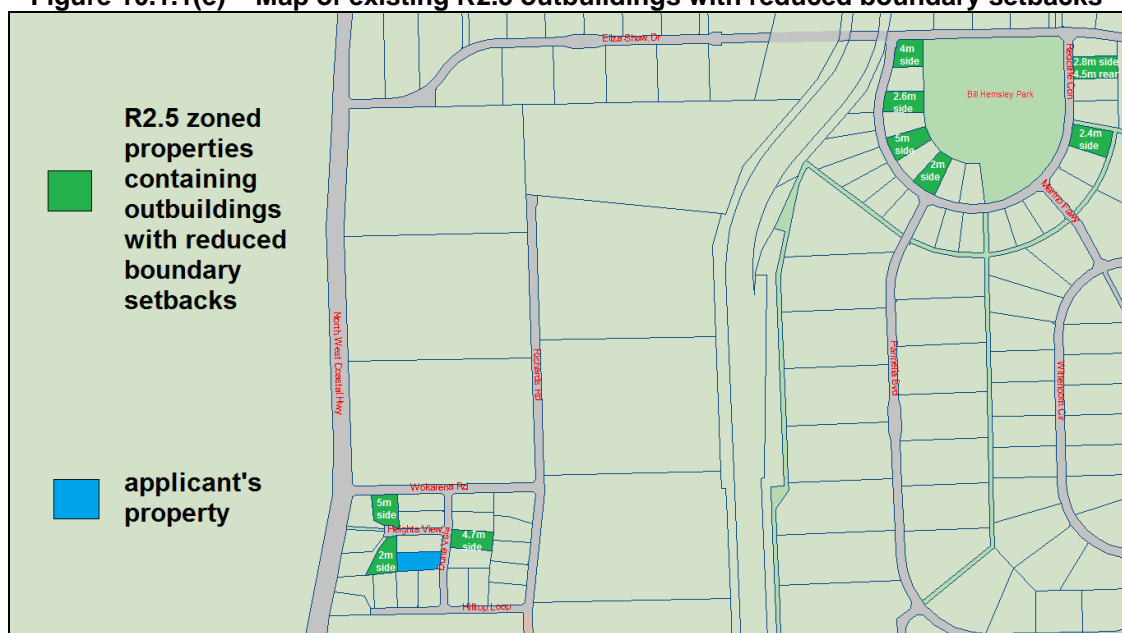


It is suggested that some consideration for the application's proposed variation to the height and side boundary setback requirements may be warranted in this instance, based upon the following:

- the proposed outbuilding would have an area of 73.617m<sup>2</sup> which is less than the 180m<sup>2</sup> maximum area requirement as specified in Council's Outbuildings Local Planning Policy for the R2.5 zone;
- the outbuilding would not dominate the streetscape as its floor level would be approximately 2.7m below the street level and be setback 25.15m from the front boundary;
- the outbuilding would have a maximum height of 5.072m as measured from current ground level and this would be less than the 5.925m gable height of the applicant's adjoining residence to the south;
- the applicant is seeking the height variation to enable them to store a boat and also incorporate a mezzanine level for further storage;
- it is considered that due to the consistent sloping nature of the lot, that wherever the outbuilding was located it would be difficult to comply with the policy height requirements without substantial cut earthworks being undertaken;
- whilst the proposed freestanding outbuilding does not comply with the policy requirements, were the applicant to instead have proposed to construct a northern extension to their residence to serve the same function (i.e. gym/storage) then the proposed height would have been deemed compliant;
- the outbuilding's proposed side boundary setback of 2.9m would not be out of character with the surrounding area where a number of sheds have been sited with a reduced setback in recognition of the narrow configuration of the Wokarena Heights and Redcliffe Concourse R2.5 lots as illustrated in **Figure 10.1.1(e)**;

- the outbuilding would be located in an area of previously undertaken cut earthworks of approximately 0.7m depth and by reducing the side boundary setback this places the outbuilding in a deeper area of cut earthworks thereby assisting to reduce its visual impact;
- there are no windows on the northern elevation of the proposed outbuilding (i.e. the outbuilding wall facing the side boundary with the reduced setback);
- the proposed outbuilding is considered to have some aesthetic merit being a bespoke architect designed structure that would utilise complementary brick and colorbond building materials and colours to the main residence, that when considered along with the accompanying proposed swimming pool and rendered brick wall between the outbuilding and residence, would enhance the visual appearance of the property;
- the property does not presently contain an outbuilding and its construction would enable the landowner to store personal items securely and out of the weather rather than have them in the open, which may also be considered to improve visual appearance and amenity;
- whilst the proposed outbuilding's southern wall would be higher than the outbuilding wall height policy requirement, it is noted that the variation is relatively minor, and given that the outbuilding would have a skillion roof, the variation would reduce from this point as the natural ground level rises and the roofline falls;
- the outbuilding would meet the overall outbuilding policy height policy requirement as measured from natural ground level when factoring in the original cut earthworks.

**Figure 10.1.1(e) – Map of existing R2.5 outbuildings with reduced boundary setbacks**



The received objection related to the impacting of views and this aspect is discussed in the consultation section of this report.

The staff recommendation suggests that the applicant's outbuilding design could be approved, but with modification to the floor level to display some regard for the received objection, and this is also discussed in the consultation section of this report.

## STATUTORY ENVIRONMENT

8 (Lot 131) Dune Vista, Buller is zoned 'Residential R2.5' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The application has been brought before Council for its consideration as it exceeds the delegated authority of Shire staff in relation to the outbuilding policy height requirements and the R-Codes side boundary setback requirements.

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:

- “(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.”*

The applicant is seeking to site the outbuilding 2.9m from the side property boundary. Section 5.4.1.C1.1.i and Table 1 of the R-Codes recommend a 7.5m side boundary setback for R2.5 zoned properties.

Section 4.2.1 of the Explanatory Guidelines for the R-Codes make the following relevant observations:

*“Exceptions to basic setback provisions*

*Consideration of setbacks should have regard to the natural ground level, shape, development and orientation of adjoining lots.*

*A reduction to the R-Codes deemed-to-comply setback requirements should only be considered where it can be demonstrated this is preferable for practical or aesthetic reasons, and will not be to the detriment of the amenity of adjoining properties, particularly where the reduced setback may result in increased overshadowing, overlooking or lack of privacy.*

*In these situations, the building design would need to address the design principles of clause 5.1.3.”*

The R-Codes require a 7.5m boundary side setback for the R2.5 zone, however it is considered that a reduction to 2.9m in this instance would not be out of character with the surrounding area where a number of sheds have been sited with a reduced setback. It also noted that by reducing the side boundary setback the outbuilding would be located in a deeper area of cut earthworks thereby assisting to reduce its visual impact.

**POLICY IMPLICATIONS**

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

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 R2.5 zone should have a maximum wall height of 3.5m and maximum overall height of 4.5m (as measured from natural ground level) and the submitted application proposes a skillion roof outbuilding with a northern wall height of 3.086m, and a southern wall height of 4.686m, and this atop a fill height of 0.386m to create a total wall height above current ground level at the southern elevation of 5.072m. The outbuilding is proposed to be sited in an area of previously undertaken cut earthworks at a depth of approximately 0.7m below the natural ground level which results in the proposed outbuilding complying with the total outbuilding height policy requirement but not the wall height policy requirement, with the southern wall having a height of 4.373m as measured from natural ground level, this being a 0.872m variation to the policy wall height requirement.

Section 4.9(b) of the Outbuildings Local Planning Policy states that:

*"For 'Residential' lots zoned R2.5 and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope."*

A reduced boundary setback from 7.5m as prescribed by the R-Codes to a minimum side setback of 2.9m is supported as it is not considered that the variation is detrimental to the use of the adjoining side/northern property and will not be out of character with the established built form in the Wokarena Heights Estate and the immediately impacted side/northern neighbour has raised no issue during the consultation period.

## **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**

- **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 notes that applications that seek variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

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 7 surrounding landowners on 9 April 2019 providing details of the application and inviting comment upon the proposal prior to 30 April 2019, 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 2 submissions had been received, 1 in support of the application and 1 in objection, copies of the received submissions have been provided as **Attachment 10.1.1(b)**.

The received objection was from the landowner of the vacant lot on the opposite/eastern side of Dune Vista and concerned the height of the proposed outbuilding and its impact on their ocean views.

The role of town planning in the protection of views is a long-debated matter with the general consensus being that one does not 'own their view' and whilst purchasers may be attracted to properties by their outlooks, that surrounding development will have potential to impact upon this. However, it is also accepted that town planning can have a role in attempting to mediate to achieve an outcome that might satisfy all parties.

It is noted that the objector's property is situated up-slope from the applicant's property, rising from the 44m contour in the south-west corner to the 49m contour in the north-east corner and the objector would have flexibility to site their future residence to maximise their own views at time of development accordingly, particularly once the surrounding built form is known. The objector may also seek to undertake some form of cut and fill earthworks as has been employed elsewhere in the Wokarena Heights Estate to achieve an ocean outlook.

The applicant was provided with the opportunity to respond to the issues raised during the advertising period and a copy of their response has been provided as **Attachment 10.1.1(c)**.

**Condition 3** in the staff recommendation suggests a compromise solution whereby the applicant could still achieve their desired building design but partly addresses the objector's raised issue. The outbuilding (as submitted by the applicant) is proposed to be constructed at a floor level 0.386m higher than the adjoining residence and **Condition 3** recommends that Council approve the application subject to the finished floor level of the outbuilding being lowered by 0.25m.

The effect of this -0.25m floor level modification would be to reduce the outbuilding at its highest point as *measured from current ground level* from 5.072m to 4.822m, and this would equate to the southern wall height being reduced from 4.372m to 4.122 *as measured from natural ground level* which would be a wall height policy variation of 0.622m rather than 0.872m.

This modification would slightly lower the outbuilding height as measured from current and natural ground level to in part address the objector's raised concern but would not compromise the outbuilding height itself to address the applicant's storage requirements. The lowering of the floor level by 0.25m rather than the full 0.386m differential to the current ground level is suggested to ensure that the outbuilding floor level is slightly raised above the surrounding gravel vehicle manoeuvring area to assist in stormwater drainage being directed away from the outbuilding.

## RISK ASSESSMENT

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

## VOTING REQUIREMENTS

Simple majority required.

**COUNCIL / STAFF RECOMMENDATION**

**MOVED: CR FORTH**

**SECONDED: CR BATTEN**

That Council grant formal planning approval for an outbuilding to be constructed upon 8 (Lot 131) Dune Vista, Buller subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 15 May 2019 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 finished floor level being lowered by 0.25m from that shown upon the submitted plan (thereby lowering the overall height of the outbuilding as measured from current ground level without reducing the height of the building itself).
- 4 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation, commercial or industrial purposes.
- 5 The walls and roof of the proposed outbuilding, and the fence connecting the outbuilding to the residence, are to be of materials, finish and colours that are complementary to the residence 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 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.

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-3**

*Ms Crickmay left Chambers at 9.22am*



Leander Crickmay Architects  
98 Mitchell Street  
Horrocks  
WA  
6535

08 April 2019  
Shire of Chapman Valley  
3270 Chapman Valley Road  
Nabawa  
WA  
6532

Dear Sir/Madam

**Proposed New Swimming Pool and Outbuilding**  
**Lot 131, 8 Dune Vista, Buller**

On behalf of my client Anthony and Amanda Jones I would like to put forward a proposal for a new swimming pool and outbuilding for the above-mentioned property.

1. The aesthetic intention of the outbuilding is to make it look like an extension/addition to the existing house and appear as a "pool room" with a gym and shaded gazebo area around the pool.
2. The construction materials thus match and tie into the existing house. Facebrick walls (Midland Brick, Manor Range. Colour: Augusta Limestone) and colorbond cladding and roofing (Colour: Shale Grey).
3. The skillion roof pitch of 10 degrees has resulted in an overall height of 4.686m. While a lower pitch would bring the height down, I believe it would be to the detriment of the overall look. The wall height of 3.086 is to allow for a roller shutter door of 3m so a boat can be stored in the outbuilding. The internal height also allows for a mezzanine level for additional storage. This will offer security and improve the appearance of the property by not having items exposed. The existing house has an overall height of 5.925m. It is noted that the original NGL across the area is below the proposed new outbuilding FFL.
4. The incorporation of the outbuilding into the pool design and location has resulted in the Northern setback being 2.9m from the boundary. It is understood that this constitutes a variation to the R2.5 setback of 7.5m in the R codes. It is hoped the council will consider the variation on merit as I do not believe the proposed outbuilding to have an unduly impact on the surrounding area. This can be seen in the surrounding precedent where lessor setbacks have been Council supported.
5. My client is hoping to provide a functional yet delightful improvement/addition to their family home and it is hoped our application is considered favourably.

Thank -you in anticipation

Yours Sincerely

Leander Crickmay

Enclosed: Jones Residence – DA Drawings  
Completed Development Approval Application Form



Submission 1



DATE	23/04/2019
FILE	A1880
RECORD	CR1913924

DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1880

**PROPOSED OUTBUILDING  
8 (LOT 131) DUNE VISTA, BULLER**

Name: Red & Jacquie Quatermaine

Postal Address: PO Box 1219 Geraldton WA 6531

Phone Number: 0428 500 741

SUBMISSION:  Support  Object  Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

Multiple horizontal lines for providing comments.

Signature: [Handwritten Signature] Date: 17/4/19

Please return to: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532  
or [cso@chapmanvalley.wa.gov.au](mailto:cso@chapmanvalley.wa.gov.au)  
or (fax) 9920 5155

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 30 April 2019

Submission 2



DATE	30/04/19
FILE	A1880
RECORD	CR1913978
Shire Reference: A1880	

DEVELOPMENT APPLICATION SUBMISSION FORM

**PROPOSED OUTBUILDING  
8 (LOT 131) DUNE VISTA, BULLER**

Name: Brenton and Annika Bombara  
 Postal Address: 82 Waverley Street, Mt Tarcoola Geraldton WA 6530  
 Phone Number: 0423508443 (Brenton) 0411776933 (Annika)

SUBMISSION:  Support  Object  Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

We Object to the Proposed outbuilding for the following reasons:

1. It will severely Block out our ocean views from our Block of land as we are directly behind their Lot. (East) (Our Block is 7 Dune Vista)
2. It is exceeding the maximum height of an outbuilding within a Residential R2.5 zone.

Signature: *WJ Bombara* Date: 29/4/19

Please return to: Chief Executive Officer or [cso@chapmanvalley.wa.gov.au](mailto:cso@chapmanvalley.wa.gov.au)  
 Shire of Chapman Valley or (fax) 9920 5155  
 PO Box 1  
 NABAWA WA 6532

**NOTE:** The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 30 April 2019

Scanned with CamScanner

Leander Crickmay Architects  
98 Mitchell Street  
Horrocks  
WA  
6535

06 May 2019  
Shire of Chapman Valley  
3270 Chapman Valley Road  
Nabawa  
WA  
6532

Dear Sir/Madam

**Proposed New Swimming Pool and Outbuilding**  
**Lot 131, 8 Dune Vista, Buller.**  
**Submissions Received**

Further to the objections/issues raised during the advertisement period for the above-mentioned project, on behalf of my client we wish to respond as follows:

Objections have been raised from the owners of Lot 119. (7 Dune Vista)

**Objection #1: The blocking of Ocean Views**

With reference to the attached West to East Section through Lots 131 and 119:

The natural ground level of Lot 119 ranges from 1.5m to 5.5m higher than the proposed FFL of our new outbuilding. The attached section shows the proposed position of a future residence for Lot 119.

With no fill or raised building platform the FFL of the future residence will sit approximately 4.5/5.0m higher than our new outbuilding's FFL. Sight lines have been show (standing and sitting), both of which are over the top of our outbuilding at its highest point. It is thus our opinion that the views from Lot 119 will not be hindered or obstructed by our proposal.

**Objection #2: Exceeding the maximum allowable height for an outbuilding zoned R2.5**

With reference to the attached East Elevation:

The proposed new outbuilding has a skillion roof with a 10 degree pitch. At its highest point it is 4686mm above the FFL. It then decreases in height as it pitches down. The elevation shows that only 13.8% of the outbuilding exceeds the height limit. I have also been advised by my client that they cut 700mm off the original ground level for the construction of the existing house. If we were to work off this original level, we would not be exceeding the height limit.

The aesthetic intention of the outbuilding is to make it look like an extension/addition to the existing house and appear as a "pool room" with a gym and shaded gazebo area around the pool.

The construction materials thus match and tie into the existing house. Facebrick walls (Midland Brick, Manor Range. Colour: Augusta Limestone) and colorbond cladding and roofing (Colour: Shale Grey).

The skillion roof pitch of 10 degrees has resulted in an overall height of 4.686m. While a lower pitch would bring the height down, I believe it would be to the detriment of the overall look. The wall height of 3.086 is to allow for a roller shutter door of 3m so a boat can be stored in the outbuilding. The internal height also allows for a mezzanine level for additional storage. This will offer security and improve the appearance of the property by not having items exposed. The existing house has an overall height of 5.925m. It is noted that the original NGL across the area is below the proposed new outbuilding FFL.

The incorporation of the outbuilding into the pool design and location has resulted in the Northern setback being 2.9m from the boundary. It is understood that this constitutes a variation to the R2.5 setback of 7.5m in the R codes. It is hoped the council will consider the variation on merit as I do not believe the proposed outbuilding to have an undue impact on the surrounding area. This can be seen in the surrounding precedent where lesser setbacks have been Council supported.

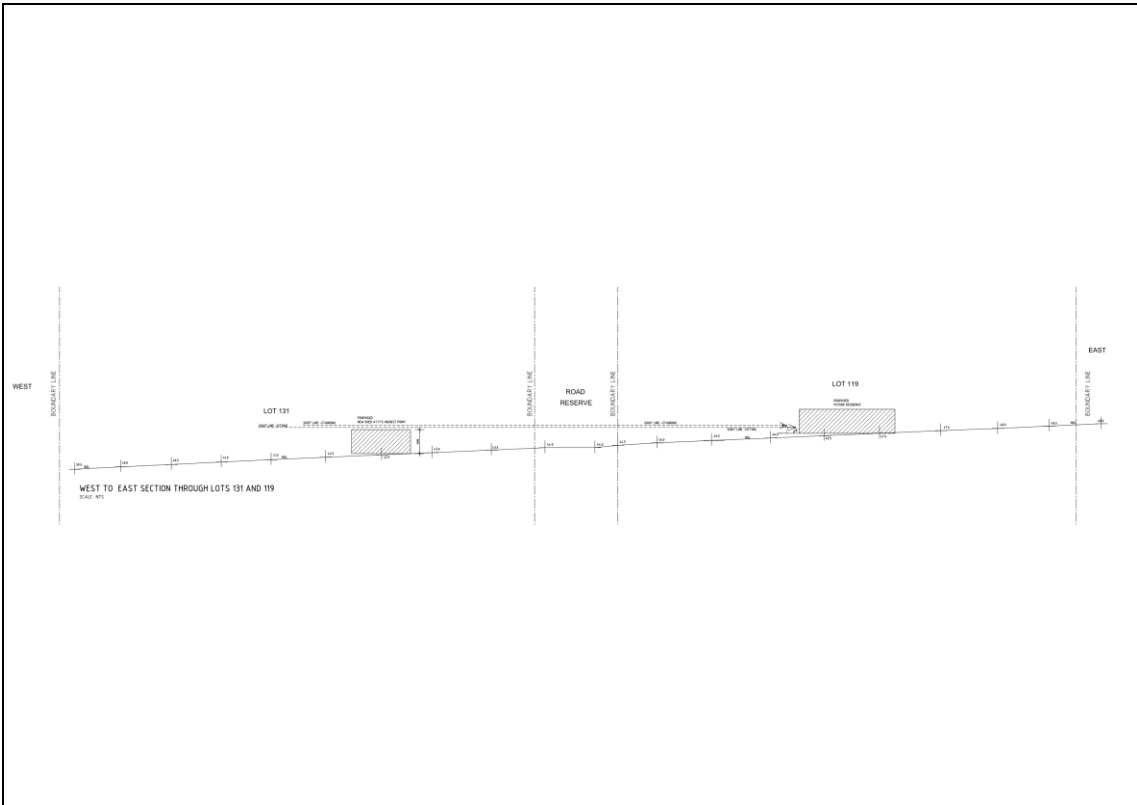
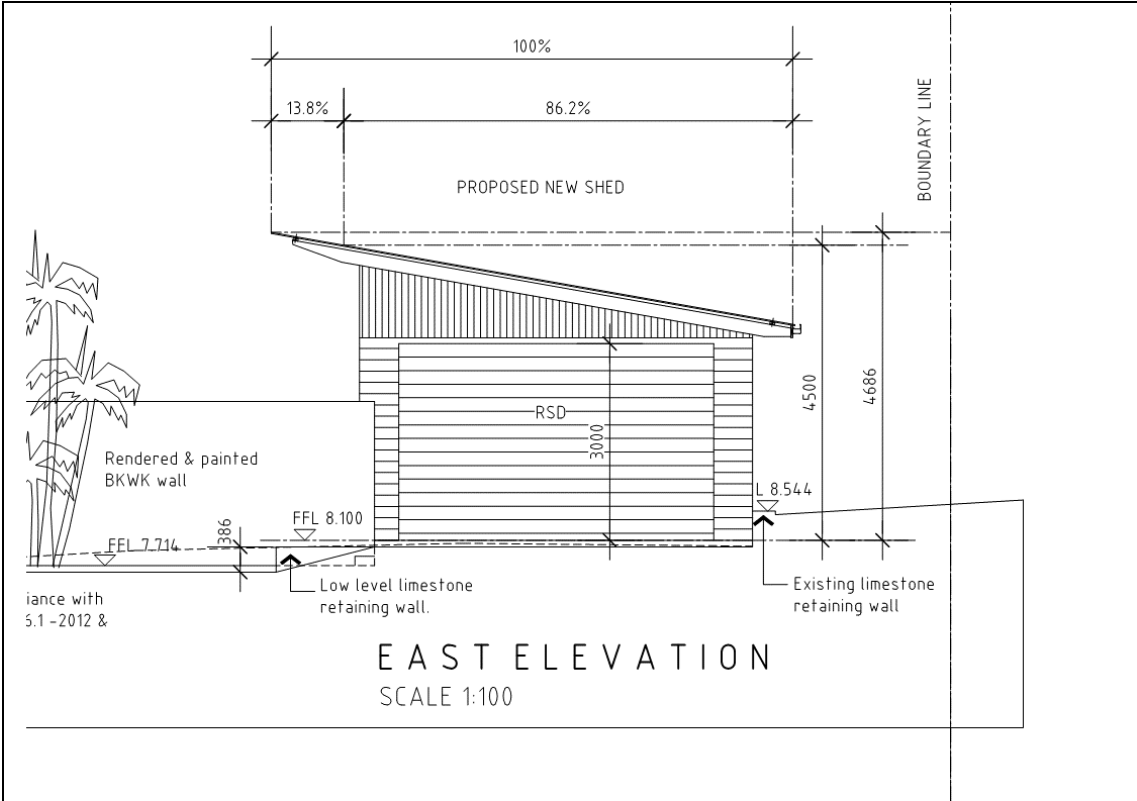
My client is hoping to provide a functional yet delightful improvement/addition to their family home and it is hoped our application is considered favourably.

Thank -you in anticipation

Yours Sincerely

Leander Crickmay

Enclosed: West to East Section  
East Elevation





<b>AGENDA ITEM:</b>	<b>10.1.2</b>
<b>SUBJECT:</b>	<b>PROPOSED OUTBUILDING, BULLER</b>
<b>PROPONENT:</b>	<b>S. FORTH</b>
<b>SITE:</b>	<b>LOT 154 NORTH WEST COASTAL HIGHWAY, BULLER</b>
<b>FILE REFERENCE:</b>	<b>A2083</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>7 MAY 2019</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Submitted correspondence & plans relating to proposed outbuilding at Lot 154 North West Coastal Highway, Buller	√	
10.1.2(b)	Received submissions	√	

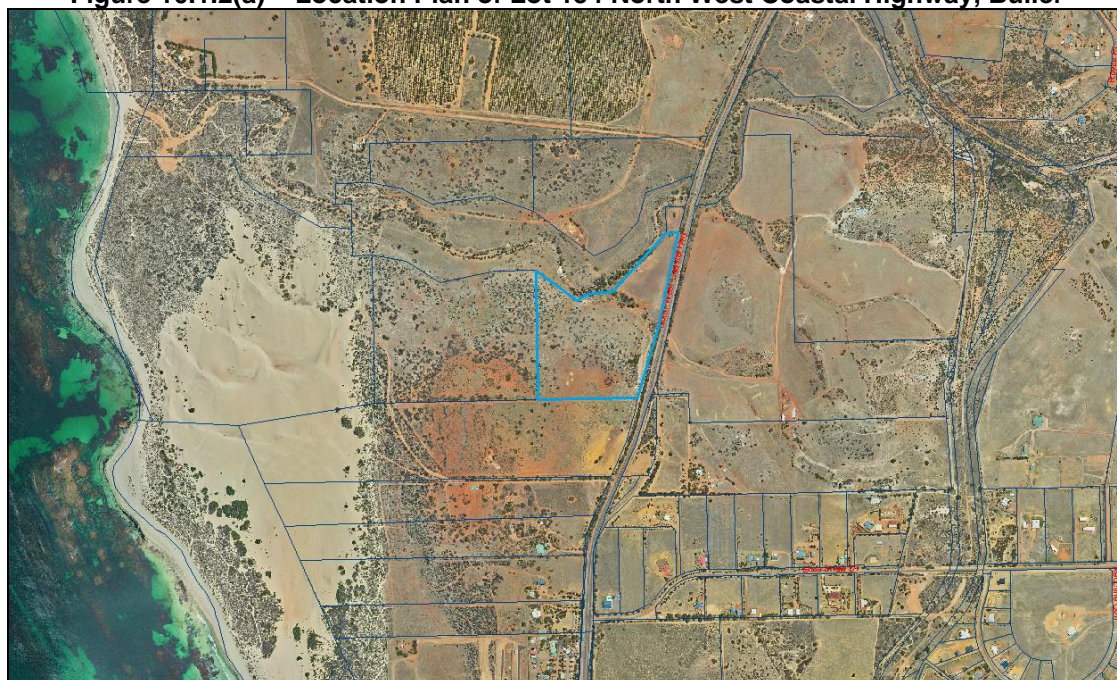
**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council is in receipt of an application to construct an outbuilding upon Lot 154 North West Coastal Highway, Buller. The application has been advertised for public comment and 3 submissions were received, all in support. This report recommends conditional approval of the application.

**Figure 10.1.2(a) – Location Plan of Lot 154 North West Coastal Highway, Buller**



**COMMENT**

Lot 154 North West Coastal Highway, Buller is a vacant, largely cleared 13.948ha property located on the western side of the highway immediately south of the Buller River. The southern 4ha portion of the property is a slightly sloping plateau situated at the 45-40m contour, the mid 7ha section then slopes down significantly from the 40m to the 20m contour and the northern 3ha portion is a relatively flat triangular area adjoining the Buller River.







**Figure 10.1.2(d) – View looking south-west from North West Coastal Highway at Lot 154**



**Figure 10.1.2(e) – View looking south from North West Coastal Highway at Lot 154**

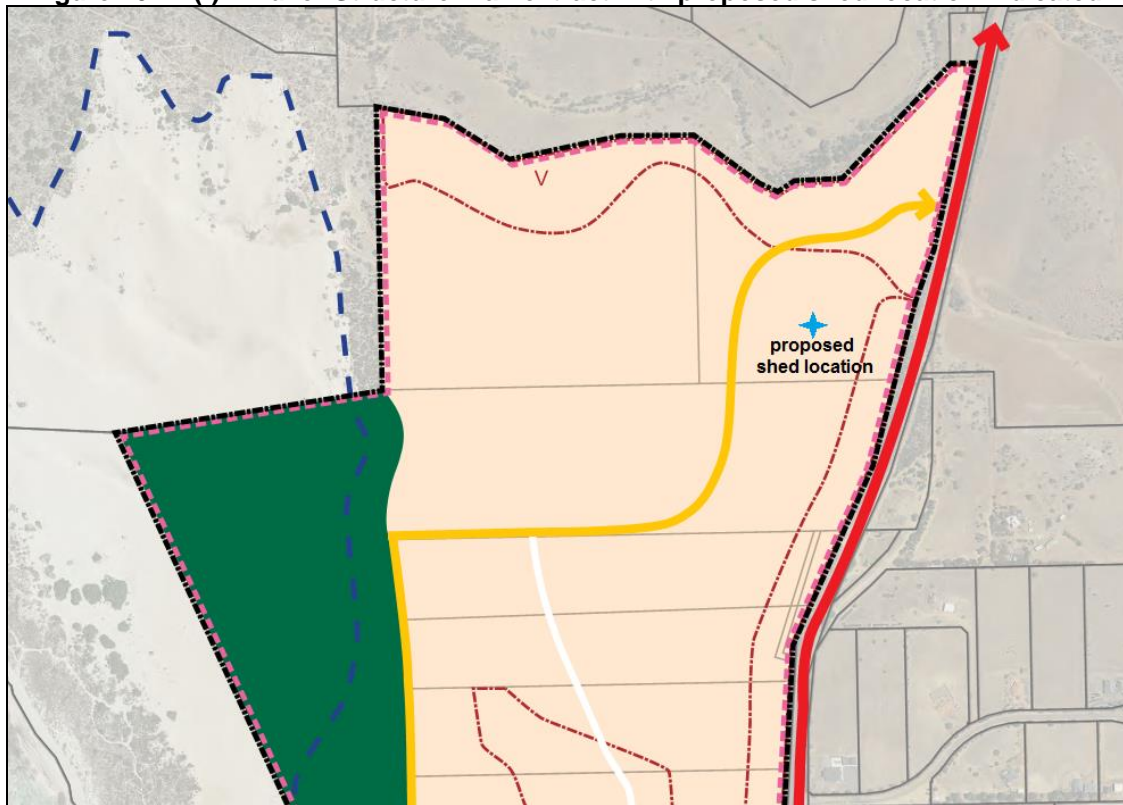


It is suggested that some consideration for the application's proposed variation to the area and cladding requirements may be warranted in this instance, based upon the following:

- the outbuilding's 3m wall height and 3.794m overall height meets with Council's 3.5m wall height and 4.5m total height requirements as specified in its Outbuildings Local Planning Policy;
- the outbuilding would be setback approximately 110m from the front (eastern) property boundary and 130m from the North West Coastal Highway carriageway itself and approximately 60m from the nearest (southern) side property boundary;
- the subject property is 13.948ha in area and the construction of a zincalume clad shed might be considered acceptable on a lot of this scale;
- whilst the Residential R5 outbuilding policy requirements apply to this property it might be considered that given the 13.948ha size of Lot 154 that a slightly larger outbuilding would not appear unduly excessive;
- the requested variation to the 180m<sup>2</sup> maximum outbuilding area requirement is minor being 12m<sup>2</sup>, and it is further noted that the exceeding area would be open/lean-to in appearance with the proposed 192m<sup>2</sup> outbuilding being comprised of a 135m<sup>2</sup> enclosed section and a 57m<sup>2</sup> unenclosed section;
- the Buller 'Development' zone realistically has a long-term timeframe for subdivision due to servicing issues and costs and presently low-demand, meaning that in all likelihood Lot 154 will remain unsubdivided for some time, and the topography of Lot 154 makes it unlikely that the property will be subdivided down to a standard R5/2,000m<sup>2</sup> subdivision layout;
- the construction of an outbuilding would enable the landowner to store personal items securely and out of the weather rather than have them in the open, which may be considered to improve visual appearance, security and amenity;
- there is ability for screening vegetation to be planted on the south, north and east sides of the outbuilding to assist in screening it from the highway and surrounding properties;

- the acceptance of the proposed outbuilding as being within the character of the surrounding area could be considered to have been demonstrated through no objections being received, and 3 submissions being received in support of the application.
- the outbuilding would be sited so that it does not conflict with the future subdivisional road network as identified in the Buller Structure Plan as illustrated in **Figure 10.1.2(f)**.

**Figure 10.1.2(f) – Buller Structure Plan extract with proposed shed location indicated**



However, in the event that Council considers that the zincalume cladding should not be supported it may still wish to approve the outbuilding in the proposed dimensions, but subject to condition that it be clad in colorbond of a colour complementary to the surrounding natural landscape features.

**STATUTORY ENVIRONMENT**

Lot 154 North West Coastal Highway, Buller is zoned ‘Development’ under the Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’) the objectives for which are listed in Section 4.2.3 as being to:

- “(a) Provide for the coordinated planning and development for urban, primarily residential, purposes of areas identified at the regional level as being required to meet future requirements for land for such purposes;
- (b) Prevent the ad-hoc fragmentation of land or the development of land-uses that would be incompatible with the development of the land for urban purposes;
- (c) Provide for appropriate transitional land-uses, or the development of land-uses that may be compatible with the future development of the land for urban purposes;
- (d) Provide appropriate protection from incompatible development for existing land-uses;
- (e) Protect the environmental and landscape values of the land, especially in the period prior to the coordinated development of the land for urban purposes.
- (f) The Buller ‘Development’ zone is subject to the conditions as outlined in Schedule 10 – Environmental Conditions.”

Section 4.8 of the Scheme further notes of the Development Zone the following:

**4.8.1 Purpose**

- (a) To identify areas requiring comprehensive planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

**4.8.2 Planning requirements**

- (a) *The Local Government requires a Structure Plan for a Development Zone, or for any particular part or parts of a Development Zone, before recommending subdivision or approving development of land within the Development Zone. The Structure Plan is to be in accordance with the requirements of clause 5.22 Structure Plan areas.*
- (b) *Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions.*
- (c) *The Local Government or the Western Australian Planning Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Local Government or the Western Australian Planning Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.”*

The Buller Structure Plan was adopted by Council at its 17 June 2015 meeting and subsequently given final approval by the Western Australian Planning Commission (‘WAPC’) on 1 February 2016. Section 5.2.1 of the structure plan document assigns a base density code of R5 for lots within the structure plan area.

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:

- “(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**

Shire of Chapman Valley ‘Outbuildings’ Local Planning Policy establishes a maximum outbuilding size of 180m<sup>2</sup> for the R5 zone that can be approved by staff under delegated authority, and the proposed 192m<sup>2</sup> shed would exceed this policy requirement.

The proposed wall height of 3m and total apex height of 3.794m comply with the maximum 3.5m wall height and 4.5m total height policy requirement for the R5 zone.

The application also proposes variation to Section 4.10 of the Outbuildings policy which states that:

- “(a) The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned ‘Rural Smallholdings’ or ‘Rural’.”*

Section 4.10 of the Outbuildings 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)."*

Lot 154 is zoned 'Development' and the Buller Structure Plan assigns an R5 base density code and on this basis it could be considered that the application does not comply with Section 4.10 of the policy. However, the approximately 14ha lot size might also be considered as not being 'residential' in nature and assessment on specific merit could be entertained. The applicant has advised that it is their intention to construct a residence to the west of the outbuilding at a later time.

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

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

## **FINANCIAL IMPLICATIONS**

- **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**

Lot 154 North West Coastal Highway, Buller is contained within Planning Precinct No.7 – South West in the Shire of Chapman Valley Local Planning Strategy (2008). The Vision for this Precinct is as follows:

*"The planned expansion of the south west area of the Shire, whilst taking into consideration the plans and policies of other local and regional government authorities."*

The Strategy also identifies the following objectives relevant to this application:

*"7.1.1 Support the planned expansion of urban with potable reticulated scheme water as identified on the Greater Geraldton Structure Plan 1999 with due regard to land capability/suitability, demand and servicing."*

*"7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning."*

*"7.3.2 Protect and enhance the visual amenity in areas of visual prominence."*

Lot 154 and the Buller 'Development' zone is identified in the Greater Geraldton Structure Plan (2011) prepared by the WAPC as being 'Future Urban' with Section 3.1.1 of the accompanying report noting that:

*"An area of approximately 1,700ha is identified as 'future urban' in the Greater Geraldton Structure Plan 2011 to guide the direction of long-term urban expansion. The bulk of this area identified is located at Buller and around Cape Burney, which are at the extremities of the northern and southern coastal corridors respectively."*

- **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 policy notes that applications that propose variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.



The Shire wrote to the 6 landowners of the 9 surrounding properties within 300m of Lot 154 on 12 April 2019 providing details of the application and inviting comment upon the proposal prior to 3 May 2019.

At the conclusion of the advertising period 3 submissions had been received all expressing support for the application, copies of the received submissions have been provided as **Attachment 10.1.2(b)**.

### RISK ASSESSMENT

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

### VOTING REQUIREMENTS

Simple majority required.

### COUNCIL / STAFF RECOMMENDATION

**MOVED: CR WARR**

**SECONDED: CR HUPHREY**

That Council grant formal planning approval for a zincalume clad outbuilding to be constructed upon Lot 154 North West Coastal Highway, Buller subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 15 May 2019 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 general storage purposes associated with the predominant use of the land and must not be used for habitation, commercial or industrial purposes.
- 4 Landscaping is required to be installed and maintained between the outbuilding and North West Coastal Highway for the purpose of softening the visual impact of the structure to the approval of the local government.
- 5 The location, design, construction and maintenance of the vehicle access point into the property shall be to the requirements of Main Roads WA.
- 6 Any lighting devices must be positioned so as to not cause glare to neighbouring properties or vehicles on the North West Coastal Highway to the approval of the local government.
- 7 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.

**Voting 5/0**  
**CARRIED**  
**Minute Reference: 05/19-4**

Shed will be used for storage to maintain farm, we require a lockable shed for tools and farm equipment.

At the Moment we have had to pass the highway to move equipment from one side of the high way to the other this is dangerous and detrimental as could cause harm or an accident for our growing kids crossing or car or truck live-stock etc.

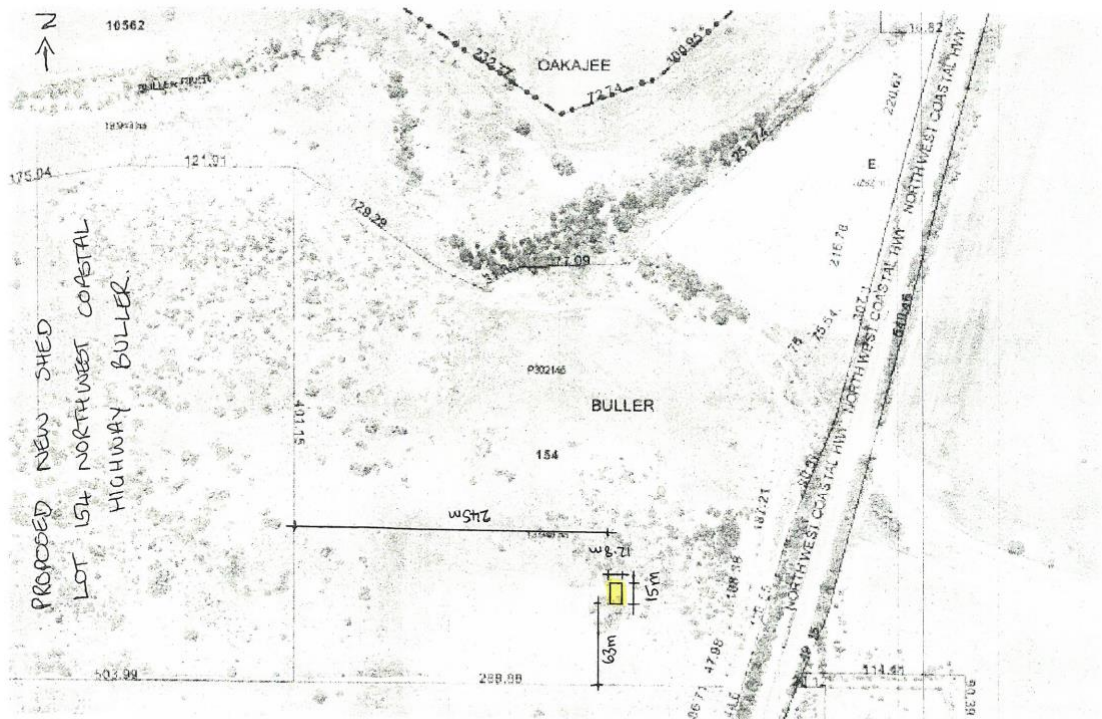
We need to contain our items for safety . We are not intending on living in the shed.

The shed we are building is the same size as the zinc shed we now have in Moresby, 15x9 the only difference is we have a lean to, to park either horse feed or trailers under out of the sun to keep neat and tidy.

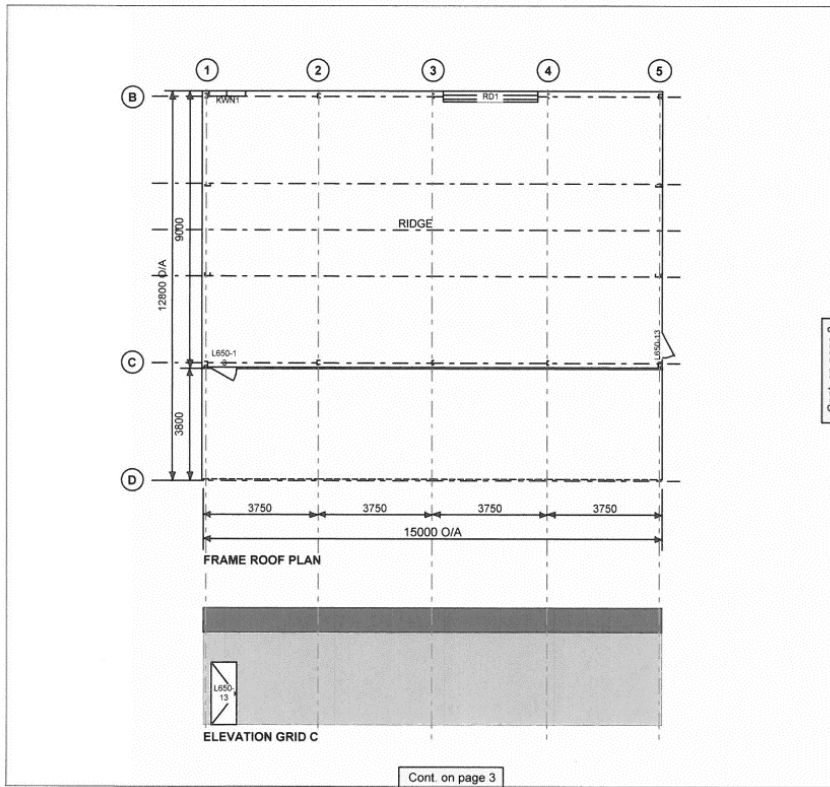
The Height of the sand will raise the height buy 250cm

We will in the future apply to build a home and will submit paperwork to do this.

Kind regards Shain Forth








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 trading as RANBUILD

Better sheds. Bigger choice.

CLADDING			
ITEM	PROFILE (min)	FINISH	COLOUR
ROOF	TRIMDEK 0.42 BMT	ZL	ZL
WALLS	TRIMDEK 0.35 BMT	ZL	ZL
CORNERS	-	ZL	ZL
BARGE	-	ZL	ZL
GUTTER	SHEERLINE	ZL	ZL
DOWNPIPE	100x50	ZL	ZL

0.35bmt=0.40ct, 0.42bmt=0.47ct, 0.48bmt=0.53ct

ACCESSORY SCHEDULE & LEGEND		
QTY	MARK	DESCRIPTION
1	RD1	B&D Firmador R.D. Residential "R1P", 2600 high & 3000 wide Clear Opening ZL
1	KWN1	GJames Window Kit, 900H x 1210W (N3) Window P/Coated (D)
2	L650-13	Lysaght PA Door & Pre-Hung Frame 180 Deg Std 2040 x 620 Z/Luma (R05)

ARCHITECTURAL DRAWING ONLY, NOT FOR CONSTRUCTION USE

WIND DESIGN			
IMPORTANCE LEVEL	REGION	TERRAIN	Ms
2	B	2.5	1.0

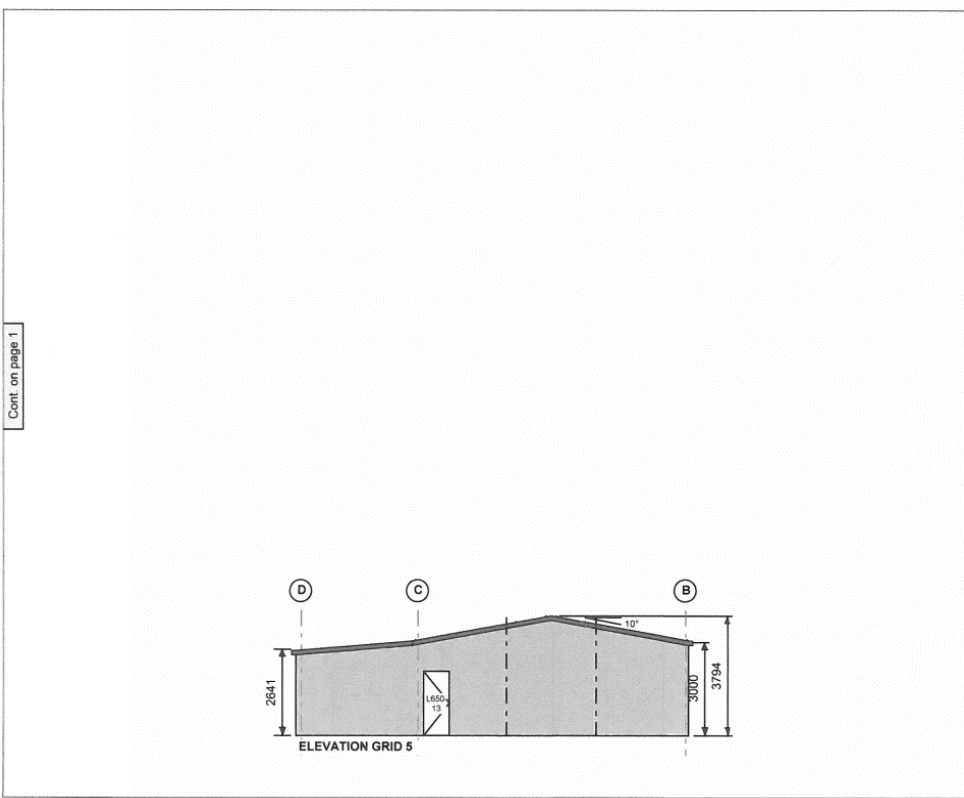
CLIENT  
**Shain Forth**

SITE  
**Lot 154 Buller River  
NANSON WA 6532**

BUILDING  
**SUNDOWN DELUXE  
9000 SPAN x 3000 EAVE x 15000 LONG  
PLUS 3800 ANNEXE**

TITLE  
**GENERAL ARRANGEMENT**

SCALE A4 SHEET 1:125	DRAWING NUMBER <b>387690-GA</b>	PAGE <b>1/3</b>
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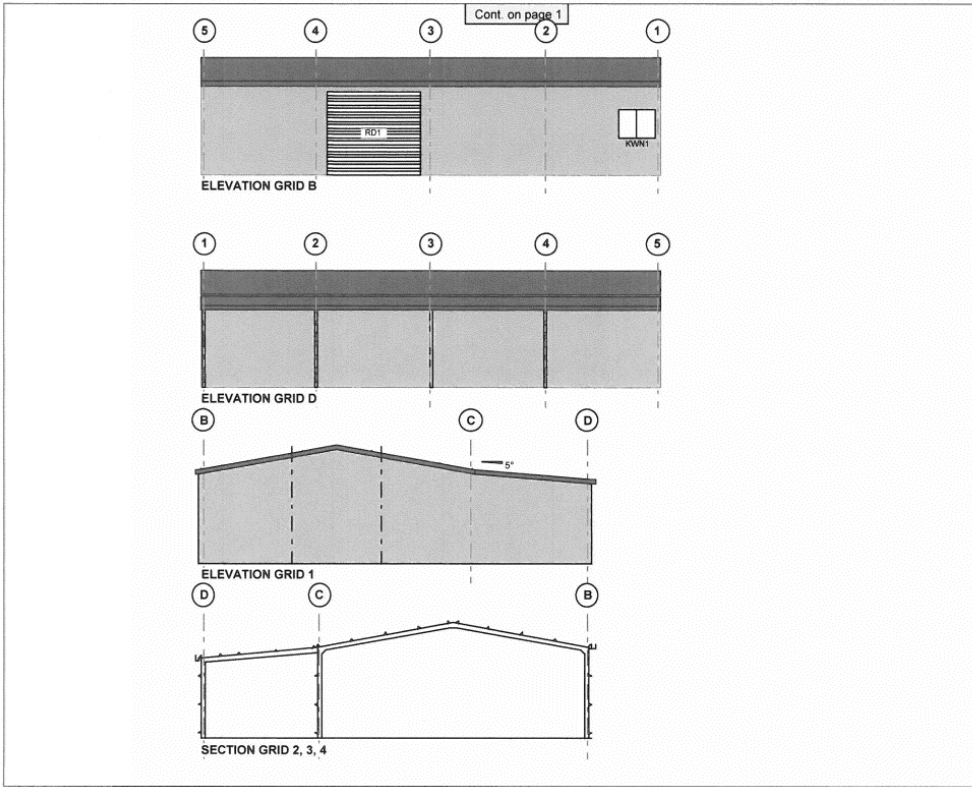
Better sheds. Bigger choice.

SCALE A4 SHEET 1:125	DRAWING NUMBER <b>387690-GA</b>	PAGE <b>2/3</b>
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Cont. on page 2

Cont. on page 3



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SCALE A4 SHEET 1:125	
DRAWING NUMBER 387690-GA	PAGE 3/3

Submission 1



DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A2083

PROPOSED OUTBUILDING  
LOT 154 NORTH WEST COASTAL HIGHWAY, BULLER

Name: DARRELL + ROBERTA FORTH  
Postal Address: P.O. BOX 2410 GERALDTON WA 6531  
Phone Number: 0428 653300

SUBMISSION:  Support  Object  Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

We are in support and have no objections  
Although have to declare an interest by nature of  
direct relation to applicant.

Signature: [Signature] Date: 12.4.19

Please return to: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532  
or [cso@chapmanvalley.wa.gov.au](mailto:cso@chapmanvalley.wa.gov.au)  
or (fax) 9920 5155

NOTE: The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 3 May 2019

**Submission 2**



30 APR 2019

DATE	30/04/2019
FILE	A2083
RECORD	CR1913974

**DEVELOPMENT APPLICATION SUBMISSION FORM**

30 APR 2019

Shire Reference: A2083

<b>PROPOSED OUTBUILDING LOT 154 NORTH WEST COASTAL HIGHWAY, BULLER</b>
--

Name: ADAM CLARKE

Postal Address: 5 HOUSTON PLACE SPALDING.

Phone Number: 0402739090

SUBMISSION:  Support  Object  Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

NO PROBLEMS WITH THIS PROPOSAL.

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Signature: [Handwritten Signature] Date: 26-04-19.

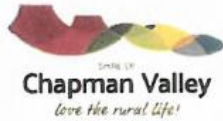
Please return to: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532

or [cso@chapmanvalley.wa.gov.au](mailto:cso@chapmanvalley.wa.gov.au)  
or (fax) 9920 5155

**NOTE:** The local government in determining the application will take into account the submissions received but is not obliged to support those views.

**Submissions Close: 4:00pm Friday 3 May 2019**

**Submission 3**



**DEVELOPMENT APPLICATION SUBMISSION FORM**

Shire Reference: A2083

**PROPOSED OUTBUILDING  
LOT 154 NORTH WEST COASTAL HIGHWAY, BULLER**

Name: SIMON THOMPSON (Development Manager - Landcorp)  
Postal Address: Level 6 - 40 The Esplanade WA 6000  
Phone Number: 08-9482 7499

SUBMISSION:  Support  Object  Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

Landcorp has reviewed the development application and has no objections.

Signature: STHOMPSON Date: 3/5/19

Please return to: Chief Executive Officer or [ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au)  
Shire of Chapman Valley or (fax) 9920 5155  
PO Box 1  
NABAWA WA 6532

**NOTE:** The local government in determining the application will take into account the submissions received but is not obliged to support those views.

Submissions Close: 4:00pm Friday 3 May 2019

# **10.2 Manager Finance & Corporate Services May 2019**

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## **Contents**

### **10.2 AGENDA ITEMS**

- 10.2.1 Financial Reports for April 2019
- 10.2.2 2019/2020 Differential Rating
- 10.2.3 Proposed Fees & Charges 2019/2020

<b>AGENDA ITEM:</b>	<b>10.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL MANAGEMENT REPORT FOR APRIL 2019</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>15 MAY 2019</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

**SUPPORTING DOCUMENTS:**

<b>FMR</b>	<b>Title</b>	<b>Attached to Report</b>	<b>Under Separate Cover</b>
10.2.1(a)	April 2019 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts		✓

**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 April 2019 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 for April 2019

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

No significant effect on the LTFP

**STRATEGIC IMPLICATIONS**

Nil

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

<b>Ref</b>	<b>Objective</b>	<b>Strategy</b>	<b>Action</b>
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 / STAFF RECOMMENDATION**

**MOVED: CR WARR**

**SECONDED: CR HUMPHREY**

That Council receives the financial management report supplied under separate cover for the month April 2019 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 5/0  
CARRIED  
Minute Reference: 05/19-5**



<b>AGENDA ITEM:</b>	<b>10.2.2</b>
<b>SUBJECT:</b>	<b>2019/2020 DIFFERENTIAL RATING</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>306.08</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>15 MAY 2019</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

**SUPPORTING DOCUMENTS:**

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

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

General rates may be imposed uniformly or differentially; it is the rate in the dollar imposed that determines whether there is a differential rate category. Local Governments under Section 6.33 of the Local Government Act 1995 have the power to implement differential rating in order to take into account certain characteristics of the ratable land. These characteristics include:

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

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

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

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

**COMMENT**

The purpose of this report is to determine if council wish to continue with this rating methodology for the 2019/2020 Annual Budget.

The objective of the differential rate on Oakajee Industrial Estate properties is to recover from this sector an equitable share of the rates relating to the land held by Landcorp so that the Shire of Chapman Valley should not be financially disadvantaged due to the acquisition and subsequent development of the land. In order to reduce the impact of the Oakajee development on ratepayers Council previously sought to introduce a

differential rate. The annual revaluation review of all Unimproved Valuations from Landgate Valuation Services for processing, will see a total overall 2.05% increase in valuation for the next financial year. Summary information provided by Landgate Valuation Services advises the following:

**DATE VALUES IN FORCE — 30 JUNE 2019**

The following is a brief summary of changes occurring in the level of value and relativities in the 2019/2020 general revaluation.

Total Valuation	\$190,317,100
Average Overall Change	2.05 %

Note: This figure could change slightly due to the effect of interim values.

1. **OVERALL VARIATION TO UNIMPROVED VALUATIONS**

The analysis of sales at and around the date of valuation supports adjustments to Unimproved Values both up and down as we have attempted to accommodate market trends for co-ordination purposes. Generally, Unimproved Values for the broadacre market have increased. However, the overall total assessed value has only marginally increased due to the influence of the large proportion of rural lifestyle properties situated within the Shire. The rural lifestyle market continues to soften, and this has been reflected in Unimproved Values for this market segment being reduced, sometimes significantly. The rural lifestyle market is showing value trends that have more in common with the movements of the residential market of than the broad-hectare rural market. Sales close to the date of valuation indicate that the broad- hectare market is continuing to firm, and some further increases are anticipated in the next revaluation if this trend continues to be supported by sales evidence. On the other hand, sales of rural lifestyle properties - particularly those with poor soils - are showing signs of a continuing softening in prices and demand.

To enable council to maintain a revenue base which provide its various facilities, services and infrastructure to electors, residents and property owners a differential rate is proposed for the UV Oakajee Industrial Estate Buffer Zone.

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

**UV Oakajee Industrial Estate:** This category includes any property zoned Oakajee Industrial Estate and Buffer within Town Planning Scheme No.1. A rate in the dollar of 2.28 cents on Unimproved Values with a minimum of \$400 is proposed.

Note: This affects two (2) ratable assessments on unimproved valuations for 2019/2020 with proposed differential rates to be levied of \$201,415.

The balance of the unimproved value rating area is the **UV Rural General Rate** defined as:

Any other property in the Shire of Chapman Valley zoned Rural within the Shire of Chapman Valley Town Planning Scheme. A rate in the dollar of 1.142 cents on Unimproved Values with a minimum of \$400 is proposed.

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

A Differential Rate Model is attached under separate cover 10.2.2(a) for the proposed 5% rate revenue increase with sample properties indicating a cross range of increases and decreases which vary dependent on the Landgate Valuation Service unimproved valuation supplied.

## STATUTORY ENVIRONMENT

### Local Government Act 1995

- S.6.32 States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.
- S6.33 (1) Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.
- S6.34 States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.
- S6.35 States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- S6.35(4) States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.
- FMR 5 s.52 States that the percentage prescribed for the purposes of s6.35 (4) is 50%.
- S6.36(1) States that before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so
- S6.36(2) States that a local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- S6.36(3) States that a notice referred to in subsection (1) —  
(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;  
(b) is to contain —
  - (i) details of each rate or minimum payment the local government intends to impose;
  - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
  - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;and  
(c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.
- S6.36(4) States that a local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

## POLICY/PROCEDURE IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Although a draft Annual Budget has not been compiled for council at this point, the LTFP rating principle of a 5% increase will provide the basis for presenting a balanced budget. A differential rate model presented under separate cover (attachment 10.2.2(a)); indicating an overall annual rate revenue increase from 2018/2019 of 5%, represents a compliant model in relation to the proposed differential rates levied and proposed minimum rates levied. Once these have been advertised, Council may impose a lesser percentage increase to the rate in the dollars advertised, with a subsequent explanation provided in the budget notes (and budget brochure for ratepayers) being sufficient for compliance.

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

Section 6.2(2) of the Local Government Act requires council in formulating the budget, to have regard to the contents of the plan for the future of the district. The attached differential rate model is consistent with the rating principles of the endorsed Long-Term Financial Plan.

## STRATEGIC IMPLICATIONS

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

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

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

## CONSULTATION

To comply with legislative provisions, it is intended to publish notification of the Intention to Levy Differential Rates in the local paper Friday 17<sup>th</sup> May 2019. It is a requirement to allow 21 days for ratepayers to make submissions and to then consider these, if any, prior to the 2019/2020 annual budget adoption.

## RISK ASSESSMENT

Associated risk would be a failure to comply with the Local Government Act 1995 and relevant Financial Management Regulations requiring local governments to advertise their intent to levy differential rates prior to setting the annual budget. This would be a Minor (2) rating with some temporary noncompliance.

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

## VOTING REQUIREMENTS

Simple Majority

## COUNCIL / STAFF RECOMMENDATION

**MOVED: CR FORTH**

**SECONDED: CR HUMPHREY**

That Council:

- 1 Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential rates for the 2019/2020 financial year as listed below.
- 2 Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2019/2020 Draft Annual Budget.

Differential Rating Category	Rate in \$	Minimum Rate
UV Rural	1.142	\$ 400.00
UV Oakajee Industrial Estate	2.280	\$ 400.00

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-6**

<b>AGENDA ITEM:</b>	<b>10.2.3</b>
<b>SUBJECT:</b>	<b>2019/2020 PROPOSED FEES &amp; CHARGES</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>306</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>15TH MAY 2019</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.2.3 (a)	Proposed Fees & Charges 2019/2020		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and programs and to raise revenue through rates and fees and charges. In preparation for the compilation of the 2019/2020 Annual Budget the Proposed Schedule of Fees and Charges for 2019/2020 is attached for review and approval to list in the 2019/2020 Draft Budget.

**COMMENT**

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

Forecast end of year revenue to be generated from council's users and statutory fees and charges represents approximately 8% of total revenue raised for 2018/2019 (\$316,000).

To put this into perspective budgeted revenue for 2018/2019 comprised of the following breakdown:

Revenue Base	Percentage of total revenue
Rates	67.82%
Operating grants, subsidies and contributions	22.71%
Fees and charges	8.04%
Interest earnings	1.15%
Other revenue	0.28%
Total Revenue	100.00%

The proposed changes in the 2019/2020 Draft Fees & Charges listed under separate attachment **(10.2.3 (a) Proposed Fees & Charges 2019/2020)** have been based on partial cost recovery, benchmarking with similar local governments or appropriate percentage increases. The percentage increases being similar to either the Local Government Cost Index forecasting (1.9%) or known cost percentage increases from contractors. Additional information is supplied under separate attachment **(10.2.3 (b) Additional information)** to indicate levels of revenue achieved against expenditure for venue hire of buildings. Some comparative data is also supplied although always difficult to compare facilities.



## STATUTORY ENVIRONMENT

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

### 6.16. *Imposition of fees and charges*

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

*\* Absolute majority required.*

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

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

*\* Absolute majority required.*

### 6.17. *Setting the level of fees and charges*

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

### 6.18. *Effect of other written laws*

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

**6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**POLICY IMPLICATIONS**

Shire of Chapman Valley 2019/2020 Draft Budget

**FINANCIAL IMPLICATIONS**

Shire of Chapman Valley 2019/2020 Schedule of Fees and Charges.

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

No significant effect on the LTFP although to be noted the current endorsed variable for Fees and Charges is a 1% increase to revenue.

**STRATEGIC IMPLICATIONS**

Nil

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

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

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

**CONSULTATION**

Input has been sought from all key members of staff along with comparatives from other Shires.

**RISK ASSESSMENT**

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

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

**VOTING REQUIREMENTS**

Absolute Majority

**STAFF RECOMMENDATION**

The Draft Fees and Charges as presented to Council are adopted and included into the 2019/2020 Budget in accordance with the requirements of the Local Government Act, 1995.

**COUNCIL RESOLUTION**

**MOVED: CR FORTH**

**SECONDED: CR WARR**

The Draft Fees and Charges as presented with the following amendments to Council are adopted and included into the 2019/2020 Budget in accordance with the requirements of the Local Government Act, 1995.

- Reduce community member venue hires from \$88 to \$50
- Set all venue hires for non-community members to \$150
- List hire fees for each venue individually in the list of Fees and Charges.
- Increase camping fee for Coronation Beach to \$10 per person per night (non-pensioner) and \$8 per person per night (pensioner) with children under 16 years of age to remain free.

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-7**

*Reason for deviation to Staff Recommendation: Consistency and clarity for fees and charges.*

*The meeting was adjourned at 10.28am  
The meeting recommenced at 10.43am*

# **10.3**

## **Chief Executive Officer**

### **May 2019**

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## **Contents**

### **10.3 AGENDA ITEMS**

10.3.1 Community Communication Procedure (CMP-036)

10.3.2 Delegation 3009 Review

10.3.3 Yuna Memorial Hall – Future

<b>AGENDA ITEM:</b>	<b>10.3.1</b>
<b>SUBJECT:</b>	<b>COMMUNITY COMMUNICATION PROCEDURE (CMP-036)</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>411.01</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCE 07/18-10</b>
<b>DATE:</b>	<b>15<sup>th</sup> MAY 2019</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Draft Community Communication Procedure (CMP-036)	√	

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Council discussed a Draft Community Communication Procedure (CMP-036) at the March 2019 Concept Forum with the direction given for the Daft Procedure to be referenced in the revised Disability Access & Inclusion Plain (DAIP), which has been completed and dealt with at the April 2019 OCM (Agenda Item 10.3.5.)

The Draft Procedure was then to be brought back to the April 2019 Council Ordinary Meeting for formal consideration and adoption with the following Procedural Motion passed at this OCM:

*MOVED: CR HUMPHREY*

*SECONDED: CR FORRESTER*

*That the debate be adjourned to the May 2019 Ordinary Council Meeting.*

**COMMENT**

As a full review of Council’s Policies and Procedures will not occur until later this year it was considered appropriate to bring the Draft Community Communication Procedure to Council separately, rather than delay the process.

As stated by Solataire Cameron (Community Development Officer) at the March 2019 Concept Forum this matter was identified as an action in the Shire of Chapman Valley’s Corporate Business Plan.

Solataire also stated the following at the March 2019 Concept Forum:

*“The previous procedure, though notably concise in many areas, lacked relevance to current online and social media requirements and doesn’t encompass the many varied communication tasks of the Shire. Therefore, there is an opportunity, with the direction identified in the Corporate Business Plan, to streamline the procedure into a more comprehensive communications document.*

*The draft Communications Procedure identifies upfront the various audiences and stakeholder groups as relevant to any communications made by the Shire. It is important to recognise these audiences, both external and internal to maintain the most effective communication possible.*

*WALGA provides access to a Communications and Social Media Policy template, and elements of this have been considered when drafting the Community Communication Procedure presented. Such a template from the local government peak industry body offers clear and current direction regarding the Shire’s responsibility in the ever-changing realm of social media.*

*For example, the Shire currently adopts a position of not publishing comments on its primary social media platform, Facebook. But there is no formal capacity that supports the Shire in such a position, which has now been addressed. The Draft Procedure presented, based on the WALGA template, has identified content that eliminates any vulnerability regarding social media comments and engagement in social media.*

*The sections relating to public forums and community consultation have been streamlined into one in the new draft document. The sections when both included in the draft document effectively duplicated each other, and a public forum is listed as a method of community consultation in that section.*

*Sections relating to the Annual report, crisis communication and internal communications are included for a first time in this draft Procedure. Where there is a cross reference with another Policy or Procedure, the second reference number is included.”*

**STATUTORY ENVIRONMENT**

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

*Role of Council*

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

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

**POLICY IMPLICATIONS**

CMP-036 has been amended to reflect the revised Draft Community Communication Procedure.

See the Draft Procedure attached to this report (**Attachment 10.3.1(a)**).

**FINANCIAL IMPLICATIONS**

No effect on financial operations of the Shire.

**Long Term Financial Plan (LTF):**

No effect on LTFP of the Shire.

**STRATEGIC IMPLICATIONS**

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

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

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

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.
5.2		Effectively Engage and communicate with the	<ul style="list-style-type: none"> <li>• Annual Report</li> </ul>



		community	<ul style="list-style-type: none"> <li>• Website</li> <li>• Community Hub</li> <li>• Facebook</li> </ul>
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**CONSULTATION**

The Community Development Officer led the process of developing a Draft Community Communication Procedure and consulted with the CEO and Senior Staff before presenting the Draft to the March 2019 Concept Forum.

WALGA were also consulted and provided a template upon which the Draft Procedure is based.

**RISK ASSESSMENT**

There is a risk associated with the organisation’s Policies and Management Procedures being antiquated and not relevant, which could lead to poor operations and possible areas of non-compliance with legislation. However; I believe this risk is considered **“insignificant”** in this instance i.e.

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

**STAFF RECOMMENDATION**

Council endorses the Community Communication Management Procedure (CMP-036) as presented to replace the existing Management Procedure.

**COUNCIL RESOLUTION**

**MOVED: CR BATTEN**

**SECONDED: CR FORTH**

Council endorses the Community Communication Management Procedure (CMP-036) as presented and with the following amendment to Clause 6, to replace the existing Management Procedure.

**6. Website**

The Shire of Chapman Valley maintains a corporate website as the community’s online resource to access the Shire’s official communications.

This is a functional website with updated information and contact details available to the public. The website describes Council services, payment options and current news and event information.

Council will undertake a periodical analysis of the website (e.g. heat mapping) to ensure the end-users are accessing the site in the most efficient and user-friendly manner possible.

Where periodical analysis determines areas of change, Shire of Chapman Valley shall respond to recommendations to ensure the website functionality and content is providing adequate communication and information in the most effective way possible by considering website changes as part of the annual budget cycle.

This analysis may not be the only trigger for updates or changes.

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-8**

*Reason for Deviation from Staff Recommendation: enable changes and flexibility*

**CMP-036 Community Communication**

MANAGEMENT PROCEDURE No.	CMP-036
MANAGEMENT PROCEDURE	COMMUNITY COMMUNICATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	9.180
RELEVANT DELEGATIONS	Nil

**OBJECTIVES:**

To establish protocols for the Shire of Chapman Valley’s official communications with the community by utilising an equitable and transparent approach to local governance and effective community consultation.

The purpose of the Shire of Chapman Valley’s official communications includes:

- Sharing information required by law to be publicly available.
- Sharing information, which is of interest and benefit to the Community.
- Promoting Shire of Chapman Valley events and services.
- Promoting Public Notices and community consultation/ engagement opportunities.

The Shire of Chapman Valley’s official communications will be consistent with relevant legislation, policies, standards and the positions adopted by Council. Communication will always be respectful and professional.

**MANAGEMENT PROCEDURE STATEMENT/S:**

**1. Official Communication**

The Shire of Chapman Valley will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience, including:

- Website;
- Advertising and promotional materials;
- Media releases; and
- Social media.

Community newsletters, letter drops, and other modes of communications may be undertaken by the Shire of Chapman Valley’s Administration at the discretion of the Chief Executive Officer.

**2. Main Audience Groups**

It is important information reaches a wide range of audience groups active within the Shire of Chapman Valley. These audience groups and stakeholders have been identified as:

- Government, including Federal, State and other local governments;
- Residents;
- Rate payers;
- Community groups including (yet not limited to) sporting organisations, clubs, churches;
- Local Businesses;
- Schools;
- Special Interest Groups;
- Precinct groups;
- Visitors;
- Media;
- Investors and
- Others.

**Internally, the Shire of Chapman Valley provides communication to the following:**

- Elected Members;
- Executive Management;
- Staff;
- Volunteers;

- Working and advisory groups; and
- Contractors.

Communication is tailored to meet the needs of these various audience groups, to ensure official communication is successful and positive community engagement is achieved.

### **3. Speaking on behalf of the Shire of Chapman Valley**

In accordance with Section 2.8(d) of *the Local Government Act 1995*, the President is the authorised spokesperson of the Council and may represent the Shire of Chapman Valley in official communications, including; speeches, comment, print, electronic and social media.

In accordance with Section 5.41(f) of the *Local Government Act 1995*, the Chief Executive Officer may also be the spokesperson of the Council if the President agrees;

If the President is not available or unable to be the spokesperson (Section 5.34) then the Deputy President may perform this function;

In accordance with Section 5.44(1) of the *Local Government Act 1995*, the Chief Executive Officer may delegate authority to other officers to be the spokesperson;

If a Councillor or staff member is approached by the media to answer questions or make comment on Council business, the media must be referred to the authorised spokesperson of the Council for response; unless otherwise specifically authorised by the President, or the Chief Executive Officer.

Communications by Elected Members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- bring the Shire of Chapman Valley into disrepute,
- compromise the person's effectiveness in their role with the Shire of Chapman Valley,
- imply the Shire of Chapman Valley's endorsement of personal views, or
- disclose, without authorisation, confidential information.

Social media accounts or unsecured website forums must not be used to transact meetings which relate to the official business of the Shire of Chapman Valley.

Elected member communications must comply with the Shire of Chapman Valley's adopted Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

### **4. Personal Communications**

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 personal or private communications may be shared or become public at some point in the future, Elected Members must ensure their personal or private communications do not breach the requirements of this policy, the Shire of Chapman Valley's adopted Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

### **5. Elected Member Statements on Shire of Chapman Valley Matters**

An Elected Member may choose to make a personal statement publicly on a matter related to the business of the Shire of Chapman Valley.

Any public statement made by an Elected Member, whether made in a personal capacity or in their Local Government representative capacity, must:

- Clearly state the comment or content is a personal view only, which does not necessarily represent the views of Shire of Chapman Valley.
- Be made with reasonable care and diligence;
- Be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
- Be factually correct;
- Avoid damage to the reputation of the local government;
- Not reflect adversely on a decision of the Council;
- Not reflect adversely on the character or actions of another Elected Member or Employee;
- Maintain a respectful and positive tone and not use offensive or objectionable expressions in reference to any Elected Member, Employee or community member.

An Elected Member who is approached by the media for a personal statement may request the assistance of the Chief Executive Officer.

Comments which become public and which breach this policy, the Shire of Chapman Valley's adopted Code of Conduct or 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.

## 6. Website

The Shire of Chapman Valley maintains a corporate website as the community's online resource to access the Shire's official communications.

This is a functional website with updated information and contact details available to the public. The website describes Council services, payment options and current news and event information.

Council will undertake a periodical analysis of the website (e.g. heat mapping) to ensure the end-users are accessing the site in the most efficient and user-friendly manner possible.

## 5. Social Media

The Shire of Chapman Valley uses Social Media to facilitate interactive information sharing and to provide responsive feedback to the community. Social Media will not however, be used by the Shire of Chapman Valley to communicate or respond to matters which are complex or relate to a person's or entity's private affairs.

The Shire of Chapman Valley maintains the following Social Media accounts:

- Social networks, including- Facebook
- Media Sharing networks, including- YouTube and Podcasts;

The Shire of Chapman Valley may also post and contribute to Social Media hosted by others, to ensure the Shire of Chapman Valley's strategic objectives are appropriately represented and promoted.

The Shire of Chapman Valley actively seeks ideas, questions and feedback from our community however, we expect participants to behave in a respectful manner.

The Shire of Chapman Valley will moderate its Social Media accounts to address and where necessary delete content which is deemed as:

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content promoting or opposing any person campaigning for election to the Council, State and Commonwealth parliament, appointment to official office, or any ballot;
- Content which violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Shire of Chapman Valley.

Where a third-party contributor to a Shire of Chapman Valley's social media account is identified as posting content which is deleted in accordance with the above, the Shire of Chapman Valley may at its complete discretion block the contributor for a specific period of time or permanently.

The Shire will not entertain Social Media as a platform to undertake repetitive, responsive dialogue on an issue. Social Media will be used to facilitate interactive information sharing and to provide responsive feedback to the community.

## 6. Rates Notices

Refer to the relevant Council adopted Rate/ Debt Recovery Policy/Procedure.

Council rates are used to provide and maintain a variety of facilities and services. These include roads, recreation facilities, parks and gardens, health services and the administration of the Shire.

All property owners in the Shire of Chapman Valley are sent an Annual Rate Notice for the current financial year.

Rate Notices shall be sent out to all ratepayers as soon as possible after the budget has been set, or in the case of interim rates, as soon as possible after a revaluation has been received. Instalment Notices are to be sent at the specified dates.

The notice will also specify the service cost (e.g., refuse service, Emergency Services Levy, swimming pool inspections, etc.).

The Rates notice may be accompanied by Shire correspondence and promotional material.

The Shire can be contacted to discuss rates payment assistance options and any change of details.

## **7. Annual Report**

The Shire of Chapman Valley produces an Annual Report each financial year as is required by the *Local Government Act 1995*. This statutory document provides a comprehensive overview of the previous financial year.

As required by the Act, the Annual Report is made publicly available. The Annual Report is published on the Shire's website, and available in hardcopy on request to the Shire.

## **8. Crisis Communication**

During an identified crisis, the Chief Executive Officer is the authorised point of contact for communication. The distribution of accurate and timely information to those affected during a crisis can be critical.

The Chief Executive Officer may nominate other officers to assist with the dissemination of appropriate information.

The Chief Executive Officer is responsible for updating Council on any crisis matters.  
The Chief Executive Officer is responsible for updating the community on any crisis matters.

All media contact during a crisis, including emergency media coverage, should be referred to the Chief Executive Officer.

## **9. Distribution of Agendas and Minutes**

Interested persons and organisations may obtain copies of the Council's Ordinary Meeting Agendas and Minutes for twelve (12) months, by paying the fee set by Council.

The Council's Ordinary Meeting Agendas and Minutes will also be available from Council's website.

## **10. Release of "Unconfirmed" Minutes"**

Council will release copies of its unconfirmed minutes onto its website immediately after they become available to individual Councillors and for inspection to the public, with hard copies also being made available upon request at the applicable photocopying rates.

The condition for the release of such minutes is that they are to clearly be defined on both the website and the hardcopy as being "unconfirmed".

## **11. Publicity**

After each Council Meeting, where considered by the Chief Executive Officer to be of relevance, media releases will be prepared and distributed to:

- "The West Australian" and other papers with State wide circulation;
- The Geraldton Guardian, Mid-West Times or other local papers;
- Australian Broadcasting Corporation
- Local organisations who publish periodicals
- Official newspaper circulated within the district
- Councillors
- Local members of Parliament
- Website, Facebook and other social media
- Shire controlled Notice Boards

Any other means determined appropriate by the Chief Executive Officer

## **12. Community Consultation**

The Shire may undertake community consultation as required. The Shire recognises such consultation enables the community to have direct input in the way of opinions, submissions, priorities and views as they relate to specific projects.

Methods of communication during periods of consultation may include:

- surveys,
- website forms,
- direct mail,
- community forums,
- invitations to the public for submissions,
- consultation meetings with the Chief Executive Officer and Shire President,
- Etc.

Community consultation may be promoted on the Shire's website and social media accounts. Results and outcomes of community consultation will be presented to Council for consideration.

## **13. Statutory Advertising**

All State-wide and local statutory advertisements are to be lodged in relevant media outlets (e.g. "The West Australian", "Geraldton Guardian", "Midwest Times" newspapers).

## **14. Citizenship Ceremonies**

Where possible Citizenship ceremonies be conducted one hour before commencement of Ordinary Meeting of Council meetings with morning tea being provided and a native plant be given to the recipients or as otherwise determined by the President.

## **15. Shire Logo**

The Council logo is to be shown on letterheads, envelopes, Websites, Emails, and other Council material and stationery, as and when considered appropriate by the Chief Executive Officer.

Any application for the use or reproduction of the logo is to be considered on its merits and the Chief Executive Officer shall determine such applications.

Any such applications will only be granted permission to use the official logo in its original design and colour.

Council supports the use of the logo by local organisations seeking to identify geographically within the district.

## **16. Internal Communication**

Effective internal communications support the Shire in successfully delivering its services to the community.

Staff memorandums and notices are to be utilised to ensure information is distributed consistently to all staff.

New employees are to undertake a thorough induction process to provides them with a full understanding of the workings of the Shire.

Council adopted Policies and Procedures are to be made available to staff to support with work practices and requirements. The Chief Executive Officer is available to discuss internal staff communication processes.

Councillor and Staff communication must reflect requirements outlined in the *Local Government Act 1995 and this Procedure*.

## **17. Customer Service**

Refer to the relevant Council adopted Customer Services Procedure.

## **18. Complaints handling**

Refer to the relevant Council adopted Complaints Handling Policy/Procedure



<b>AGENDA ITEM:</b>	<b>10.3.2</b>
<b>SUBJECT:</b>	<b>DELEGATION 3009 REVIEW</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>408.01 TENDERS</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCE: 04/19-9</b>
<b>DATE:</b>	<b>15<sup>th</sup> MAY 2019</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

The purpose of this item is to seek Council endorsement for the Chief Executive Officer to amend Delegation 3009 to reflect previous years delegated authority to the CEO as follows:

*Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant **suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate)** from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted 2018/2019 Budget for the road works program.*

Council adopted Delegation 3009 as part of an overall review of all Delegations at the April 2019 OCM i.e.

*MOVED: CR HUMPHREY*

*SECONDED: CR FORRESTER*

*Council endorse the revised Delegations Register as presented with the following changes:*

1. *Delegation 1015 – Change word at Item (c) from “Council” to “Shire”;*
2. *Delegation 3007 – Change word from “fifty” to “one hundred”*

*Voting 5/0  
CARRIED  
Minute Reference: 04/19-9*

Unfortunately, I didn't include the delegated authority for the CEO to accept tenders for suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) which has been given to the CEO annually.

**COMMENT**

The intention of the newly introduced Delegation 3009 was to remove the annual Agenda Item seeking Council approval to call tenders (as legislated). The purpose of the delegation is to expedite the tender process for the supply of road building materials and not delay the process and the road works program. Therefore, I have amended the wording of Delegation 3009 to reflect this annual delegation previous provided i.e.

<i>DELEGATION NUMBER</i>	-	<i>3009</i>
<i>LEGISLATIVE POWER</i>	-	<i>Local Government Act 1995 &amp; Local Government (Functions &amp; General) Regulation, 1996</i>
<i>DELEGATION SUBJECT</i>	-	<i>Tenders for Providing Goods &amp; Services</i>

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE Nil

In respect to Part 4 of the Local Government (Functions and General) Regulations 1996, the CEO is delegated authority to perform the following:

1. Publicly invite tenders for the supply of goods and services expected to be worth more than \$150,000. (Reference: Regulations 11(1), 12 and 13).
2. Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.
3. Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. (Reference: Regulation 19).
4. Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted Budget for the road works program.

All other decisions to select a successful tender are still for Council to determine unless otherwise resolved by Council.

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

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

It is a requirement under the Local Government Act and Regulations for Council to resolve to call tenders for the provision of goods and services, which will exceed the \$150,000 (GST Exclusive) threshold. Delegation 3009 allows the Chief Executive Officer to call tenders without having to bring this item back annually as an Agenda Item for Council approval to proceed with the tender process, removing what is which is simply bureaucratic red tape procedure.

## STATUTORY ENVIRONMENT

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

## POLICY IMPLICATIONS

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

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

## FINANCIAL IMPLICATIONS

All items, which require tenders to be called will be identified in the adopted Budgets.

The intent is to obtain the best price for expenditure identified in the adopted Budgets for tender and purchasing.

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

No effect of the LTFP.

## STRATEGIC IMPLICATIONS

To obtain the best possible price for the tender prices for the acquisition of goods and services identified in adopted Budgets.

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

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

### CONSULTATION

Not applicable

### RISK ASSESSMENT

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

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

### VOTING REQUIREMENTS

Absolute Majority (**five affirmative votes**)

### COUNCIL / STAFF RECOMMENDATION

**MOVED: CR HUMPHREY**

**SECONDED: CR WARR**

Council amend Delegation 3009 to read as follows:

<i>DELEGATION NUMBER</i>	-	<i>3009</i>
<i>LEGISLATIVE POWER</i>	-	<i>Local Government Act 1995 &amp; Local Government (Functions &amp; General) Regulation, 1996</i>
<i>DELEGATION SUBJECT</i>	-	<i>Tenders for Providing Goods &amp; Services</i>
<i>DELEGATE</i>	-	<i>CHIEF EXECUTIVE OFFICER</i>
<i>RELEVANT POLICY/PROCEDURE</i>		<i>Nil</i>

*In respect to Part 4 of the Local Government (Functions and General) Regulations 1996, the CEO is delegated authority to perform the following:*

1. *Publicly invite tenders for the supply of goods and services expected to be worth more than \$150,000. (Reference: Regulations 11(1), 12 and 13).*
2. *Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.*
3. *Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. (Reference: Regulation 19).*

4. *Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted Budget for the road works program.*

*All other decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.*

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-9**

<b>AGENDA ITEM:</b>	<b>10.3.3</b>
<b>SUBJECT:</b>	<b>YUNA MEMORIAL HALL – FUTURE</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER/COMMUNITY DEVELOPMENT OFFICER</b>
<b>SITE:</b>	<b>YUNA MEMORIAL HALL – LOT 10404 CHAPMAN VALLEY RD, YUNA</b>
<b>FILE REFERENCE:</b>	<b>A1796</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCE: 10/17-8</b>
<b>DATE:</b>	<b>15<sup>th</sup> MAY 2019</b>
<b>AUTHORS:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER SOLATAIRE CAMERON, COMMUNITY DEVELOPMENT OFFICER</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	Yuna Memorial Hall Future Recommendations Report	√	

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Council resolved the following at the October 2017 OCM:

*Council:*

- 1. Maintain the Yuna Memorial Hall in its current condition, maintain current use and add future uses identified with the community and approved by Council; and*
- 2. The matter be reviewed in two (2) years during which time Council work with the community and CABY to consider future use and development of the hall.*

This was an alternative resolution to the Staff Recommendation i.e.

*Council maintain the Yuna Memorial Hall in its current condition, maintain current use and add future uses identified with the community and approved by Council.*

The original *Yuna Memorial Hall Future Recommendations Report* and the progress of the Working Group has been to Council as part of the Staff Reports presented by the Community Development Officer (CDO), with the feeling from Council being more consultation was necessary. The CDO has worked with CABY requesting they reach out to the greater community to seek any additional feedback, which is now reflected in the revised *Yuna Memorial Hall Future Recommendations Report* as presented at **Attachment 10.3.3(a)**

**COMMENT**

The community consultation process was considered extensive in the process and the various types of opportunities/methods available to the public to respond.

Rather than repeat the content of the “*Yuna Memorial Hall Future Recommendations Report*” in this Agenda Report I refer Councillors to **(Attachment 10.3.3(a))**.

**STATUTORY ENVIRONMENT**

Not applicable.

**POLICY/PROCEDURE IMPLICATIONS**

No Policy or Procedure affected.

**FINANCIAL IMPLICATIONS**

The “Yuna Memorial Hall Future Recommendations Report” (**Attachment 10.3.3(a)**) states the Operational and Capital Expenditure for the Yuna Memorial Hall since 2007/2008 being as follows:

Year	Operating Expenses Job # LHL2	Land & Building Capital Expense	Total Actual Expenditure last 10 years
2018-19 (Budget)	3857		YTD
2017/2018	9064	0	9064
2016/2017	8641.04	0	8641.04
2015/2016	12424.78	0	12424.78
2014/2015	8742.13	2002.16	10744.29
2013/2014	11839.87	31540.82	43380.69
2012/2013	9543.79	340.70	9884.49
2011/2012	5974.65	0	5974.65
2010/2011	4860.62	0	4860.62
2009/2010	6305.97	15603.14	21909.11
2008/2009	6540.95	200.00	6740.95
2007/2008	5835.95	505.91	6341.86
<b>Totals</b>	<b>93630.75</b>	<b>50192.73</b>	<b>139966.48</b>

The income received from hire of the Yuna Memorial Hall is minimal and would not cover the annual operating costs.

Honor box contributions will be submitted to the Council’s general operating expenditure, as is the precedent with other Shire honor boxes.

Council resolved at the April 2019 OCM to include \$2,500 into the Draft 2019/2020 Budget (as requested by Cr Batten) for the following purpose:

*“Yuna Hall Committee recommendations (once adopted) e.g. Improve pathway to Yuna Park & BBQ from Hall, windbreak on park gazebo etc.”*

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

Retaining the operating expenditure for the Yuna Memorial Hall will have a minimal effect on the LTFP. However; the issue of undertaking any significant capital repair or upgrade works to the building will have an effect t on the LTFP as there is currently nothing listed in the LTFP for such expenditure(s). There are no capital expenditure items included in the Working Group’s recommendations.

**STRATEGIC IMPLICATIONS**

It is obvious from the community feedback there is a strong feeling the Yuna Memorial Hall should be retained for future community use. However; it could also be surmised from the feedback there is limited additional usage ideas for the building identified, which could not be catered for at the Yuna Multipurpose Community Centre.

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

Objective	Strategy
Transparent decision- making is important to us	Active engagement with the community to inform decision-making



Objective	Strategy
We need good services to support our development as a Shire	Maintain and improve existing services and facilities and look at what additional services the community require

Objective	Strategy
We want inclusive communities	Ensure planning and procedures are in place to promote develop community facilities to provide gathering places, including community centre, swimming pools.

## CONSULTATION

As stated in the “Yuna Memorial Hall Future Recommendations Report” (**Attachment 10.3.3(a)**):

*“This report was distributed to CABY for general comment and feedback.*

*Emails were sent to the CABY general email address and to the President and Vice President email addresses seeking comments and feedback. The timeline of correspondence to CABY is included below:*

- 5 November 2018;
- 13 November 2018;
- 31 January 2019: CABY sent the report to broader CABY membership
- 12 February 2019: CDO request to CABY to add report as a formal agenda item at the next CABY meeting. Cr Batten will speak to the report at the CABY meeting;
- 9 April 2019; Cr Batten confirmed CABY met and discussed the Hall report.

*CABY minutes relevant to discussion:*

*Matt to tell Shire:*

- *Shire try to reduce the annual management costs;*
- *Include the hall tourist signage in the budget (as per other item);*
- *Hang all of the Yuna / CV Banners in the windows as an inexpensive way of making the building interesting;*
- *Shire to explore art funding to paint the exterior / live as an artist in residence;*
- *Suggest Jasmyn Allen be the key community contact, in addition to the hall committee.*

*Feedback received from Kim Batten:*

- *Happy for Bren, Carisa and Alicia to continue to support the future of the hall on behalf of the community.*
- *Alicia made some good points and while it’s frustrating to work under government protocol we need to find an easy cost-effective way to support our key needs which are the concert and library.*
- *Really like the idea of getting some window art which will make the building more appealing and give our town something to see for people who visit.*
- *My suggestion would be to get paintings of local wildflower highlights painted on glass and a map put up where farmers are happy for people to visit. Most will be on main roads in reserves but there may be other spots that people are happy to include.*
- *I feel this will provide enough for the shire to support the ongoing costs and share the things that make our town special.*

*Feedback received from Alicia Pawelski:*

- *P&C President & community member POV:*
- *“There have been 10 formal bookings made between July 2017 and October 2018. Purposes recorded for these bookings include for the library and concert practice. It should be noted though, that there are times, when the Hall is used by the Primary School and not formally recorded.”*

- This booking which is made in October holds the hall, daily, through the term 4, until the concert night. Which could include over 30 days of usage in the one booking. This is allowed by the agreed annualization of the school's yearly hall booking.
- Usage remains something which needs to be documented from the local community. A visitor's book at the hall should be added like the one at YCC, for all users to sign and we will have better evidence of the traffic.
- Importance of the hall usage being accurate is good for our community. P&C to add to meeting for interest in how this can be done.
- Could another annual Hall Booking be made? Would the Shire appreciate this as support or is usage the key factor for longevity?
- Local Movie nights "Bring a Bean Bag." A possible fundraiser OR funding? Shinema might be able to work in.
- Personal view:
- Can the projector room be cranked up again for movie nights "bring a bean bag"? Once a month? Funding for this?
- Nukara holds nature camps, I wonder if the Yuna hall could possibly be a venue, at the right time of year? If it is about usage and getting people in there, it would be a cheap venue for groups, such as scouts. So, is marketing on socials something that could be considered?
- The hall remains the venue for the annual concert, which itself is such a gem for our community. This would have to be an outdoor event if no access to Yuna Hall.
- I would also like to say that the Shire employee's, who have taken the effort to review the ideas given at the community consultation, are very professional. I feel that my position on the hall committee has been valued by the Shire, which I appreciate as a volunteer.

Country Arts WA- CABY grant application

Whilst this report has been out for consultation, CABY has submitted a grant application to Country Arts WA, and the Shire provided a letter of in principle support for this grant application. The grant application and project is to engage a Community Artist in Residence, being Helen Ansell from Mullewa to assist the Yuna community best explore options for a community art project involving the Yuna Memorial Hall."

**RISK ASSESSMENT**

Though the financial impact is **Minor** (i.e. operating cost below \$10,000 per annum) any decision to remove the Yuna Memorial Hall would have a **Major** impact i.e.

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
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**

Simple Majority

**STAFF RECOMMENDATION**

Council maintain the Yuna Memorial Hall in its current condition, maintain current use and add future uses identified and approved by Council including yet not necessarily limited to:

- 1. Upgrade external taps to be changed to recess type, external lights to be changed to sensors, external power points to be covered/locked to restrict current free usage;
- 2. Honour Box to be installed (if not completed in 2018/2019) to collect camping fees;
- 3. Tourism and Events Working Group to consider elements associated with Yuna playground site; and
- 4. Creating A Better Yuna, Chapman Valley Historical Society and Community Development Officer to work together to draft local historical information for promotion at the Hall.

**COUNCIL RESOLUTION**

**MOVED: CR HUMPHREY**

**SECONDED: CR BATTEN**

Council maintain the Yuna Memorial Hall in its current condition, maintain current use and add future uses identified and approved by Council including yet not necessarily limited to:

- 1. External lights to be changed to sensors, external power points to be covered/locked to restrict current free usage;
- 2. Honour Box to be installed (if not completed in 2018/2019) to collect camping fees;
- 3. Tourism and Events Working Group to consider elements associated with Yuna playground site; and Creating A Better Yuna, Chapman Valley Historical Society and Community Development Officer to work together to draft local historical information for promotion at the Hall

**Voting 5/0  
CARRIED**

**Minute Reference: 05/19-10**

*Reason for deviation from Staff Recommendation: Water access points to remain accessible to other hirers and cost is minimal*



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# Yuna Memorial Hall Working Group- Interim Report

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## 1.0 INTRODUCTION

This report addresses the outcomes of the Yuna Memorial Hall Working Group for the past 12 months. The report was drafted in October 2018, and a period of public consultation was sought until April 2019.

### 1.1 Background

In 2017, Council requested the Chief Executive Officer undertake a process of community consultation seeking feedback about the future of the Yuna Memorial Hall.

Community consultation was undertaken in July, August and September 2017.

A report to Council was presented for consideration at the Ordinary Council Meeting on 18 October 2017 (Yuna Memorial Hall- Future Recommendations Report).

The Council Resolution in that report is as follows:

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**  
The Amendment then became the Substantive Motion i.e.

**Council:**

1. Maintain the Yuna Memorial Hall in its current condition, maintain current use and add future uses identified with the community and approved by Council; and
2. The matter be reviewed in two (2) years during which time Council work with the community and CABY to consider future use and development of the hall.

Voting 7/0 CARRIED Minute Reference: 10/17-8

## **2.0 WORKING GROUP**

To address part two of the resolution, a formal working group was established; the Yuna Memorial Hall Working Group.

Membership of the working group includes:

Council Elected Member Representatives:

- Cr Nicole Batten
- Cr Peter Humphrey

Community Representatives:

- 2x CABY/ Community representatives:  
Brenda Williamson  
Carisa Mincherton
- Yuna Hall Librarian: Alicia Pawelski

Staff:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Community Development Officer

The Working Group is chaired by Councillor Batten and has met on two occasions in 2018. In May and in September the working group met to discuss the Hall's future uses.

Working group notes from both meetings have been presented to Council in the CDO Staff information reports.

## **3.0 CURRENT USAGE**

The Yuna Primary School is the main organisation using the Hall at the current time. The end of year concert and various school activities are held at the Hall. The local Library also utilises the Hall.

## **4.0 YUNA MEMORIAL HALL BOOKINGS**

At the request of working group member, Cr Humphries, the bookings register has been tallied for the usage of the Yuna Memorial Hall.

There have been 10 formal bookings made between July 2017 and October 2018. Purposes recorded for these bookings include for the library and concert practice. It should be noted though, that there are times, when the Hall is used by the Primary School and not formally recorded.

## **5.0 CONSIDERATION OF FUTURE USES**

Working group meetings have considered various other uses for the Hall. Included in the October 2017 report is a substantial list of possible complimentary uses for the Hall.

The working group used this list as the foundation for discussions on future uses. Of the 64 uses first suggested, the working group tried to identify uses that would suit the Hall, and not be better matched for the Yuna Community Centre.

Possible future uses narrowed down for the Hall included;

- School concert and practice in term 4 (current use)
- Library (current)
- Badminton (Hall only)
- Disco's, quiz nights
- Camp/ caravan kitchen
- Dancing

- Maps of areas of districts with owners, previous owners on outside of buildings
- Free camping, pay for water, pay for camping, honesty donation, fire pit
- Tell districts history on digital film on windows
- Community Storage Space
- Camp kitchen to caravans
- Sport and gym

Consideration of establishing a camp kitchen at the Hall was made a priority by the Working Group. The other uses continue to be considered in an ongoing capacity. As many of the uses relate to one off events, if enquiries arise to utilise the Hall, support will be considered.

## 6.0 CAMP KITCHEN

Promoted on the website/ app 'WikiCamps', the Yuna free camp site is very popular during peak caravanning times and wildflower season. Caravaners will park close to the trees of the Hall, under the trees near the tennis courts and have enquired at the school about how to make a donation for their stay. The camp site is promoted as having access to water and toilets. Access to water and power available on the external walls of the public toilets and Hall, will be restricted into the future with a change of external taps and power points. Shire budgets don't support free water and power access to travellers. A small sign may be installed encouraging travellers to take their rubbish, and any camping restrictions such as no fires.

Initially a camp kitchen was highly regarded by the working group, thought to support the travellers and caravaners and provide additional facilities during their stay.

The working group asked Shire staff to investigate and provide draft costings for renovations related to establishing a 24-hour camp kitchen, the installation of an honour box, installation of a dump point on site, and minor changes to external taps and lighting.

Initial costings presented to the working group are included below:

Yuna Memorial Hall- General overview of suggested changes			
	Items	Cost	Notes
Honour Box	Materials: including concrete	\$800	SoCV staff to check weekly
Bins	Materials: posts and chains	minimal	
Dump point	Standard: tank underground, timber structure	\$4,000	Pumped out twice a year, annual pump out costs appx \$2000
	Materials only		
Taps	Recess taps	\$350 x 2	AA to install
Landscaping	Trees		Planting trees closer to Hall for shade
Gazebo	Materials: posts, roofing etc	\$7,000	Similar to BHP or Shire office
Yuna History	Artist/ graphic designer	\$1,602	General estimate from Kick Solutions supply and install 3x windows, design work to be added to cost, seek a formal quote if pursuing this item
Kitchen	Servery changes	\$400	AA and Prison Crew labour
	New crockery storage	\$500	AA and Prison Crew labour
	Disabled access- ramp, larger door	\$2,500	AA and Prison Crew labour
	Internal locks, privacy latch	\$200	AA and Prison Crew labour
	Pad bolt- external	\$150	AA and Prison Crew labour
	Automatic lights		AA
	Smoke alarm		AA
	Better shelving	\$500	AA and Prison Crew labour
	Cleaning equipment- non removable	\$300	Mop, broom etc
	Cleaner- engage	SoCV cost	
	Signs		internal
General total		\$17,952	

After lengthy deliberation, a camp kitchen renovation will not be pursued through to Council. During deliberations, logistics issues such as the use of the kitchen for booked functions held at the Hall separate to travellers and how best to restrict access to the wider Hall were raised.



A question of demand for kitchen facilities was also raised. The travellers most frequently visiting the Yuna campsite were caravaners with self-contained cooking facilities. The demand for provision of kitchen facilities isn't as strong as first thought.

Ongoing maintenance costs became the biggest concern of the working group. Not only would Council have to consider an investment of funds to undertake a camp kitchen renovation, but cleaning costs and an increased maintenance budget would have to be incorporated into the annual budget for the life of the camp kitchen.

An honour box will be installed onsite with funds included in the 2018-19 annual budget.

Beyond the discussion about a camp kitchen, ideas were raised for possible upgrades to the Yuna Playground site including to promote tourism to the area. A clean-up of vegetation to better identify dedicated paths between the campsite, Hall and playground, an addition of an outdoor sink and the construction of a wind structure for the gazebo were considered. Issues related to the playground site are outside of the Yuna Memorial Hall Working Group scope and will be considered by the Tourism and Events Working Group.

## 7.0 PROMOTING YUNA HISTORY

With the Yuna campsite being popular, the working group identified an opportunity to promote Yuna history while travellers are stopped. Encouraging travellers to read about the local history will enrich their experience staying in Yuna.

Various mediums of presentation were discussed such as large window stickers/ transfers or information boards attached to the outside of the Hall. Information boards attached to the southern side of the Hall was a general preference.

Accurate historical information will need to be compiled for this project. The working group recommended from its September 2018 meeting that the Chapman Valley Historical Society and CABY are approached to seek interest for a group to be formed to determine historical text and information to be published on the outside of the building.

## 8.0 FINANCIAL IMPLICATIONS

Expenses and budget figures are up to date for the Yuna Memorial Hall in a care and maintain manner currently supported by Council.

Year	Operating Expenses	Land & Building	Total Actual Expenditure last 10 years
	Job # LHL2	Capital Expense	
2018-19 (Budget)	3857		YTD
2017/2018	9064	0	9064
2016/2017	8641.04	0	8641.04
2015/2016	12424.78	0	12424.78
2014/2015	8742.13	2002.16	10744.29
2013/2014	11839.87	31540.82	43380.69
2012/2013	9543.79	340.70	9884.49
2011/2012	5974.65	0	5974.65
2010/2011	4860.62	0	4860.62
2009/2010	6305.97	15603.14	21909.11
2008/2009	6540.95	200.00	6740.95
2007/2008	5835.95	505.91	6341.86
<b>Totals</b>	<b>93630.75</b>	<b>50192.73</b>	<b>139966.48</b>

The income received from hire of the Yuna Memorial Hall is minimal and would not cover the annual operating costs.

Honor box contributions will be submitted to the Council's general operating expenditure, as is the precedent with other Shire honor boxes.

## 9.0 COMMUNITY CONSULTATION

This report was distributed to CABY for general comment and feedback.

Emails were sent to the CABY general email address and to the President and Vice President email addresses seeking comments and feedback. The timeline of correspondence to CABY is included below:

- 5 November 2018;
- 13 November 2018;
- 31 January 2019: CABY sent the report to broader CABY membership
- 12 February 2019: CDO request to CABY to add report as a formal agenda item at the next CABY meeting. Cr Batten will speak to the report at the CABY meeting;
- 9 April 2019; Cr Batten confirmed CABY met and discussed the Hall report.

CABY minutes relevant to discussion:

Matt to tell Shire:

- Shire try to reduce the annual management costs;
- Include the hall tourist signage in the budget (as per other item);
- Hang all of the Yuna / CV Banners in the windows as an inexpensive way of making the building interesting;
- Shire to explore art funding to paint the exterior / live as an artist in residence;
- Suggest Jasmyn Allen be the key community contact, in addition to the hall committee.

Feedback received from Kim Batten:

- Happy for Bren, Carisa and Alicia to continue to support the future of the hall on behalf of the community.
- Alicia made some good points and while it's frustrating to work under government protocol we need to find an easy cost-effective way to support our key needs which are the concert and library.
- Really like the idea of getting some window art which will make the building more appealing and give our town something to see for people who visit.
- My suggestion would be to get paintings of local wildflower highlights painted on glass and a map put up where farmers are happy for people to visit. Most will be on main roads in reserves but there may be other spots that people are happy to include.
- I feel this will provide enough for the shire to support the ongoing costs and share the things that make our town special.

Feedback received from Alicia Pawelski:

- P&C President & community member POV:
- "There have been 10 formal bookings made between July 2017 and October 2018. Purposes recorded for these bookings include for the library and concert practice. It should be noted though, that there are times, when the Hall is used by the Primary School and not formally recorded."
- This booking which is made in October holds the hall, daily, through the term 4, until the concert night. Which could include over 30 days of usage in the one booking. This is allowed by the agreed annualization of the school's yearly hall booking.
- Usage remains something which needs to be documented from the local community. A visitor's book at the hall should be added like the one at YCC, for all users to sign and we will have better evidence of the traffic.
- Importance of the hall usage being accurate is good for our community. P&C to add to meeting for interest in how this can be done.
- Could another annual Hall Booking be made? Would the Shire appreciate this as support or is usage the key factor for longevity?
- Local Movie nights "Bring a Bean Bag." A possible fundraiser OR funding? Shinema might be able to work in.
- Personal view:

- Can the projector room be cranked up again for movie nights "bring a bean bag"? Once a month? Funding for this?
- Nukara holds nature camps, I wonder if the Yuna hall could possibly be a venue, at the right time of year? If it is about usage and getting people in there, it would be a cheap venue for groups, such as scouts. So, is marketing on socials something that could be considered?
- The hall remains the venue for the annual concert, which itself is such a gem for our community. This would have to be an outdoor event if no access to Yuna Hall.
- I would also like to say that the Shire employee's, who have taken the effort to review the ideas given at the community consultation, are very professional. I feel that my position on the hall committee has been valued by the Shire, which I appreciate as a volunteer.

#### Country Arts WA- CABY grant application

Whilst this report has been out for consultation, CABY has submitted a grant application to Country Arts WA, and the Shire provided a letter of in principle support for this grant application. The grant application and project is to engage a Community Artist in Residence, being Helen Ansell from Mullewa to assist the Yuna community best explore options for a community art project involving the Yuna Memorial Hall.

## **10.0 CONCLUSION**

The working group has deliberated broadly for future uses of the Yuna Memorial Hall. Supporting the caravaners that currently frequent the location is the current position of the working group, with the installation of an honour box for those visitors wishing to participate and investigating ways to promote Yuna History to the visitors.

#### Actions moving forward include:

1. External taps to be changed, external lights to be changed to sensors, external power points to be covered;
2. Honour box to be installed;
3. Tourism and Events Working Group to consider elements associated with Yuna playground site; and
4. CABY, Historical Society and CDO to work together to draft information for promotion on the Hall.

**11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**13.0 DELEGATES REPORTS**

Cr Forth advised he had attended the Chapman Valley Ag Society meeting and that the preparations for the 2019 show are well underway.

Cr Warr and Cr Batten advised they had attended the webinar WALGA Meeting Procedure Training in the Chambers with Mr Battilana and it was a valuable experience.

Cr Humphrey advised he had attended the recent Finance, Audit & Risk Committee meeting which included Council’s auditor.

Cr Forth and Cr Farrell attended the Main Roads meeting in regard to the Dongara Northampton Transport Corridor held in Nabawa.

**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

**COUNCIL RESOLUTION**

**MOVED: CR WARR**

**SECONDED: CR HUMPHREY**

Council agree to deal with the late item and close the meeting to the public for the following Agenda Item(s) in accordance with the Local Government Act, 1995:

- 15.1 – Disposal Of Lot 102 Chapman Valley Rd, Yuna

Section 5.23(2)(c) as the items involves a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**Voting 5/0  
CARRIED**

**Minute Reference: 05/19-11**

<b>LATE AGENDA ITEM:</b>	<b>15.1</b>
<b>SUBJECT:</b>	<b>DISPOSAL OF LOT 102 CHAPMAN VALLEY RD, YUNA</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>LOT 102 CHAPMAN VALLEY RD, YUNA</b>
<b>FILE REFERENCE:</b>	<b>A1345</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REF: 03/19-6</b>
<b>DATE:</b>	<b>15<sup>th</sup> MAY 2019</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**STAFF RECOMMENDATION**

Council:

1. Council endorse the disposal of Lot 102 Chapman Valley Rd, Yuna by Private Treaty and authorise the Chief Executive Officer to negotiate the best possible price for the sale of Lot 102 Chapman Valley Rd;
2. Offer to be accepted in accordance with the Item 1 above and the following condition noted:

*“This offer is conditional upon the Shire of Chapman Valley completing and complying with all the necessary legislative requirements for the disposal of local government property by private treaty”*

3. In the event an offer is accepted by the Chief Executive Officer in accordance with Items 1 & 2 above the proposed sale is to be advertised in accordance with legislation seeking public submissions;
4. Council allocate the funds received for the sale of Lot 102 Chapman Valley Rd, Yuna to the Shire’s Building Reserve Fund.

**COUNCIL RESOLUTION**

**MOVED: CR FARRELL**

**SECONDED: CR WARR**

Council:

1. Council does not accept the current offer for the disposal of Lot 102 Chapman Valley Road, Yuna.
2. Council endorse the disposal of Lot 102 Chapman Valley Rd, Yuna by Private Treaty and authorise the Chief Executive Officer to negotiate the best possible price for the sale of Lot 102 Chapman Valley Rd at a price no lower than 10% of the minimum market value range.
3. Offer to be accepted in accordance with the Item 1 above and the following condition noted:  
  
*“This offer is conditional upon the Shire of Chapman Valley completing and complying with all the necessary legislative requirements for the disposal of local government property by private treaty”*
4. In the event an offer is accepted by the Chief Executive Officer in accordance with Items 1 & 2 above the proposed sale is to be advertised in accordance with legislation seeking public submissions;
5. Council allocate the funds received for the sale of Lot 102 Chapman Valley Rd, Yuna to the Shire’s Building Reserve Fund.

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-12**

*Reason for deviation from Staff Recommendation: Council are not comfortable with current low offer.*

**COUNCIL RESOLUTION**

**MOVED: CR BATTEN**

**SECONDED: CR HUMPHREY**

That the meeting be re-opened to the Public

**Voting 5/0  
CARRIED  
Minute Reference: 05/19-13**

**16.0 CLOSURE**

The President thanked Elected Members and Staff for their attendance and closed the meeting at 11.41am.