



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 20 November 2019  
at the **Council Chambers, 3270 Chapman Valley Road, Nabawa**  
commencing at 9:00am.

Simon Lancaster  
ACTING CHIEF EXECUTIVE OFFICER

# CONFIRMED MINUTES

## NOVEMBER 2019

*Shire's Vision*

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

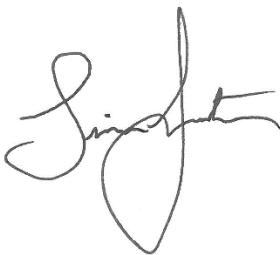
## DISCLAIMER



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.



Simon Lancaster  
**ACTING CHIEF EXECUTIVE OFFICER**

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	Nil	
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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 9.02am.

### 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

#### 2.1 Swearing in of Cr Beverley Davidson

The President conducted the swearing in of Cr Davidson.

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

#### 3.1 Present

##### a. Councillors

Member
Cr Anthony Farrell (President)
Cr Kirrilee Warr (Deputy President)
Cr Nicole Batten
Cr Beverley Davidson
Cr Peter Humphrey
Cr Trevor Royce

##### b. Staff

Officer	Position
Mr Simon Lancaster	Acting Chief Executive Officer
Mrs Dianne Raymond	Manager Finance and Corporate Services
Mrs Karen McKay	Executive Services Administrator (Minute Taker)

##### c. Visitors

Name
John and Amanda Cook – Item 10.1.1 – 166 Wittenoom Circle, White Peak

#### 3.2 Apologies

Name	
Cr Ian Maluish	
Mr Maurice Battilana	Chief Executive Officer

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

Councillor	OCM Month & Year	Date Approved	Minute Reference
Cr Forth	November 2019 OCM	21 August 2019	08/19-1

### 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 Maluish requested Leave of Absence from 21 November 2019 to 15 February 2020.

#### COUNCIL RESOLUTION

**MOVED: CR BATTEN**

**SECONDED: CR WARR**

That Cr Maluish be granted Leave of Absence from 21 November 2019 to 15 February 2020.

**Voting 6/0**

**CARRIED**

**Minute Reference: 11/19-1**

Cr Warr requested Leave of Absence for the February 2020 Ordinary Council Meeting.

#### COUNCIL RESOLUTION

**MOVED: CR BATTEN**

**SECONDED: CR ROYCE**

That Cr Warr be granted Leave of Absence February 2020 Ordinary Council Meeting.

**Voting 6/0**

**CARRIED**

**Minute Reference: 11/19-2**

### 6.0 DISCLOSURE OF INTEREST

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

#### Section 5.60A:

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

#### Section 5.60B:

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

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

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

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

#### Regulation 34C (Impartiality):

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

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.1	Cr Humphrey	Proximity	Proximity to property concerned

### 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

#### 7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

## **8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

### **COUNCIL RESOLUTION**

**MOVED: CR BATTEN**

**SECONDED: CR WARR**

8.1 Ordinary Meeting of Council held on Wednesday 16 October 2019

That the minutes of the Ordinary Meeting of Council held Wednesday 16 October 2019 be confirmed as a true and accurate.

8.2 Special Meeting of Council held on Monday 21 October 2019

That the minutes of the Special Meeting of Council held Monday 21 October 2019 be confirmed as true and accurate.

**Voting 6/0**

**CARRIED**

**Minute Reference: 11/19-3**

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

Nil

*Mrs Raymond left Chambers at 9.09am*

## **10.0 OFFICERS REPORTS**

# **10.1**

## **Deputy Chief Executive Officer**

### **November 2019**

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### **10.1 AGENDA ITEMS**

10.1.1 Proposed Second-Hand Ancillary Dwelling, White Peak

10.1.2 Development Assessment Panel Nominations

10.1.3 Mid West Development Commission Local Government Board Nominations



Cr Humphrey left Chambers at 9.10am as he declared a Proximity interest in this item

<b>AGENDA ITEM:</b>	<b>10.1.1</b>
<b>SUBJECT:</b>	<b>PROPOSED SECOND-HAND ANCILLARY DWELLING, WHITE PEAK</b>
<b>PROPONENT:</b>	<b>E &amp; J RODNEY</b>
<b>SITE:</b>	<b>166 (LOT 191) WITTENOOM CIRCLE, WHITE PEAK</b>
<b>FILE REFERENCE:</b>	<b>A1550</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>12 NOVEMBER 2019</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Submitted application	√	
10.1.1(b)	Received submissions	√	
10.1.1(c)	Applicant's response to issues raised in submissions	√	

#### DISCLOSURE OF INTEREST

Nil.

#### BACKGROUND

Council is in receipt of an application proposing to site a second-hand transportable building upon 166 (Lot 191) Wittenoom Circle and undertake external works/extensions to the building to serve as an ancillary dwelling ('granny flat'). The application has been advertised for public comment and 4 objections were received and 1 submission expressing qualified support. This report recommends refusal of the application. Alternate wording is supplied within the comment section of the report in the event that Council considers that the application has merit and should be conditionally approved.

**Figure 10.1.1(a) – Location Plan of 166 (Lot 191) Wittenoom Circle, White Peak**



**COMMENT**

Lot 191 is a 1.0001ha property with a 68.74m frontage to Wittenoom Circle on its western boundary, side boundaries of 143.6m and a rear boundary of 68.61 that backs onto a bridle path to the east. The property is situated at the 85m contour and is relatively flat, gradually sloping downwards from the north-east corner to the south-east corner.

A single storey brick walled, colorbond roofed residence containing 5 bedrooms, 2 bathrooms and 3 toilets has recently been completed upon Lot 191 along with a 50.4m<sup>2</sup> colorbond shed.

**Figure 10.1.1(b) – Aerial Photo of 166 (Lot 191) Wittenoom Circle, White Peak**



**Figure 10.1.1(c) – Proposed development site looking east from Wittenoom Circle**



The applicant is seeking approval to site a 40m<sup>2</sup> (4m x 10m) skillion roof (2.8m high on lower wall side) second-hand transportable building upon Lot 191. The applicant proposes to then construct a 24m<sup>2</sup> enclosed extension to the building on-site and a 36m<sup>2</sup> deck area, to serve as an ancillary dwelling for their parents. The building would be clad in Colorbond to match the main residence (Paperbark wall and Monument roof sheeting).

The building is proposed to be sited 22m behind (south-east) of the residence and 5m from the southern side boundary. A copy of the applicant's submitted site, floor and elevation plans, along with photographs of the transportable building have been included as **Attachment 10.1.1(a)** to this report.



Council has not been supportive of second-hand buildings in the Parkfalls Estate, with the most recent precedent being the refusal of an application at Lot 51 Eliza Shaw Drive at the 14 December 2016 Council meeting, that was the subject to appeal, with the State Administrative Tribunal upholding the Shire's refusal on 19 July 2017. Whilst the scale of that application was considerably larger, proposing the siting of 18 second-hand buildings to create a substantial 2 storey residence Council may feel that this does set some level of precedent in its assessment of this application.

Alternatively Council may consider that the application upon Lot 191 for an ancillary dwelling is on a markedly reduced scale and providing that the proposed external works are undertaken in a timely fashion will create a building that is not out of keeping with the character of the area which is dominated by new built form.

The applicant has advised that the estimated time of completion for the development is 6-12 months. The matter of whether the proposed works will be completed, and in what timeframe, may also concern Council. It is noted that the external works on 2 previously approved applications for second-hand transportable buildings elsewhere in the Shire on much larger blocks are still not completed after several years, despite the initial announced intentions of the applicants, and are subject of ongoing Shire action.

Council required the lodgement of a bond by the applicants in these 2 prior circumstances to encourage them to complete the works and this has still not sufficiently motivated them to completion. It would be reasonable to suggest that a level of faith would be required by Council that the applicant would complete the works, and in the event that this did not occur then the open nature of the block and the minimum side boundary setback would leave an intrusive development for the surrounding landowners who would have a level of expectation concerning their locality and amenity.

In the event that Council considers that the application should be supported then it may find the following wording appropriate to safeguard concerns:

*"That Council grant formal planning approval for a second-hand ancillary dwelling upon 166 (Lot 191) Wittenoom Circle, White Peak subject to the following conditions:*

- 1 Development shall be in accordance with the attached approved plans dated 20 November 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 development is required to be externally clad with materials (inclusive of skirting between the floor level and ground level as required) of a colour and finish that is complementary to the main residence upon Lot 191 to the approval of the local government.*
- 4 Landscaping is required to be installed and maintained about the development for the purpose of softening the visual impact of the structure to the satisfaction of the local government.*
- 5 The building must not be occupied until it is compliant with the Class 1 requirements of the National Construction Code - Building Code of Australia.*
- 6 All stormwater is to be disposed of to the approval of the local government.*
- 7 Any lighting devices must be positioned so as to not cause glare to neighbouring properties or vehicles on Wittenoom Circle to the satisfaction of the local government.*
- 8 A bond of \$5,000 must be lodged by the applicant with the local government prior to the placement of the second hand building upon Lot 191 that will be returned upon completion of the requirements pertaining to the abovementioned conditions within a period of 12 months, and in the event that the works described in the application are not carried out within the 12 month timeframe the bond shall be forfeited to the local government.*

Notes:

- (a) *In regard to condition 8 should the bond be forfeited then Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies should be expended to address the outstanding conditions.*
- (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."*

## STATUTORY ENVIRONMENT

166 (Lot 191) Wittenoom Circle, White Peak is zoned 'Rural Residential 1' under the Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

State Planning Policy 7.2 - Residential Design Codes defines 'Ancillary Dwelling' as being:

*"Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house."*

The proposed development should also be considered under the definition of a 'Secondhand Dwelling' which is defined by the Scheme as follows:

*"secondhand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling."*

'Secondhand Dwelling' is listed under the Scheme as a use that must be advertised for comment prior to being presented to Council for its determination in the 'Rural Residential' zone.

Section 9 of the Scheme states:

*"The aims of this Scheme are to –*

- (a) *provide for a variety of lifestyle opportunities; ...*
- ...(d) *protect, preserve and enhance the environment, natural and cultural heritage, and landscape and streetscape values."*

Section 37 'Appearance of Land and Buildings' of the Scheme states:

- (1) *Unless otherwise approved by the local government, 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.*
- (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.*
- (3) *Where in the opinion of the local government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity."*

Schedules 5 & 6 of the Scheme provides the site and development requirements relating to the Rural Residential zone, and notes the following of relevance to this application:

*"Schedule 5  
Rural Residential*

- (2) *Buildings*
- (b) *All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity in terms of their design, height, location, material and cladding colours....*
- ...(d) *Only one dwelling is permitted on any lot within the Rural Residential and Rural Smallholding zone, although the local government may, at its discretion, also approve one ancillary accommodation unit.*
- (e) *No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans, and is in a location, to the satisfaction of the local government in consultation with the Department of Health."*

*"Schedule 6*

*Rural Residential 1*

- (1) *For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in the Scheme;...*
- ...(5) *Prior to the commencement of any development on any lot, the local government may require each lot owner to prepare a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations."*

Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by Council in considering a development application:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(g) any local planning policy for the Scheme area;...*
- ...(m) the compatibility of the development with its setting including the relationship of the development 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 development;*
- (n) the amenity of the locality including the following —*
- (i) environmental impacts of the development;*
- (ii) the character of the locality;*
- (iii) social impacts of the development;...*
- ...(p) 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;...*
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

## **POLICY IMPLICATIONS**

Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* 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.

The Shire of Chapman Valley Relocated Buildings Local Planning Policy has the objective of ensuring that any development proposing to use a second hand building or second hand cladding material meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.

The Relocated Buildings Policy has the following general requirements:

- "(a) The use of secondhand cladding materials and second hand buildings can result in unacceptable development by reason of poor aesthetic result and by adversely affecting the amenity of an area. Council requires that an applicant demonstrate that the proposed use of a secondhand building and/or the use of second hand cladding material will not result in any adverse effect on the amenity or the aesthetics of the area within which it is proposed.*
- (b) Unless specific approval is given, all external asbestos cement cladding must be removed and replaced with new material prior to the relocation of a transported building to its new site.*

- (c) *The Shire at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard.”*

The Relocated Buildings Policy also states that:

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

- (a) *A bond, of at least 5% of the estimated value of an equivalent new building, to a maximum of \$5,000 and minimum of \$1,000.*
- (b) *A statutory declaration, signed by the applicant(s) and appropriately witnessed, indicating that the bond will be forfeited to Council if:*
  - (i) *The works described in the application are not carried out within the timeframe indicated;*
  - (ii) *Within 12 months of the date of the agreement, the development does not reach a point where externally it appears complete; and*
  - (iii) *Any notice duly served upon the builder is not promptly complied with.*
- (c) *Bond moneys will only be refunded (if not forfeited) after works required to prevent forfeiture have been carried out to the satisfaction of the Shire’s Building Surveyor and/or Planning Officer.”*

The proposed development is considered to comply with the requirements of the Shire of Chapman Valley Ancillary Dwellings Local Planning Policy relating to its floor area, total roof area and location upon the property. Council in its assessment of the application would need to be satisfied that the following aspects of the ‘Ancillary Dwelling’ Local Planning have been met.

*“Objective*

- 3.2 *Ensure that an ancillary dwelling is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location.”*

*“General Requirements*

- 4.2.e *Ancillary Dwelling shall be constructed of colours and/or materials that are matching and/or complementary to existing development upon the property.”*

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**

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

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 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**

166 (Lot 191) Wittenoom Circle, White Peak is contained within Planning Precinct No.7 – South West in the Shire of Chapman Valley Local Planning Strategy. The Strategy’s role is to address wider planning issues and does not address matters of this nature, excepting within its Glossary of Key Terms where it provides a definition of ‘Rural

Residential' that assists with an understanding of the zone and the emphasis on the preservation of amenity and the planning and management of land use impacts associated with residential development.

*"Land used for residential purposes in a rural setting which provides for alternative residential lifestyle and which seeks to preserve the amenity of such areas and control land use impacts. The objective is to provide for planned and managed residential use in a rural setting. Lot sizes may range from 1 to 4 hectares."*

- **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**

The Scheme Zoning Table and Section 4.5 of the Shire's Relocated Buildings Local Planning Policy require advertising of the application prior to the matter being presented to Council for its determination.

The Shire wrote to the 12 surrounding landowners and the Parkfalls Residents Association on 17 September 2019 providing details of the application and inviting comment upon the proposal prior to 18 October 2019. The Shire also erected a sign on-site advising of the opportunity for comment and displayed information upon its website.

At the conclusion of the advertising period 5 submissions had been received, 4 expressing objection and 1 submission expressing qualified support. Copies of the received submissions have been provided as **Attachment 10.1.1(b)** with the identities and contact details redacted.

The objections generally relate to the following issues and perceptions:

- the visual appearance of the development;
- the second hand nature of the development;
- the detrimental impact on the amenity of the area;
- impact upon the value of surrounding property;
- concern whether the proposed works will be carried out.

It is noted that the submissions have also raised the issue of the restrictive covenants that were placed upon the lots in the Parkfalls Estate (including Lot 191) which included a clause stating that:

*"The registered proprietor for the time being of each of the Lots ("the Lot") covenants not to construct erect install carry out or permit or cause to be constructed erected installed carried out or permitted on the Lot:-...*  
*...(e) any building or construction which makes use of secondhand material either in part or in whole."*

The Certificate of Title for Lot 191 and the other Parkfalls Estate lots lists the developer as the Transferor who placed restrictive covenants against the lots. This is therefore a matter that the developer, as the apply party, is required to enforce and not the Shire. The restrictive covenants contain requirements that the Shire has not requested or would necessarily wish to administer e.g. a zincalume roof on a house might be deemed acceptable under the Building Code of Australia, or a flat roofed outbuilding might be considered acceptable etc. The Shire Planning Scheme at the time of the creation of the Parkfalls Estate, and since that time, has contained no provisions relating to prohibiting second hand materials.

Council might take a view that whilst the restrictive covenants are not matters that a decision-maker should have regard to, they could be considered to form part of the community's expectations for an estate. However, this becomes inevitably diluted as properties change ownership from the original purchasers into an estate and the subsequent purchasers may be unaware of the restrictive covenants, and further becomes complicated once the developer concludes their activities (and often existence as a business entity) with the sale of all lots.

The applicant was provided with the opportunity to respond to the issues raised in the submissions and a copy of the applicant's response that includes further representations on the intended final appearance of the development has included as **Attachment 10.1.1(c)**.

## **RISK ASSESSMENT**

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

## VOTING REQUIREMENTS

Simple majority required.

## COUNCIL / STAFF RECOMMENDATION

**MOVED: CR ROYCE**

**SECONDED: CR DAVIDSON**

That Council refuse the application to site a second-hand transportable building upon 166 (Lot 191) Wittenoom Circle, and undertake external works/extensions to the building to serve as an ancillary dwelling ('granny flat') for the following reasons:

- 1 The development is considered contrary to Sections 9 & 37, Schedules 5 & 6 and Table 1 of the Shire of Chapman Valley Local Planning Scheme No.3.
- 2 The development is considered contrary to Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 3 Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance to the requirements under Section 4.2(a) of the Shire of Chapman Valley Local Planning Policy 'Relocated Buildings'.
- 4 Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the rural residential amenity of the locality.
- 5 The objections received during the public consultation period for the application, and the issues raised therein, do not indicate a level of support for the siting of secondhand buildings within this area and a variation to be considered by Council.

Note:

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 2/3**

**LOST**

**Minute Reference: 11/19-4**

## FORESHADOWED MOTION

**MOVED: CR BATTEN**

**SECONDED: CR WARR**

That Council grant formal planning approval for a second-hand ancillary dwelling upon 166 (Lot 191) Wittenoom Circle, White Peak subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 20 November 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 development is required to be externally clad with materials (inclusive of skirting between the floor level and ground level as required) of a colour and finish that is complementary to the main residence upon Lot 191 to the approval of the local government.
- 4 Landscaping is required to be installed and maintained about the development for the purpose of softening the visual impact of the structure to the satisfaction of the local government.
- 5 The building must not be occupied until it is compliant with the Class 1 requirements of the National Construction Code - Building Code of Australia.
- 6 All stormwater is to be disposed of to the approval of the local government.



- 7 Any lighting devices must be positioned so as to not cause glare to neighbouring properties or vehicles on Wittenoom Circle to the satisfaction of the local government.
- 8 A bond of \$5,000 must be lodged by the applicant with the local government prior to the placement of the second hand building upon Lot 191 that will be returned upon completion of the requirements pertaining to the abovementioned conditions within a period of 12 months, and in the event that the works described in the application are not carried out within the 12 month timeframe the bond shall be forfeited to the local government.

Notes:

- (a) In regard to condition 8 should the bond be forfeited then Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies should be expended to address the outstanding conditions.
- (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.

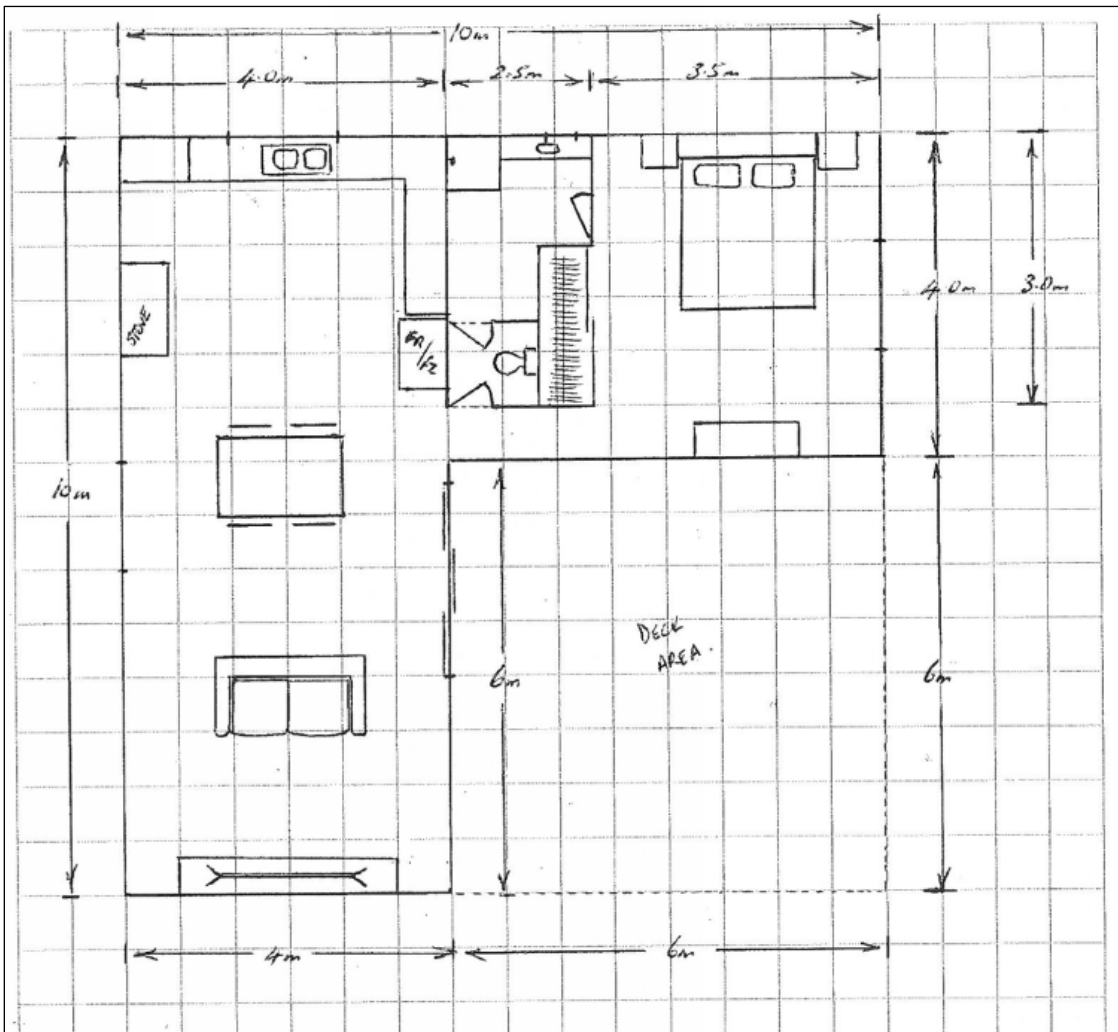
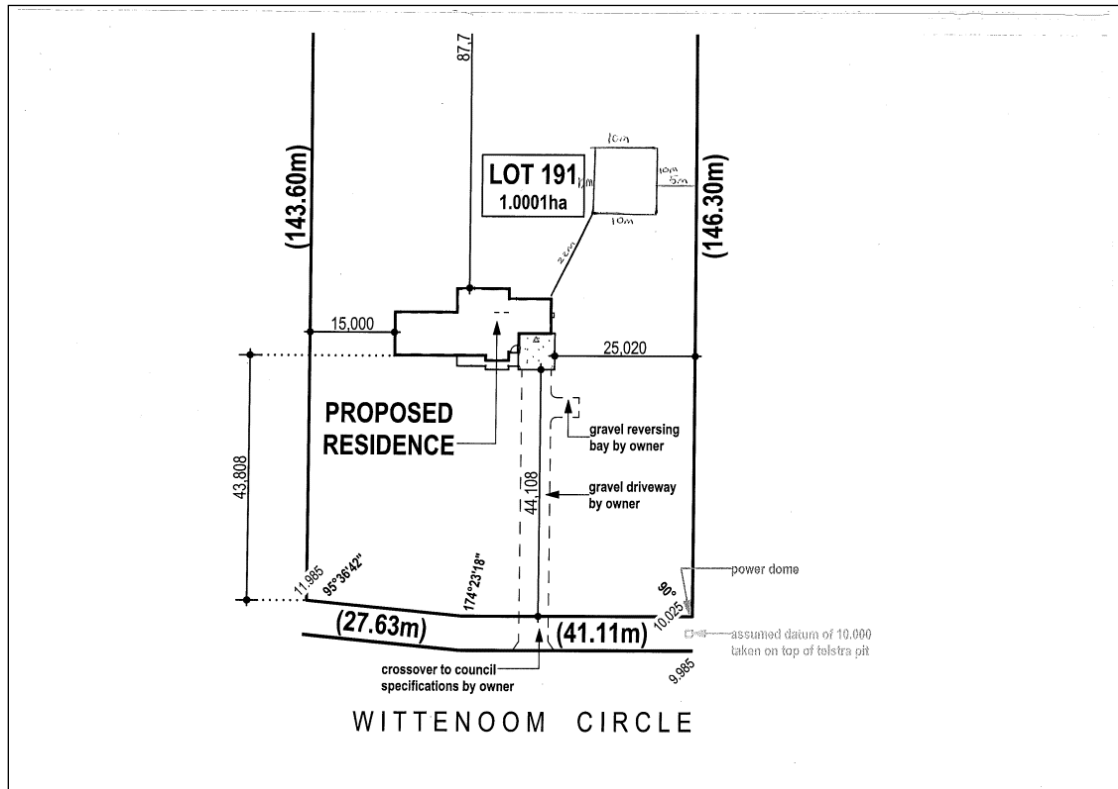
**Voting 3/2  
CARRIED**

**Minute Reference: 11/19-5**

*Reason for Deviation: Council considered that the application should be approved subject to condition of a 12 month bond for the completion of works.*

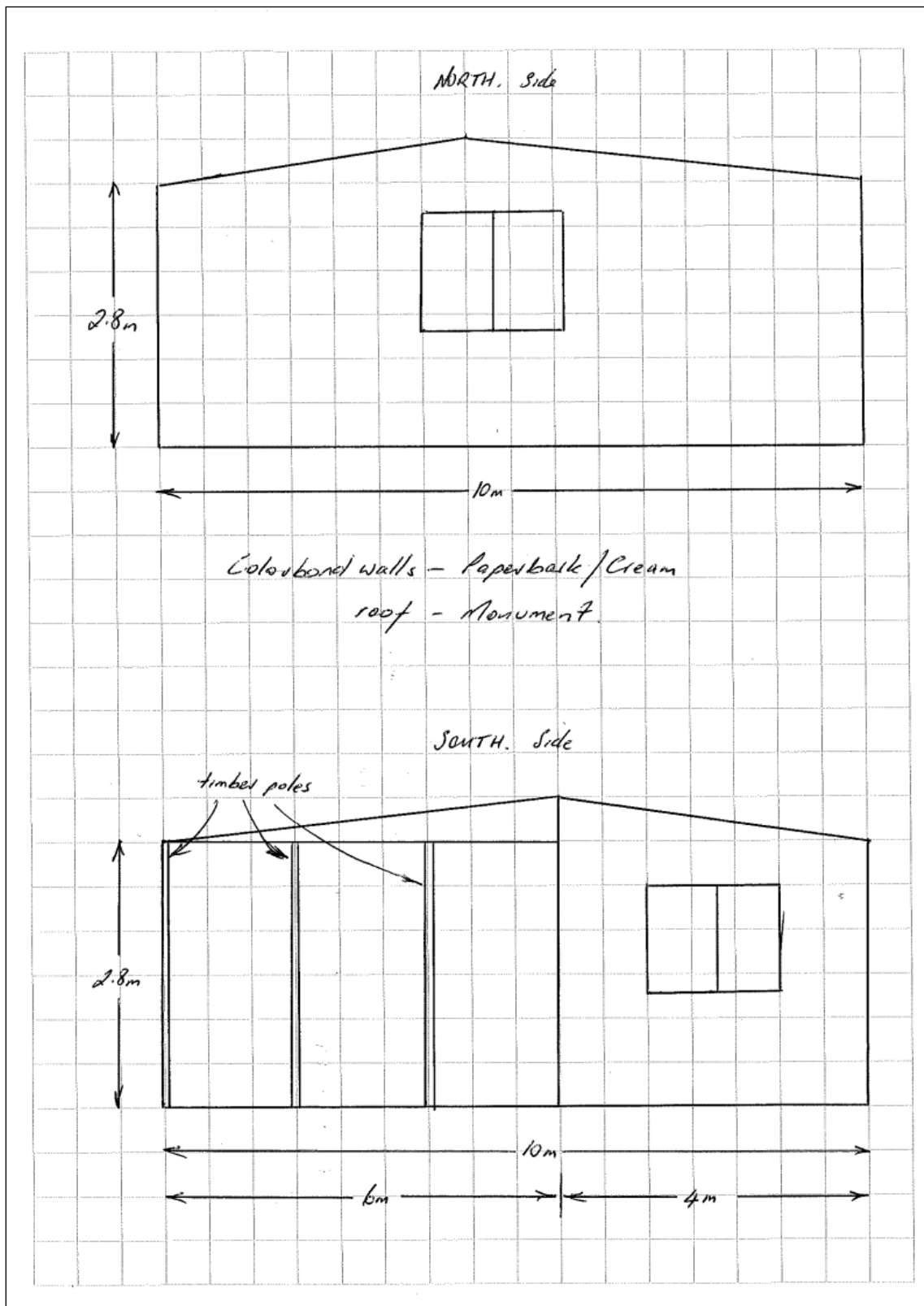
*Mr & Mrs Cook left Chambers at 9.29am*

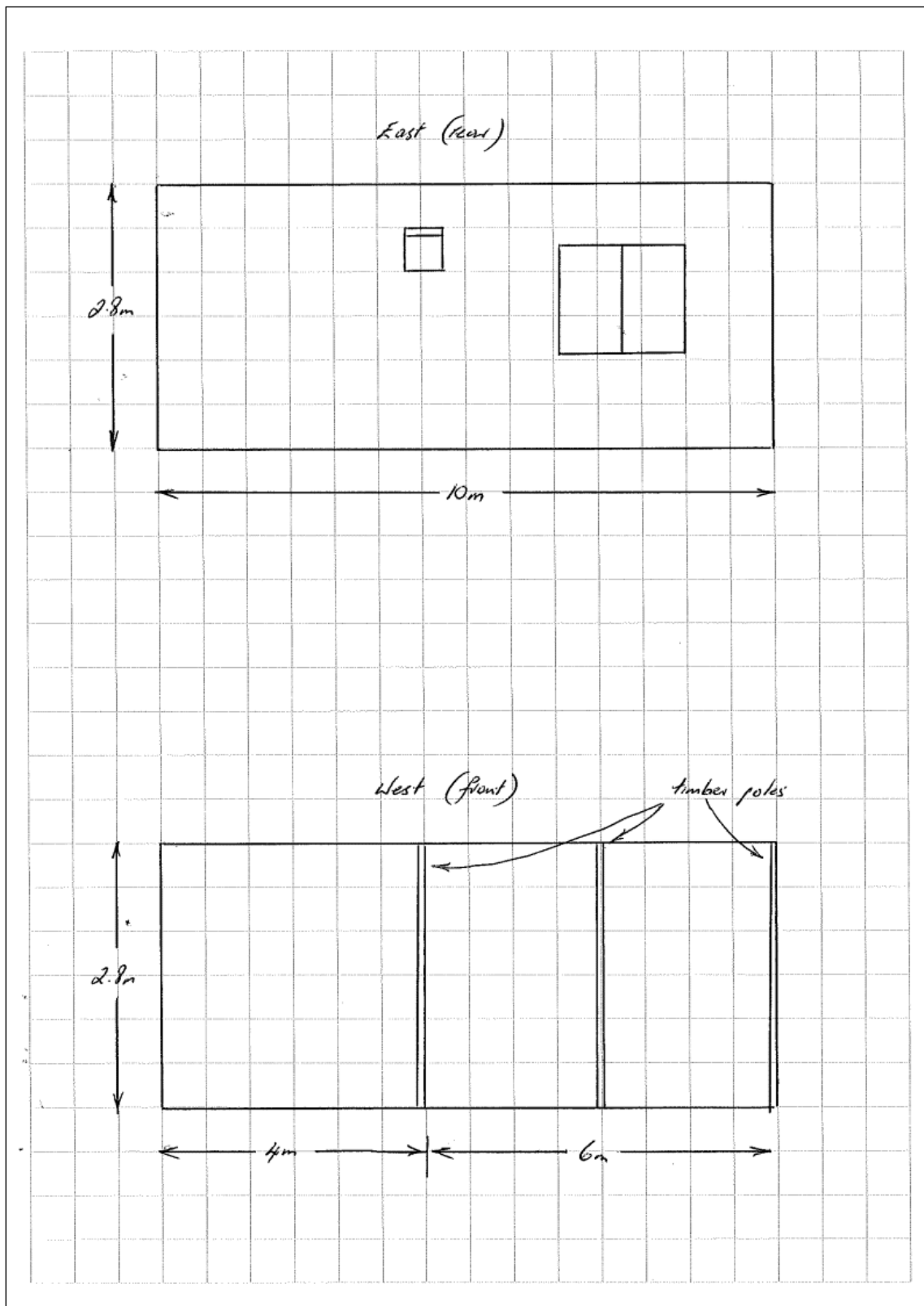
*Cr Humphrey re-entered Chambers at 9.30am*

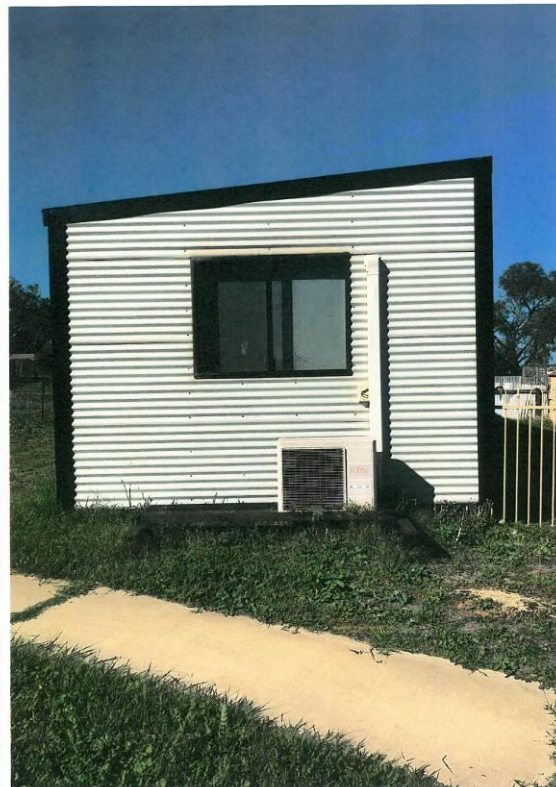
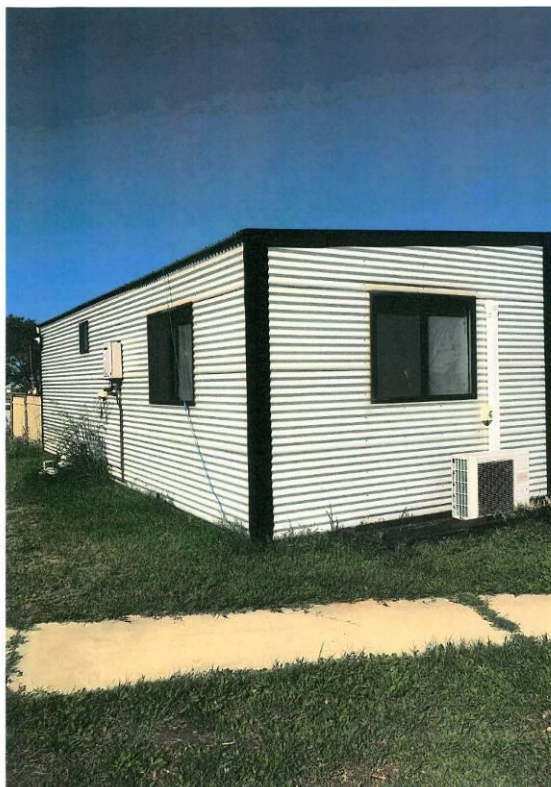




**Existing Donga**











## Submission 1

### DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1550

#### PROPOSED (SECOND HAND) ANCILLARY DWELLING

166 (LOT 191) WITTENOOM CIRCLE, WHITE PEAK

Name:

Postal Address:

Phone Number:

SUBMISSION:

- Object

DATE	- 1 OCT 2019
FILE	A1550
RECORD	CRI914702

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

I object to the development application A1550 as it contravenes the covenant placed on White Peak that all buildings must be new. This application is for a second hand donga. I fail to understand why anyone would give this application consideration. Surely the staff at Council and the person who lodged it are aware of this rule.

Signature:

Date: 27/9/2019

Please return to: Chief Executive Officer or [cso@chapmanvalley.wa.gov.au](mailto:cso@chapmanvalley.wa.gov.au)  
Shire of Chapman Valley  
PO Box 1 or (fax) 9920 5155  
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 18 October 2019



## Submission 2



DATE	2 OCT 2019
FILE	A1550
RECORD	CR 1914784

### DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1550

**PROPOSED (SECOND HAND) ANCILLARY DWELLING  
166 (LOT 191) WITTENOOM CIRCLE, WHITE PEAK**

Name: \_\_\_\_\_  
Postal Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

**SUBMISSION:** ☐ Support ☒ Object ☐ Indifferent

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

"EYE SORE"  
DONGA'S ARE FOR MINE SITES NOT  
RESIDENTIAL AREAS. I WORK ON A  
MINE SITE AND CERTAINLY DON'T WANT  
TO LOOK AT THIS.  
ALSO WILL DE-VALUE MY PROPERTY.  
- \$\$\$

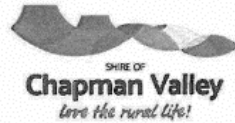
Signature: \_\_\_\_\_ Date: 2/10/2019

Please return to: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532  
or [ceo@chapmanvalley.wa.gov.au](mailto:ceo@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 18 October 2019

# Submission 3



DATE	10/10/2019
FILE	A1550
RECORD	CR1914819

## DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1550

### PROPOSED (SECOND HAND) ANCILLARY DWELLING 166 (LOT 191) WITTENOOM CIRCLE, WHITE PEAK

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

SUBMISSION: ☒ Support ☐ Object ☐ Indifferent

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

WHILST WE BOTH SUPPORT THIS WE WOULD LIKE  
SOME ASSURANCE THAT THE PROPOSED IMPROVEMENTS  
TO THE EXISTING DONGA WILL IN FACT BE CARRIED  
OUT E.G. BUSH POLES, DECKING  
IN THE 12 YEARS THAT WE HAVE LIVED AT  
PARKFALLS WE HAVE SEEN EXAMPLES OF HOMES  
BEING SUBSTANDARD TO WHAT CHAPMAN VALLEY  
COUNCIL RULES ARE FOR THIS 'JEWEL IN THE  
CROWN' ESTATE.

WE JUST ASK THAT THIS IS INSPECTED TO  
ENSURE IT COMPLIES WITH THE PLAN.

Signature: \_\_\_\_\_ Date: 08/10/2019

Please return to: Chief Executive Officer or [ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au)  
Shire of Chapman Valley  
PO Box 1 or (fax) 9920 5155  
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 18 October 2019

## Submission 4



DATE	18 OCT 2019
FILE	A1550
RECORD	CR19/4857

### DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1550

#### PROPOSED (SECOND HAND) ANCILLARY DWELLING 166 (LOT 191) WITTENOOM CIRCLE, WHITE PEAK

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**SUBMISSION:** ☐ Support ☒ Object ☐ Indifferent

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

The Parkfalls Residents Association Inc has in the past objected to this type of construction, encouraging the Shire to give consideration to the original building and design concepts for the Parkfalls Estate.

It is a consensus of the PRA inc Committee that any planning or construction proposed in the Parkfalls Estate should not cause any detrimental effect to residents of the Parkfalls Estate.

Signature: \_\_\_\_\_ Date: 10.10.19

Please return to: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532  
or [ceo@chapmanvalley.wa.gov.au](mailto:ceo@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 18 October 2019



## Submission 5



DATE	16/10/19
FILE	A1550
RECORD	CR1914845

### DEVELOPMENT APPLICATION SUBMISSION FORM

Shire Reference: A1550

#### PROPOSED (SECOND HAND) ANCILLARY DWELLING 166 (LOT 191) WITTENOOM CIRCLE, WHITE PEAK

Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

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

PARKFALLS ESTATE - ADVERTISED AS CHERMIDONS  
PREMIER RURAL RESIDENTIAL DEVELOPMENT WITH  
ONLY QUALITY HOUSING THROUGHOUT.  
BUILDING GUIDELINES STIPULATE THAT NO SECOND  
HAND MATERIALS TO BE USED FOR ANY CONSTRUCTION  
AND YET THIS SECOND HAND HOUSE IS SENT TO  
SURROUNDING LANDHOLDERS FOR COMMENT.  
AS THIS IS A STRUCTURE THAT I WOULD SEE  
EVERY DAY I VERY STRONGLY OBJECT TO  
THIS PROPOSAL.

Signature: \_\_\_\_\_ Date: 15/10/2019.

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 18 October 2019

6<sup>th</sup> November 2019

Simon Lancaster  
Chapman Valley Shire  
PO Box 1 Chapman Valley Road  
Nabawa | WA | 6532

Dear Mr Lancaster,

**RE: Proposed ancillary dwelling 166 Wittenoom Circle White Peak.**

Thank you for your email dated 25th October 2019. We acknowledge there has been some objection to the proposal and wish to add further information in regards to those objections.

The structure we wish to build is not, and never has been a minesite 'Donga', it is a modular transportable home. The current pod we wish to transport will then be renovated in a sympathetic aesthetic to enhance the existing home. It will be clad in new paperbark colorbond, with roof to be monument (same as existing home). The ancillary dwelling is to be used as a 'Granny flat' for my parents to reside in, and as such will be a Cottage home aesthetic complete with Front Verandah, and landscaped garden.

Attached is a work up of the proposed structure including elevation and floor plan. Mrs Amanda Cook, will attend the shire meeting on Wednesday November 20, to address any questions or objections put forward.

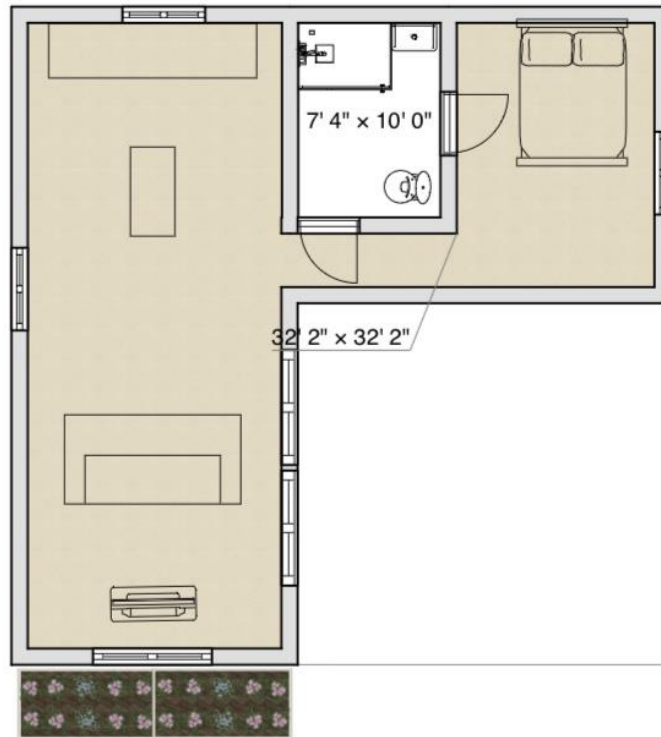
Both my parents currently live and work in Geraldton, and will continue to do. As both Jarrod Rodney (home owner) and Jon Cook (father) work shifts, shared living arrangements suit our family and we would like that to continue.

Should you require any further information, please do not hesitate to contact me.

Kind Regards,



**Emma Rodney**





<b>AGENDA ITEM:</b>	<b>10.1.2</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT ASSESSMENT PANEL NOMINATIONS</b>
<b>PROPONENT:</b>	<b>DEPARTMENT OF PLANNING, LANDS &amp; HERITAGE</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>204.02.10</b>
<b>PREVIOUS REFERENCE:</b>	<b>4/11-2, 6/11-6, 10/11-11, 13/2-5, 10/13-1 &amp; 2/15-4, 02/17-4 &amp; SCM10/17-17</b>
<b>DATE:</b>	<b>29 OCTOBER 2019</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Department of Planning, Heritage & Lands correspondence	✓	

#### DISCLOSURE OF INTEREST

Nil.

#### BACKGROUND

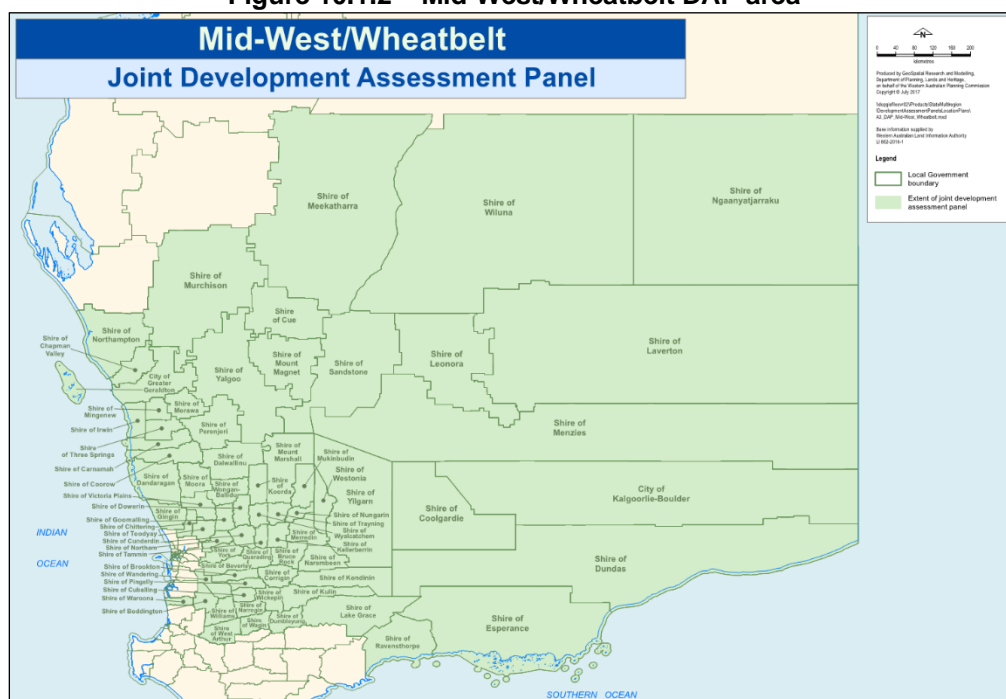
The Department of Planning, Heritage & Lands have written to Local Governments (copy provided as **Attachment 10.1.2**) seeking nominations for 2 Development Assessment Panel ('DAP') members and 2 alternate members, and this report seeks Councillor nominations.

#### COMMENT

On 24 March 2011 the *Planning and Development (Development Assessment Panels) Regulations 2011* ('the Regulations') commenced operation leading to the creation of DAPs that "are intended to enhance planning expertise in decision making by improving the balance between technical advice and local knowledge."

The Shire of Chapman Valley falls within the Mid West/Wheatbelt DAP and further information regarding DAPs can be viewed at the following link: <https://www.dplh.wa.gov.au/daps>

**Figure 10.1.2 – Mid-West/Wheatbelt DAP area**





DAPs consist of 5 members:

- Chairperson (a specialist member);
- 2 specialist members.
- 2 local government representatives from the relevant Local Government.
- 1 specialist member proxy\*;
- 1 local government proxy from each local government\*.

(\* the proxies will only be used when there is failure to reach a quorum, this being the Presiding Member and any 2 members being in attendance irrespective of whether they are specialist members or Local Government members)

When Council last considered this matter at its 23 October 2017 Special Council Meeting it resolved to submit to the Minister of Planning the following Local Government nominations to serve upon a DAP:

Councillor Anthony Farrell (member);  
Councillor Pauline Forrester (member);

Councillor Kirrilee Warr (alternate member/proxy);  
Councillor Peter Humphrey (alternate member/proxy).

## STATUTORY ENVIRONMENT

DAP meetings operate as follows:

- meetings will be conducted in a place open to the public (normally the Local Government office);
- a person who has made a submission during the advertising period will be permitted to make a presentation to the DAP;
- in some circumstances, the public may be excluded from a meeting where the application contains commercial information of a confidential nature or information about the personal affairs of a person;
- DAP Members are to comply with a Code of Conduct and Standing Orders;
- a record of meetings and voting outcomes by individual DAP members will be kept and made available to the public via websites;
- annual report will be required by the Department for Planning, Lands & Heritage;
- planning staff from the relevant Local Government will prepare a report and recommendation on the development application for the DAP's consideration in making its determination;
- planning staff from the relevant Local Government will be required to attend the DAP to present the application and provide clarity on the assessment report;
- secretariat support for the DAP will be provided by the relevant Local Governments;
- these duties will include preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes, and notifying applicants and respondents;
- the Chairperson's sessional sitting fee will be higher than the other members to reflect the responsibilities of this role; &
- meeting frequency is determined by the individual DAP and number of applications.

The Code of Conduct that DAP Members are required to comply with can be viewed at the following link:

<https://www.dplh.wa.gov.au/getmedia/3896f5f4-1315-4d35-a5c8-8e99bc863c27/DAP-Code-of-Conduct>

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The financial threshold for activating a mandatory DAP is when the estimated cost of development is \$10million or more (except for the City of Perth where it is \$20million). Applicants have the option of requesting that a DAP assess the application where the total development value is between \$2million and \$10million (between \$2million and \$20million in the City of Perth). Local Governments also have the option of resolving by absolute majority to delegate applications for developments of between \$2million and \$10million value to a DAP for determination if they so choose.

All DAP members, except those not entitled to receive sitting fees, are paid sitting fees on a sessional basis. The presiding member is paid \$700 per session, and all other members are paid \$425 per session (and travel allowances). Schedule 2 of the Regulations that outlines the fees for DAP members can be viewed on the Western Australian legislation database website at the following link:

[https://www.legislation.wa.gov.au/legislation/statutes.nsf/law\\_s42531.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s42531.html)

The Regulations provide that travelling costs that DAP members incur when attending meetings are to be paid to all DAP members, including accommodation and airfares. These costs are to be paid as set out in the current Public Sector Commissioner's Circular on this matter (2009/20 *Reimbursement of Travel Expenses for Members of Government Boards and Committees*). For the avoidance of doubt, all DAP members, including those not entitled to be paid sitting fees, will be entitled for reimbursement for these out-of-pocket expenses.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 meeting. Consideration of this matter is unlikely to have impact upon the Long Term Financial Plan.

## **STRATEGIC IMPLICATIONS**

It is alleged by the State Government that DAPs provide the following:

*“Development assessment panels are a mix of independent experts and elected representatives, created to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value. The objectives of the proposed development assessment panel model are to:*

- *streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;*
- *involve independent technical experts in the determination process;*
- *encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and*
- *reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning.”*

The introduction of DAP's was opposed by many Local Governments including the Shire of Chapman Valley as it was considered that they would:

- slow the planning system in Western Australia;
- be less democratic than the current Local Government process;
- be more open to corruption than the current Local Government system;
- lead to expensive and unworkable outcomes;
- not lead to better informed decision making;
- add financial burden to Local Governments;
- lead to increased fees and charges for landowners and developers;
- make the response to appeal process unworkable;
- disadvantage the regions; and
- reduce local input and representation.

The performance of DAPs is an ongoing issue that continues to be widely debated by Local Government.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was endorsed by Council at its 15 November 2017 meeting and contains the following objective relevant to this matter:

Objective	Strategy	Action	Timeline
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	Ongoing

## **CONSULTATION**

The Shire was required to provide its nominations by 8 November 2019, extension was sought until the 20 November 2019 Ordinary Council Meeting to enable the outcome of the extraordinary local government nomination/election process to be known, and provide the opportunity for all Councillors to be present for consideration of this matter.

## **RISK ASSESSMENT**

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

## **VOTING REQUIREMENTS**

Simple majority required

## **COUNCIL RESOLUTION**

**MOVED: CR ROYCE                      SECONDED: CR WARR**

That Standing Orders be suspended.

**Voting 6/0  
CARRIED  
Minute Reference: 11/19-6**

## **COUNCIL RESOLUTION**

**MOVED: CR ROYCE                      SECONDED: CR WARR**

That Standing Orders be re-instated.

**Voting 6/0  
CARRIED  
Minute Reference: 11/19-7**

## **COUNCIL / STAFF RECOMMENDATION**

**MOVED: CR HUMPHREY                      SECONDED: CR BATTEN**

That Council submit to the Minister of Planning the following Local Government nominations to serve upon a Development Assessment Panel:

Councillor Farrell                      (member); and  
Councillor Humphrey                      (member).

Councillor Davidson                      (alternate member/proxy); and  
Councillor Warr                      (alternate member/proxy).

**Voting 6/0  
CARRIED  
Minute Reference: 11/19-8**



Government of Western Australia  
Development Assessment Panels

DATE	17 OCT 2019
FILE	204.02.10
RECORD	CR1914846

Our Ref: DP/12/00609  
Enquiries: DAP Secretariat  
Telephone: 6551 9919

Mr Maurice Battilana  
Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532

Dear Mr Battilana,

#### DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT NOMINATIONS

Following the upcoming local government elections to be held on 19 October 2019, there may be a change in your local government DAP membership if the composition of your council changes. In this instance, your local government will need to nominate replacement DAP members for appointment by the Minister for Planning.

Each DAP comprises of five members, being three specialist members and two local government members. All current local government DAP members were appointed on the 26 July 2018, for a term ending 26 January 2020.

Representation of local interests is a key aspect of the DAPs system. Under regulation 24 of the *Planning and Development (Development Assessment Panels) Regulations 2011* your local council is requested to nominate, as soon as possible following the elections, four elected council members to sit as DAP members for your local government. Using the attached form, nominations should be submitted via email to the DAPs Secretariat at [daps@dph.wa.gov.au](mailto:daps@dph.wa.gov.au).

All local government councils are requested to provide nominations for local government DAP members by Friday 8 November 2019, to ensure local interests are represented in future DAP determinations. If you are unable to provide nominations by the above date, please contact the DAPs Secretariat to discuss alternative arrangements and implications. If there is no change to your local government DAP representation following the local government elections, confirmation of this should be provided to the DAPs Secretariat as soon as possible. Once nominations are received, the Minister will appoint local government DAP members for the term ending 26 January 2022.

The McGowan Government launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government board and committees along with the total number of women appointed to 50 per cent by 2019.


Postal address: Locked Bag 2506 Perth WA 6001 Street address: 140 William Street Perth WA 6000  
Tel: (08) 6551 8002 info@dph.wa.gov.au [www.dph.wa.gov.au](http://www.dph.wa.gov.au)  
ABN 68 565 723 484  
wa.gov.au

I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment. Further information about OnBoardWA can be found at <http://www.onboardwa.jobs.wa.gov.au>.

The Action Plan for Planning Reform has been released to ensure the Western Australian planning system continues to deliver great outcomes and great places for Western Australians. Changes to the DAP system have been identified as part of the reform initiatives to provide a more robust DAP process that promotes consistency and transparency in decision-making. Please note that the local government membership configuration on the DAP will not be affected by the reform initiatives.

If you have any queries regarding this request for nominations, please contact the DAPs secretariat on (08) 6551 9919 or email [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au). Further information is available online at <https://www.dplh.wa.gov.au/daps>.

Yours sincerely



Gail McGowan PSM  
Director General

10 October 2019



17 OCT 2019

### DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION

Please complete the form and submit to [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au).

Local Government	
DAP Name	

	Member 1		Member 2	
Name				
Address				
Phone				
Email				
Date of Birth				
Sex				
*Employer Name/s				
*Position/s				
*Employment Status	Full Time	Part Time/Casual - Specify hours per week	Full Time	Part Time/Casual - Specify hours per week
*Eligibility for Payment	Yes	No	Yes	No

	Alternate Member 1		Alternate Member 2	
Name				
Address				
Phone				
Email				
Date of Birth				
Sex				
*Employer Name/s				
*Position/s				
*Employment Status	Full Time	Part Time/Casual - Specify hours per week	Full Time	Part Time/Casual - Specify hours per week
*Eligibility for Payment	Yes	No	Yes	No

\* The employment details refer only to external employment and does not include your role as a Local Government member. Eligibility for DAP sitting fees is determined in accordance with the [Premier's Circular 2017/18](#).

LOCAL GOVERNMENT CONTACT DETAILS – MINUTE TAKER			
Name			
Phone		Email	



Mrs Raymond re-entered Chambers at 9.47am

AGENDA ITEM:	10.1.3
SUBJECT:	MID WEST DEVELOPMENT COMMISSION LOCAL GOVERNMENT BOARD NOMINATIONS
PROPONENT:	MID WEST DEVELOPMENT COMMISSION
SITE:	N/A
FILE REFERENCE:	404.10
PREVIOUS REFERENCE:	09/15-22
DATE:	13 NOVEMBER 2019
AUTHOR:	SIMON LANCASTER

#### SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3	MWDC Nomination Form	√	

#### DISCLOSURE OF INTEREST

Nil.

#### BACKGROUND

The Mid West Development Commission ('MWDC') have contacted all local governments in the Mid West seeking nominees for 1 vacancy on the MWDC Board.

#### COMMENT

The MWDC have written to the Shire advising as follows:

*"The Mid West Development Commission is seeking nominations for one Local Government position onto its Board.*

*In accordance with the Regional Development Commission's Act 1993, nominees for the position must be Councillors of a Local Government in the region and are to be endorsed for nomination by the relevant governing Council.*

*All Local Governments in the Mid West region are invited to nominate up to **two Councillors**, who are willing and able to be candidates, for appointment. The Commission is seeking nominees that:*

- Possess knowledge and experience relevant to the region;*
- Have experience in decision-making abilities at an executive level;*
- Have demonstrated involvement in the economic and/or social development of the region; and*
- Have ability to work cooperatively to achieve agreed goals across a wide range of economic and social development issues.*

*Nominations are to be submitted either by post or e-mail to [ea@mwdc.wa.gov.au](mailto:ea@mwdc.wa.gov.au) at this office, no later than **4pm Tuesday 3 December 2019**. Application Forms and further information can be obtained by contacting Kylie Paine at the Commission on (08) 9956 8593 / 0429 368 565 or via email [ea@mwdc.wa.gov.au](mailto:ea@mwdc.wa.gov.au).*

*We look forward to receiving your nominations."*

A copy of the nomination form has been provided as **Attachment 10.1.3**.

Councillors have been invited to express their interest in nominating for this position and to date 1 expression of interest has been received from Councillor Humphrey.

#### STATUTORY ENVIRONMENT

The MWDC is one of 9 regional development commissions in Western Australia, its operations are overseen by a Board comprising of 6 members representing local government, the community and the MWDC CEO that are

appointed by the Minister for Regional Development, and functions under the *Regional Development Commissions Act 1993*.

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

There will be no budgetary impact to Council as a Board Member is paid a meeting fee by the MWDC and Part 8 Regulation 30(3C) of the *Local Government (Administration) Regulations 1995* states that:

“(3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if:  
(a) the person who organises the meeting pays the council member a fee for attending the meeting.”

### • **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 June 2019 meeting. Consideration of this matter is unlikely to have impact upon the Long Term Financial Plan.

## STRATEGIC IMPLICATIONS

It is considered important for Council to have representation on organisations such as the MWDC Board to promote the whole region as well as the Shire of Chapman Valley. This is a Regional Board with a regional focus and further information concerning the MWDC's roles and activities can be found at the following link: <http://www.mwdc.wa.gov.au/>

### • **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was endorsed by Council at its 15 November 2017 meeting and notes that:

*“The Shire President and Councillors provide strong leadership and represent the Shire on many Regional Committees and Forums to ensure the best outcomes possible for the Community of Chapman Valley”.*

*“The future economic viability of the Shire of Chapman Valley will be strongly influenced by population retention and growth, availability of funding to support facilities, asset development and a close relationship/partnership with stakeholders in regional development, which have been considered in the Plan.”*

The Strategic Community Plan also contains the following objective relevant to this matter:

Objective	Strategy	Action	Timeline
Strengthen our advocacy role and regional partnerships to support the provision of local services and facilities	Maintain close relationships with neighbouring shires and regional bodies	Participate in and advocate for regional resource sharing and cross-boundary cooperation.	Ongoing

## CONSULTATION

The MWDC have advised Council can nominate up to 2 Councillors and a copy of this email was sent to all Councillors on 6 November 2019. This matter is required to be presented to the 20 November 2019 Council meeting as nominations must be endorsed by Council and then submitted by the interested parties prior to 4:00pm 3 December 2019.

## RISK ASSESSMENT

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

## **VOTING REQUIREMENTS**

Simple majority required

## **COUNCIL / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR BATTEN**

That Council nominate Councillor Humphrey to the Mid-West Development Commission Board to fill the current Local Government Elected Member vacancy on this Board.

**Voting 6/0**

**CARRIED**

**Minute Reference: 11/19-9**



## NOMINATION FORM FOR APPOINTMENT TO THE BOARD OF THE MID WEST DEVELOPMENT COMMISSION

To be completed by all nominees seeking nomination or re-nomination to the Board of the Mid West Development Commission. Nomination must be accompanied by a 2 Page curriculum vitae.

PERSONAL DETAILS			
NAME:		DATE OF BIRTH:	
RESIDENTIAL ADDRESS:			
POSTAL ADDRESS:			
HOME PHONE NUMBER:		MOBILE NUMBER:	
OCCUPATION:		WORK PHONE NUMBER:	
EMAIL ADDRESS:			

NOMINATING ORGANISATION <i>NB: Nominations must be endorsed by Council</i>			
NOMINATED BY:			
ORGANISATION:			
ADDRESS:			
NOMINATOR SIGNATURE:		NOMINEE SIGNATURE:	

POSSESS KNOWLEDGE AND EXPERIENCE RELEVANT TO THE REGION:



**DECISION MAKING ABILITIES AT AN EXECUTIVE LEVEL:**

--

**DEMONSTRATED INVOLVEMENT IN THE ECONOMIC AND/OR SOCIAL DEVELOPMENT OF THE REGION:**

--

**ABILITY TO WORK COOPERATIVELY TO ACHIEVE AGREED GOALS ACROSS A WIDE RANGE OF ECONOMIC AND SOCIAL DEVELOPMENT ISSUES:**

--



All nominations should be made by submitting relevant details and a current two page Curriculum Vitae to:

PRIVATE AND CONFIDENTIAL  
Minister for Regional Development  
C/- Mid West Development Commission  
PO Box 110  
GERALDTON WA 6531

Details to be included in your two page Curriculum Vitae, as outlined in the Cabinet Handbook are:

- Title
- Full Name
- Postal Address and Email address
- Contact Telephone Number
- Current employer and position
- Work history relevant to board position
- Voluntary involvement relevant to board position
- Qualifications/training
- Other Board experience (list all current positions)
- Current contact details of two (2) referees

Optional information that provides important data on the diversity of board membership across government:

Date of Birth	
Aboriginal	Yes / No
Torres Strait Islander	Yes / No
Country of Birth – Australian	Yes / No, If no, please specify
Language other than English spoken at home	Yes / No, If yes, please specify
Person with a disability or special needs	Yes / No, If yes, please specify

**Nominations should reach the above address by 4pm Tuesday 3 December 2019.**

**Nominations must be endorsed by Council with copy of Council Minutes attached to nomination form.**

For further information contact Kylie Paine on (08) 9956 8593 / 0429 368 565 / [ea@mwdc.wa.gov.au](mailto:ea@mwdc.wa.gov.au)



# **10.2**

## **Manager Finance & Corporate Services November 2019**

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### **Contents**

#### **10.2 AGENDA ITEMS**

- 10.2.1 Financial Reports for October 2019
- 10.2.2 Surplus Insurance Premiums
- 10.2.3 Request for Waiver of Fees & Charges

<b>AGENDA ITEM:</b>	<b>10.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL MANAGEMENT REPORT FOR OCTOBER 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>20 NOVEMBER 2019</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

#### **SUPPORTING DOCUMENTS:**

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

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

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

#### **COMMENT**

The financial position at the end of October 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 October 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 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 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 October 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 6/0**  
**CARRIED**  
**Minute Reference: 11/19-10**

<b>AGENDA ITEM:</b>	<b>10.2.2</b>
<b>SUBJECT:</b>	<b>SURPLUS INSURANCE PREMIUMS</b>
<b>PROPONENT:</b>	<b>LOCAL GOVERNMENT INSURANCE SCHEME</b>
<b>SITE:</b>	<b>WA LOCAL GOVERNMENT</b>
<b>FILE REFERENCE:</b>	<b>412.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>20 NOVEMBER 2019</b>
<b>AUTHORS:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER; AND DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

#### **SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	WALGA Correspondence (dated 05/08/19)		✓
10.2.2(b)	WALGA Email (dated 22/10/10)		✓

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

Correspondence (see **Attachment 10.2.2(a)** provided under separate cover) from the Western Australian Local Government Association (WALGA) dated 5 August 2019 states:

*"It was the decision of the LGIS board, endorsed by State Council, that each Local Government should be given the opportunity to decide on how they wish to apply any surplus share by determination of an ordinary Council meeting so as to ensure that all Elected Members were involved in the process".*

Bringing this item to Council was deferred until the actual surplus amount relevant to the Shire of Chapman Valley was confirmed by the Local Government Insurance Scheme (LGIS). The amount of \$10,249 was confirmed at a meeting with LGIS staff on 22 October 2019 and confirmed in an email from Cr Lynne Craigie, President, WALGA, on the same day (see **Attachment 10.2.2(b)** provided under separate cover).

#### **COMMENT**

It is interesting for the WALGA State Council to insist on the Council determining how to apply the surplus share allocated to a local government as this is surely an operational matter and something the individual local governments can deal with as part of the mandatory annual budget review, which must be undertaken by the end of March each year; therefore not sure why this particular budget line item amount (surplus or not) needs to be dealt with in isolation. The WALGA decision appears to move Elected Members into an operational matter, which is something WALGA & the Department of Local Government has been trying to discourage.

In previous years the Shire CEO has either allocated the surplus funds to urgent Risk Management/OSH items required or offset the surplus as a credit to the overall Municipal Budget (i.e. COA 0573 – Administration Reimbursements).

In this instance it is being recommended Council simply accept the surplus funds as revenue allocated to COA 0573 (Administration Reimbursements) and for this amount to be included as part of the overall Municipal Fund Budget Review to be undertaken before March 2020. These funds may be required to assist with projects/expenditures for the balance of the Financial Year, which have not yet been recognised, rather than offsetting the surplus against the 2020/2021 insurance premiums. This approach could be listed as a position of Council for all future insurance (or other) surplus allocations made to the Shire to avoid the need for this matter to be presented to Council on each occasion such items are identified.

#### **STATUTORY ENVIRONMENT**

*Local Government Act, 1995 and associated Regulation.*

## POLICY/PROCEDURE IMPLICATIONS

There is no current Corporate Management Procedure in place to deal with this issue. However, it is being recommended the following be introduced as part of the *Finance Policy, Procedures & Guidelines Manual*:

MANAGEMENT PROCEDURE No.	CMP-(Number to be determined)
MANAGEMENT PROCEDURE	REVENUE REIMBURSEMENTS/CREDITS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	NIL

### OBJECTIVES:

*To determine how surplus revenue/credits paid to the Shire are dealt with.*

### MANAGEMENT PROCEDURE STATEMENT/S:

- In the event the Shire receives revenue reimbursements or credits (e.g. annual insurance premium surplus reimbursement) the Chief Executive Officer (at his/her discretion) is to place the revenue into the appropriate area(s) of the relevant Fund.*
- Any additional revenue reimbursements or credits above the materiality threshold (as determined by the Shire's Significant Accounting Policy) are to be included as part of the overall annual budget review process required to be undertaken by the end of March each financial year.*
- All other additional revenue reimbursements or credit items will simply be absorbed into the overall budget operations and included in the financial statements.*
- The Chief Executive Officer, at his/her discretion, may bring any specific item of revenue or expenditure budget line item(s) to Council for determination at any time of the year and not necessarily wait until the statutory annual budget review process.*

Item 2 above refers to the “..the materiality threshold (as determined by the Shire's Significant Accounting Policy)..”. This threshold is currently set at \$10,000, which is considered an appropriate industry standard, and is reviewed periodically.

## FINANCIAL IMPLICATIONS

The revenue reimbursement amounts are usually insignificant yet can have a positive effect on the overall budget.

- Long Term Financial Plan (LTFP):**

No significant effect on the LTFP is envisaged.

## STRATEGIC IMPLICATIONS

Not relevant, other than perhaps retaining operation aspect of the Shire remaining with the Chief Executive Officer.

- 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

WALGA has undertaken consultation with local government authorities on the issue of how to apply the insurance premium surplus share allocated to a local government.

## RISK ASSESSMENT

Due to the amount involved in this instance the risk is assessed as *minor* 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

## VOTING REQUIREMENTS

Simple Majority

## COUNCIL / STAFF RECOMMENDATION

**MOVED: CR WARR**

**SECONDED: CR BATTEN**

That Council:

1. Advise the Western Australian Local Government Association (WALGA) they wish to have the Shire's share of the Local Government Insurance Premiums surplus paid directly to the Shire of Chapman Valley;
2. Adopt the following new Corporate Management Procedure:

MANAGEMENT PROCEDURE No.	CMP-(Number to be determined)
MANAGEMENT PROCEDURE	REVENUE REIMBURSEMENTS/CREDITS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	NIL

## OBJECTIVES:

*To determine how surplus revenue reimbursement or credits paid to the Shire are dealt with.*

## MANAGEMENT PROCEDURE STATEMENT/S:

1. *In the event the Shire receives revenue reimbursements or credits (e.g. annual insurance premium surplus reimbursement) the Chief Executive Officer (at his/her discretion) is to place the revenue into the appropriate area(s) of the relevant Fund.*
2. *Any additional revenue reimbursements or credits above the materiality threshold (as determined by the Shire's Significant Accounting Policy) are to be included as part of the overall annual budget review process required to be undertaken by the end of March each financial year.*
3. *All other additional revenue reimbursements or credit items will simply be absorbed into the overall budget operations and included in the financial statements.*
4. *The Chief Executive Officer, at his/her discretion, may bring any specific item of revenue or expenditure budget line item(s) to Council for determination at any time of the year and not necessarily wait until the statutory annual budget review process.*

**Voting 6/0  
CARRIED  
Minute Reference: 11/19-11**



<b>AGENDA ITEM:</b>	<b>10.2.3</b>
<b>SUBJECT:</b>	<b>REQUEST FOR WAIVER OF FEES &amp; CHARGES</b>
<b>PROPONENT:</b>	<b>CHAPMAN VALLEY BASKETBALL CLUB</b>
<b>SITE:</b>	<b>INDOOR BASKETBALL COURT – NABAWA STADIUM</b>
<b>FILE REFERENCE:</b>	<b>A1327</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>20 NOVEMBER 2019</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

#### **SUPPORTING DOCUMENTS:**

<b>Ref</b>	<b>Title</b>	<b>Attached to Report</b>	<b>Under Separate Cover</b>
<b>10.2.3(a)</b>	<b>A Pawelski - Chapman Valley Basketball Club Junior Delegate</b>	<b>✓</b>	
<b>10.2.3(b)</b>	<b>Corporate Management Procedure CMP-066</b>	<b>✓</b>	
<b>10.2.3(c)</b>	<b>Waiver of Fees and Charges Application</b>	<b>✓</b>	

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

Contact has been made by Alicia Pawelski, Junior Delegate of the Chapman Valley Basketball Club seeking exemption from venue hire fees and charges. Permission is being sought for use of the Nabawa Indoor Basketball Court for a team of Chapman Valley Basketball Club junior girls group training sessions after school hours on a Friday for a maximum of 12 uses.

The Club's correspondence is provided as **Attachment 10.2.3(a)** outlining the reasons for the request.

#### **COMMENT**

Email dialogue has occurred from early October 2019 between the Chapman Valley Basketball Club Junior delegate and the Manager Finance & Corporate Services. A second email directly to the Shire CEO (Attachment 10.2.3(a)) was received on 7 November 2019; both responses advised the process for which a waiver must be applied (including the application form to request waiver with a copy of the relevant Management Procedure).

Corporate Management Procedure CMP-066 provides for approval of a Waiver of Fees and Charges under Delegation 3008 to write off debts in circumstances whereby the applicant meets all of the criteria and has paid the fees and charges 'upfront'.

The correspondence received from the Junior Delegate of the Chapman Valley Basketball Club expresses reluctance to pay the fees and charges and then be reimbursed, rather it requests a waiver at the outset, hence the requirement for this application to be placed before Council for consideration as it exceeds the delegated authority of Shire staff.

It is understood the relevant fees and charges could be out of range for the applicant thus a reduced fee option is recommended; although there are other venue management associated costs to consider other than the adopted Fees & Charges relevant to the requested use.

It is also important to consider previous requests for waiver of fees and charges received in 2017 from Mr Mark Ramshaw seeking an exemption for use of the same facility for a group of local children to play basketball after school.

With this previous application Council compromised to a reduction in the fees and charges as per resolution below:

*"COUNCIL RESOLUTION / STAFF RECOMMENDATION (Absolute Majority Required)*

*MOVED: CR FORRESTER*

*SECONDED: CR HUMPHREY*

*Council:*

- 1 Council agree to trialing the use Nabawa Indoor Basketball Court as requested by Mr. Ramshaw at no cost for the period between the December 2017 and February 2018 Ordinary Council Meetings under the following initial conditions:
  - a) Mr. Ramshaw acknowledge the use requested is not covered under any of Council's insurance policy and it is incumbent upon him to cover all claims for possible damage, injury, litigation, etc.
  - b) All Bonds relating to the use of the facility (e.g. venue, key) are to be paid and will be held in Trust by Council until use discontinues.
  - c) Courts are to be swept down (with court broom provided) before and after each use.
  - d) There must be adult supervision at the Courts at all times.
  - e) Area used is to have all rubbish, etc. removed and placed in bins.
  - f) Remove spider webs from reachable areas (i.e. from the ground not on ladder, etc.) in basketball area and around the building monthly.
  - g) Lights are not to be turned on (i.e. facility only to be used in daylight hours);
  - h) Maximum period of use is one (1) hours from Monday to Friday;
  - i) Access is denied at times the Stadium and/or Community Centre are booked for use at the same time (i.e. for function and or any event preparation lead times);
  - j) Stadium Toilets are not to be used. The Public Toilets located at the Nabawa Community Centre are available for use;
  - k) Hire application form for the use of the facility must still be completed.
  - l) The use may be discontinued at any time and for any reason consider necessary by the Chief Executive Officer. This will be totally at the Chief Executive Officer's discretion and will be imposed without dispute.
  
- 2 Subject to a satisfactory trial period mentioned in Item 1 above the use may be continued under the following conditions:
  - a) The Annual Booking Fee be reduced from \$586pa to \$150pa for the use of the Nabawa Indoor Basketball Court area only;
  - b) The Chief Executive Officer can vary (e.g. add, delete, amend) any of the conditions applied during the trial period as considered necessary for any ongoing use.

Voting 8/0  
CARRIED  
Minute Reference: 12/17-12"

It should be noted that although decisions for waiver of fees and charges are dealt with on an individual basis a consistent approach is recommended by staff for lessening of accusations of bias and/or unfairness across the community. With a view to consistency it is recommended that a reduction in the fees and charges to the same value of \$150 for the full 12 uses is a reasonable approach; with the bond of \$530 to be paid and refunded as per venue hire application terms and conditions.

## STATUTORY ENVIRONMENT

Council has legal process to follow regarding wavering fees and charges pursuant to Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts of the *Local Government Act 1995*:

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

\* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.”

## POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-066 specifies conditions and guidelines for any request to waiver fees and charges.

## FINANCIAL IMPLICATIONS

The adopted Fees & Charges for the 2019/2020 Budget sets the amount of \$50 per use for a local member for the Basketball Courts. Cost for this option will be \$600.

The alternative option is an Annual Booking Fee of \$586, which allows for 2 uses per week. There has been an allowance made at other venues to annualise the 2 uses per week to provide some flexibility (e.g. Yuna Primary School use of Yuna Memorial Hall).

The Fees & Charges also have Bonds applicable for the requested use i.e.

- ~ All Venues Bond – Events without Liquor License \$530
- ~ All Venues Bond – Long Term Key Bond \$ 50

There will also be utility costs associated with the requested use (i.e. power for running lights) unless a condition is stipulated the lights cannot be used, which creates a situation of how-to monitor and control such a condition. The cost to council in applying a reduced fee option will be \$436.00

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

Nil effect

## STRATEGIC IMPLICATIONS

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

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises.

## CONSULTATION

Email dialogue has occurred between the Chapman Valley Basketball Club Junior delegate, Manager Finance & Corporate Services and Shire CEO and Deputy CEO.

The requested Friday would not clash with the other user group for the facility, this being Geraldton Roller Derby on Monday evenings.

## RISK ASSESSMENT

As set out in the Risk Management Governance Framework Procedures there are appropriate processes and internal controls for the management of this type of operational risk. The actual impact on total revenue and expenditure would be deemed Minor.

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

## STAFF RECOMMENDATION

That Council:

- 1 Authorise the annual booking fee be reduced to \$150.00 for the hire of the Nabawa Indoor Basketball Stadium for twelve (12) uses at a cost to Council of \$436.00
- 2 Authorise the following terms and conditions in return for reduced venue hire fee:
  - (a) There must always be adult supervision at the Courts.
  - (b) Access is denied at times the Nabawa Recreation Centre is booked for use at the same time (i.e. for function and/or event including preparation lead times).
  - (c) Stadium toilets are not to be used; provision is made for use of the public toilets located at the Nabawa Community Centre.
  - (d) Lights are not to be turned on (i.e. facility is only to be used in daylight hours).
  - (e) Keys are to be collected and returned weekly from the administration office during office hours.

## COUNCIL RESOLUTION

**MOVED: CR WARR**

**SECONDED: CR BATTEN**

That Council:

- 1 Authorise the annual booking fee be reduced to \$100.00 with a \$50.00 key bond for the hire of the Nabawa Indoor Basketball Stadium for twelve (12) uses.
- 2 Authorise the following terms and conditions in return for reduced venue hire fee:
  - (a) There must always be adult supervision at the Courts.
  - (b) Access is denied at times the Nabawa Recreation Centre is booked for use at the same time (i.e. for function and/or event including preparation lead times).
  - (c) Stadium toilets are not to be used; provision is made for use of the public toilets located at the Nabawa Community Centre.
  - (d) Lights are not to be turned on (i.e. facility is only to be used in daylight hours).
  - (e) Keys are to be collected and returned upon completion of use and the request of the return of the bond.

**Voting 6/0**

**CARRIED**

**Minute Reference: 11/19-12**

*Reason for Deviation: Trial support of local sporting team.*

**From:** Chapman Valley <[chapmanvalleybc@hotmail.com](mailto:chapmanvalleybc@hotmail.com)>  
**Sent:** Thursday, November 7, 2019 2:16:24 PM  
**To:** Maurice Battilana <[ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au)>  
**Cc:** Cr Darrell Forth <[crforth@ShireofChapmanValley.onmicrosoft.com](mailto:crforth@ShireofChapmanValley.onmicrosoft.com)>; Cr Kirrilee Warr <[crwarr@chapmanvalley.wa.gov.au](mailto:crwarr@chapmanvalley.wa.gov.au)>; Cr Nicole Batten <[crbatten@ShireofChapmanValley.onmicrosoft.com](mailto:crbatten@ShireofChapmanValley.onmicrosoft.com)>; Cr Trevor Royce <[crroyce@chapmanvalley.wa.gov.au](mailto:crroyce@chapmanvalley.wa.gov.au)>; Cr Peter Humphrey <[crhumphrey@chapmanvalley.wa.gov.au](mailto:crhumphrey@chapmanvalley.wa.gov.au)>; Cr Beverley Davidson <[crdavidson@chapmanvalley.wa.gov.au](mailto:crdavidson@chapmanvalley.wa.gov.au)>; Cr Anthony Farrell <[crfarrell@chapmanvalley.wa.gov.au](mailto:crfarrell@chapmanvalley.wa.gov.au)>; Cr Ian Maluish <[crmaluish@chapmanvalley.wa.gov.au](mailto:crmaluish@chapmanvalley.wa.gov.au)>  
**Subject:** Chapman Valley Basketball Club - Junior team training at Nabawa

Dear Maurice,

I am writing on behalf of the Chapman Valley Basketball Club, in my role as Junior Delegate, representing an Under 10 girls basketball team. The team is made up of country kids from Yuna, Nanson, Bowes and Northampton in the hope to reduce the travel for parents by training locally.

As a non for profit sporting club we could not justify the \$586 annual fee to use the Nabawa Indoor Court/Stadium twelve times. This amount is a third of our season cost for 26 teams training fees combined.

Due to Under 10's competition prioritising participation (not scoring and modified rules), we would ask the Shire of Chapman Valley to support these families, by exempting the fee's to use of the Nabawa Basketball Court.

Training would be each Friday (from Friday 15th November to 20th December 2019, recommencing on January 31st to March 6th) This will be 12 uses in total.

I hope that you may consider this request as it is the first opportunity the club has had in many years to support families with a team training locally and your allowance will make it happen in Chapman Valley.

Kind Regards,

Alicia Pawelski

Alicia Pawelski  
 CVBC Junior Delegate 2019/20



Thank you to our Gold Sponsors



FIVE STAR



## CMP-066 Waiver of Fees &amp; Charges

MANAGEMENT PROCEDURE No.	CMP-066
MANAGEMENT PROCEDURE	WAIVER OF FEES & CHARGES
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
SECTOR	ADMINISTRATION
RELEVANT DELEGATIONS	

**OBJECTIVES:**

These procedures provide prospective applicants with information about financial assistance from the Shire of Chapman Valley by way of a Waiver of Fees and Charges.

Please read these procedures carefully before submitting an application. You may refer to the *Completing your Application* section for Shire Officer contact information.

**MANAGEMENT PROCEDURE STATEMENT/S:****Restrictions on Funding**

All fees and charges must be paid upfront and if a "Waiver of Fees and Charges" is granted, a reimbursement for the approved amount will be forwarded to the successful applicant.

The approval of a Waiver for a Fee and Charge is governed by Delegation, and specifically Delegation 3008

*Write Off Debts.*

*The exercise of powers and the discharge of duties under section 6.12 of the Local Government Act 1995 to waive or grant concessions (excluding rate concessions) and to write off debts not exceeding \$1,000. In cases where the request for Fee Waivers exceed \$1,000 a report needs to be submitted to an Ordinary Council Meeting for Council's consideration and approval.*

Where a Fee and/or Charge is due to the Shire under another Act, regulatory body or Australian Law in respect of a service, then the Shire will not consider any application to waive that Fee and/or Charge.

A maximum of 50% of the Fee and Charge will be considered for waiver as listed in the annual Schedule of Fees and Charges adopted by Council.

The Shire may at its own discretion determine an individual application on its merits and give consideration to natural disasters.

The activity, event, competition, project or celebration must be offered within the Shire of Chapman Valley local government boundaries.

The Community Organisation is not to have already received funding from the Shire by way of a Sponsorship, Donation, Community Development Grant or Council Contribution or received financial assistance from the Shire under any existing written agreement during the current financial year.



Where an activity, event, competition, project or celebration occurs on a regular basis within a financial year July to June, then application for financial assistance shall be based on the full financial year.

One application per financial year (July to June) may be submitted at any time during the year for Financial Assistance.

Reimbursement for utility charges such as water and electricity will not be considered for waivers.

Recurrent annual or seasonal fees for sporting groups such as the Sporting Club Levy, court hire and line marking will not be considered for waivers.

Applications are to be lodged on the Shire's official application form and retrospective applications will not be considered where they are submitted after the activity, event, competition, project or celebration.

Once the Delegated Shire Officer has determined that the application for financial assistance be approved, a request for payment for the approved percentage of the fee waiver will be submitted to the Creditors Officer for payment.

If circumstances surrounding a successful applicant change during the financial year the Shire reserves the right to review and cancel any or all of the approved financial assistance.

#### **Eligibility - Who can apply?**

To be eligible for a Waiver of Fees and Charges the applicant must meet all of the following criteria:

- Operate in the Shire of Chapman Valley;
- Community Organisation which is an Incorporated body;
- Not-for-profit organisation;
- Educational Institution.

#### **Waiver of Fees and Charges**

##### **Fee Waivers will be considered for:**

- Shire Fees and Charges that are not due to the Shire as an Australian Tax under Australian law in respect of a service;
- Events that occur as a result of natural disasters;

##### **Fee Waivers will not be considered for or provided to:**

- Individual persons\*;
- State or Federal Government bodies;
- Commercial Organisations or Businesses;
- Fees and Charges levied and collected by the Shire under any written law;
- Support for organisational or general operating costs;
- Activities that will financially benefit the Community Organisation (i.e. entry charge);
- Activities that are already covered by an existing service agreement with the Shire of Chapman Valley;

- Community Organisations that receive funding from the Shire of Chapman Valley by way of Donation, Community Development Grant or Council Contribution in the current financial year.

\*Individual persons may seek the assistance of an Advocacy Agent to submit an application on their behalf. Note: Applications submitted by an Advocacy Agent will not impact the agent's ability to apply for financial assistance within that financial year.

### **Application Timeframes**

Community Organisations may make application for a Fee Waiver from the Shire of Chapman Valley at any time during the year.

### **Completing and Lodging your application**

Once you have completed all sections of the form and signed the declaration, please take a copy for your records. The Shire requires the original signed Application Form be submitted by either of the following methods:

By Post: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
Nabawa WA 6532

In Person: Shire of Chapman Valley Administration Centre  
3270 Chapman Valley Rd, Nabawa, WA 6532  
Office Hours: 9.00am – 4.00pm

### **What happens when your application is received?**

Your application will be reviewed by the Shire and we will notify you in writing of the outcome of our assessment.

Acknowledging the Shire's support

Successful applicants will be required to liaise with the Shire's Community Development Officer and provide for marketing and media opportunities during the Project or Event.

### **ADDITIONAL EXPLANATORY NOTES:**

### **ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES:**

<b>Adopted – Council Resolution:</b>	
<b>Reviewed/Amended – Council Resolution:</b>	05/15-23; 06/15-18; 03/17-32



## CMP-066 WAIVER OF FEES &amp; CHARGES APPLICATION

APPLICANT DETAILS	
Name of Organisation:	CHAPMAN VALLEY BASKETBALL CLUB
Contact Person:	ALICIA PAWELSKI
Postal Address for organisation/ correspondence:	PO BOX 1260, GERALDTON, 6530
Phone Number:	439311063
Email address:	<a href="mailto:chapmanvalleybc@hotmail.com">chapmanvalleybc@hotmail.com</a>
Website address:	NA
ABN Number:	93715055704
Is your organisation registered for GST?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of Organisation:	<input type="checkbox"/> Sporting Club <input type="checkbox"/> Not-for-profit

ACTIVITY / EVENT DETAILS	
Type of Activity or Event:	Basketball Training
Name of Activity or Event:	U10's Girls Team Training
Location and Venue:	Nabawa Indoor Basketball Court/Stadium
Date of Activity or Event:	Friday 4 - 5pm (Term 4 15/11/19 - 20/12/19) (Term 1 31/1/20 - 6/3/20)
Will income be generated as a result of the Activity or Event?	<input type="checkbox"/> No
Are all workers associated with the Activity or Event working in a voluntary capacity?	<input type="checkbox"/> Yes
What is the Shire Fee and Charge that is requested to be waived ?	Annual Usage Fee \$586
Reason for request:	
<ul style="list-style-type: none"> <li>• The team is made up of country kids from Yuna, Nanson, Bowes and Northampton.</li> <li>• An opportunity to reduce travel time for families.</li> <li>• The court will only be used 12 times, with minimal use as the 8 players are only 7, 8, 9 years old.</li> <li>• Under 10's competition prioritises participation (not scoring and modified rules).</li> </ul>	

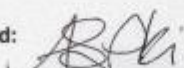
BANK DETAILS	
Account Name:	BSB Number:
Bank & Branch:	Account Number:
Account Holders Signature:	

DECLARATION	
I, <i>Alicia Pawelski</i> confirm that all of the information contained within the request form is true and correct and submit it to the Shire of Chapman Valley for consideration.	
Signed: _____	Name: ALICIA PAWELSKI
Position: JUNIOR DELEGATE	Date: 8/11/19

BANK DETAILS	
Account Name:	BSB Number:
Bank & Branch:	Account Number:
Account Holders Signature:	

DECLARATION	
I, <i>Alicia Pawelski</i> confirm that all of the information contained within the request form is true and correct and submit it to the Shire of Chapman Valley for consideration.	
Signed:  _____	Name: ALICIA PAWELSKI
Position: JUNIOR DELEGATE	Date: 8/11/19

# **10.3**

## **Chief Executive Officer**

### **November 2019**

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## **Contents**

### **10.3 AGENDA ITEMS**

No Report

**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 Farrell thanked everyone who attended and assisted with the arranging of the Shire Staff Function held at Bill Hemsley Park Community Centre.

**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

Nil

**16.0 CLOSURE**

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10.09am.