

ORDINARY COUNCIL MEETING

CONFIRMED MINUTES

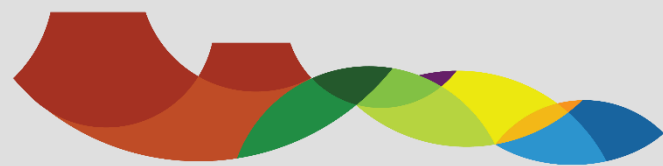
**9:03am Wednesday
18 March 2020**

**Bill Hemsley Park
Community Centre**

MARCH 2020

SHIRE OF CHAPMAN VALLEY
Maurice Battilana
CHIEF EXECUTIVE OFFICER

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



SHIRE OF
Chapman Valley
Love the rural life!

DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read "M. Battilana", is written over a large, stylized, circular scribble.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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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 9.03am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

3.1 Attendees

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

Staff	
Maurice Battilana	Chief Executive Officer
Simon Lancaster	Deputy Chief Executive Officer
Dianne Raymond	Manager Finance & Corporate Services
Beau Raymond	Senior Finance Officer

Visitors
Peter Sweeney – Mid West Times

3.2 Apologies

Nil

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

Nil

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 Nicole Batten requested a leave of absence from the July 2020 Ordinary Council meeting

COUNCIL RESOLUTION

MOVED: Cr Warr

SECONDED: Cr Davidson

Cr Batten be granted Leave of Absence for the July 2020 Ordinary Council Meeting.

**Voting F8/A0
CARRIED**

Minute Reference: 03/20-1

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
10.3.3	Cr Kirrilee Warr	Impartiality	Member of Community Groups linked to Building projects being considered in future budgets.
12.1	Maurice Battilana	Financial	Direct effect on available leave entitlements.
12.1	Simon Lancaster	Financial	Direct effect on available leave entitlements.
12.1	Dianne Raymond	Financial	Direct effect on available leave entitlements.
12.1	Beau Raymond	Financial	Direct effects on available leave entitlements.

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

8.1 Ordinary Meeting of Council held on Wednesday 19 February 2020

COUNCIL RESOLUTION

MOVED: Cr Forth

SECONDED: Cr Davidson

The Minutes of the Ordinary Meeting of Council held Wednesday 19th February 2020 be confirmed as true and accurate.

Voting F8/A0

CARRIED

Minute Reference: 03/20-2

9.0 ITEMS TO BE DEALT WITH EN BLOC

COUNCIL RESOLUTION

MOVED: Cr Batten

SECONDED: Cr Forth

Council to deal with the following Agenda Items En Bloc:

- 10.3.2 Roads Infrastructure Committee Meeting
- 10.3.3 Building & Disability Services Committee Meeting
- 10.3.4 Local Government House Trust – Deed of Variation

Voting F8/A0

CARRIED

Minute Reference: 03/20-3

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

March 2020

10.1 Deputy Chief Executive Officer

10.1 AGENDA ITEMS

10.1.1 Nanson Showground Land Exchange

10.1.1

Nanson Showground Land Exchange

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	PORTION LOT 198, RESERVE 52196 CHAPMAN VALLEY ROAD, NANSON & RESERVE 9061 CHAPMAN VALLEY ROAD, NABAWA
FILE REFERENCE:	A1075, A1790 & A1897
PREVIOUS REFERENCE:	11/07-18, 10/10-9, 2/11-6, 03/15-11, 03/17-7 & 08/17-4
DATE:	10 MARCH 2020
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Nanson Showground Land Exchange Map	✓	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire is in receipt of correspondence from the Department of Planning, Lands & Heritage ('DPLH') regarding the Nanson Showground land exchange. This report recommends that Council advise the DPLH and Yamatji Marlpa Aboriginal Corporation that it agrees to the suggested inclusion of Reserve 9061 within the Yamatji Nation Indigenous Land Use Agreement in exchange for the withdrawal of the objection to the taking of native title rights relevant to the Nanson Showground land exchange.

COMMENT

The popularity of the Chapman Valley Agricultural Show that annually attracts almost 9,000 people, and the increasing activities of the Chapman Valley Western Riding Club to develop a regional equine facility, has meant that the existing Nanson Showground Reserve is constrained and further land is required to cater for the user groups' requirements.

The Shire therefore reached agreement in 2009 with the adjoining landowner of Lot 1987 Chapman Valley Road, Nanson (Ballycastle Pty Ltd) for them to provide a 9.7ha area from their lot, which is located immediately north of the Nanson Showground, and for this land be amalgamated into Showground Reserve.

In exchange the landowner would receive 10.21ha of unrequired Crown Land on the western side of Chapman Valley Road, that the landowner already leases from the DPLH for cropping purposes, and this would be amalgamated into their landholding. The area of Crown Land proposed to be disposed of does not include the river reserve or former railway reserve, merely the land that is considered surplus to requirements and has been cleared and used for cropping purposes for many decades.

This land exchange would expand the Nanson Showground land area and its ability to cater for car parking and additional show day and horse uses. The land exchange would also formalise the current on-ground and lease arrangement, where the landowner of Lot 1987 has cropped the area of Crown Land on the western side of Chapman Valley Road, by amalgamating it into their farm.

The DPLH, who are the responsible authority, agreed in principle with the Shire's proposal but advised that the Nanson Showground land exchange would take several years to complete.



To address the safety concern of turning vehicles stacking back along Chapman Valley Road on Show-day and insufficient car parking area, Council agreed to lease for a period of 4 years, the subject area north of the Nanson Showground from the landowner at its 16 February 2011 meeting. The lease was intended to serve as a temporary measure whilst the land exchange was finalised. The agreed lease fee was intended to match the fee charged by the DPLH to the landowner of Lot 1987 for their use of the Crown Land proposed to be amalgamated into Lot 1987 through the land exchange. The lease has been renewed twice since whilst the land exchange process continues and has a current expiry date of 30 June 2021 with an option of a further 2 years.

This temporary lease arrangement has enabled the use of the land to the north of the showground for measures such as car parking but does not provide the certainty required to consider more permanent additions and improvements such as buildings and facilities, which the user groups are seeking.

Since 2009 the Shire has been working with the DPLH to progress the Nanson Showground Land Exchange through the preparation of survey diagrams, provision of information and indemnification when requested, and meeting with a previous Minister for Lands.

The DPLH advised that a 6.4439ha portion of the 10.21ha area of Crown Land proposed to be transferred from public reserve to private land by the Nanson Showground Land Exchange was subject to native title.

A map illustrating the proposed Nanson Showground Land Exchange is provided as **Attachment 10.1.1** and illustrates the following:

- the area outlined in pink on the map is the 9.7ha of privately owned land (that is currently leased by the Shire from the landowner for car park) that would become public reserve and amalgamated into the Nanson Showground Reserve;
- the area outlined in blue on the map is the 10.21ha of Crown Land (that is currently leased by the landowner from the DPLH for cropping) that would become privately owned and amalgamated into the private landholding;
- the blue area marked with cross-hatching  is the 3.7661ha area not subject to native title;
- the blue area marked with hatching  is the 6.4439ha area that is subject to native title.

The DPLH gave Notice of Intention To Take Interests ('NOITT') in land under Sections 165 & 170 of the *Land Administration Act 1997* and compulsorily acquire native title rights and interests under Section 29 of the *Native Title Act 1993* on 4 September 2018 relating to the 6.4439ha area.

Yamatji Marlpa Aboriginal Corporation on behalf of the Southern Yamatji native title claimants objected to the taking of the native title rights and interests as prescribed by the notice.

Shire staff and a DPLH representative attended a meeting of the Southern Yamatji Working Group on 7 November 2018 to give a presentation on the proposed Nanson Showground Land Exchange and answer questions of the Working Group.

One of the potential outcomes that was raised at the 7 November 2018 meeting was whether the Shire could investigate whether there might be other parcels of managed Crown Land (i.e. that were not part of the native title process) that might be available in the Shire of Chapman Valley that could be raised for consideration in lieu of the objection being lifted.

The Shire subsequently reviewed what Crown Land parcels might exist in proximity to the NOITT area that might be considered suitable and of potential interest to the claimant group, and forwarded these to the DPLH to raise in its discussions with the Traditional Owners Negotiation Team.

On 20 February 2020 the DPLH informed the Shire that *“we have been advised by the Yamatji Marlpa Aboriginal Corporation that the Southern Yamatji working group has now considered the Shire’s proposal and advised that it would be agreeable to withdraw its objection to NOITT N982297, if the Shire make available Reserve 9061 for transfer under the Yamatji Nation Agreement.”*

Reserve 9061 is a 9.5657ha parcel of land on the western side of Chapman Valley Road (opposite the Nabawa Cemetery) that was created on 24 December 1913 and on 20 November 1959 had the purpose of ‘Camping, Picnicking & Caravan Parking’ assigned to it with a vesting order issued to the Shire. The property is vegetated, contains a section of the Chapman River and is not used for any Shire purpose.

On 19 February 2004 the Department of Lands wrote to the Shire enquiring whether the Shire wanted the adjoining 528m² Water Corporation surplus Reserve 25470 amalgamated into Reserve 9061 and vested in the Shire. Council resolved at its 18 May 2004 meeting to support the amalgamation of Reserve 25470 into Reserve 9061. The Department of Lands advised the Shire on 12 September 2005 of Ministerial approval for the issue of a management order to the Shire of Chapman Valley for (expanded) Reserve 9061 for the purpose of ‘Camping, Picnicking & Caravan Parking’ effective of 15 August 2005 (Dealing No. J386527-J386260).

Reserve 9061 is considered surplus to Shire requirements, as it has no identified previous use or future projects for this parcel of land. It is noted that were the Shire to, as a longer term project, construct a hiking/mountain bike/heritage trail between Nabawa and Nanson that this could still occur as Reserve 9061 is west of the former Geraldton-Yuna rail alignment along which the trail would run.

Reserve 9061 is considered appropriate in the context of this discussion as it is only 3½km from the NOITT area to the south and 400m from the Naaguja Warangkarri Aboriginal Corporation farm to the north.

Figure 10.1.1(a) – Location Map for Reserve 9061 Chapman Valley Road, Nabawa

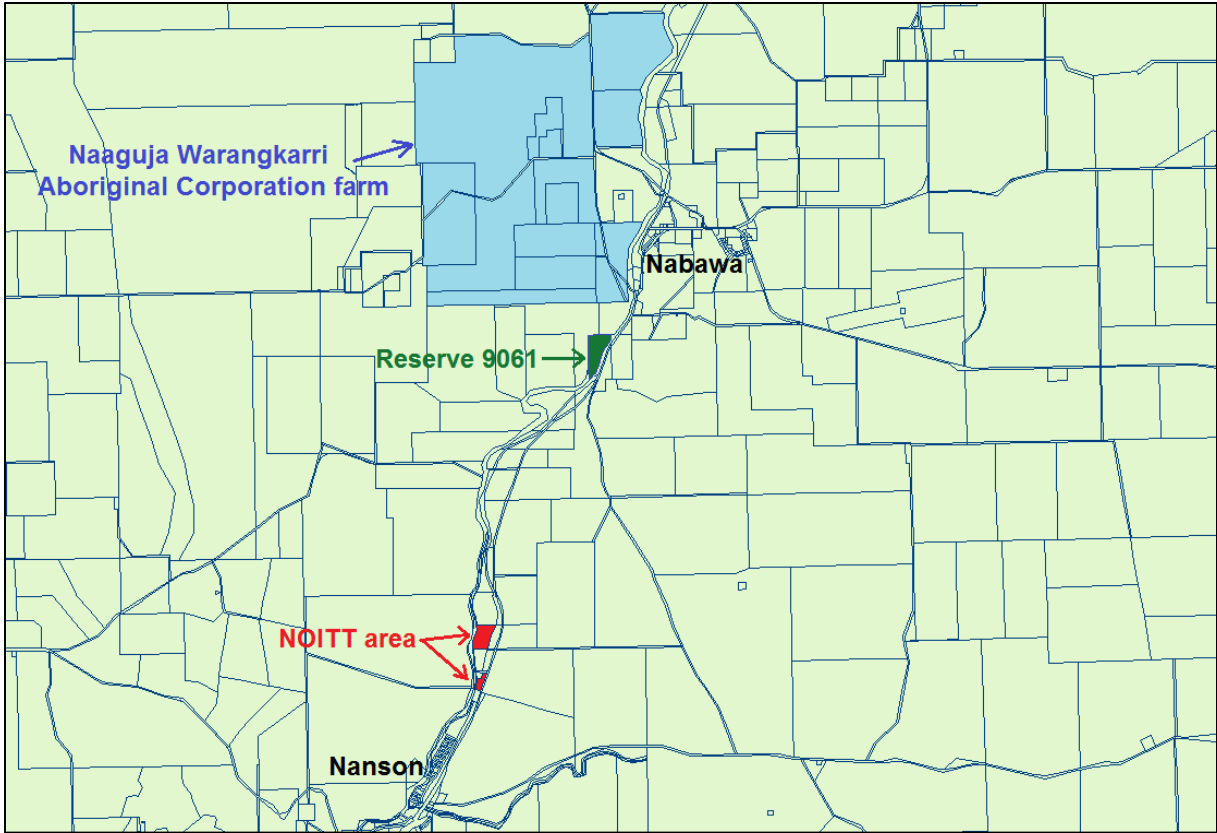


Figure 10.1.1(b) – Aerial Photo of Reserve 9061 Chapman Valley Road, Nabawa

STATUTORY ENVIRONMENT

The Nanson Showground (Reserve 52196) is zoned 'Recreation' under the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme'). The Nanson Showground Reserve was surveyed and gazetted for the purpose of 'Recreation and Showground' in 1902 and the Shire has held a Management Order for the Nanson Showground since 1917. The management order contains the power for the Shire to sub-lease for a period of up to 21 years whole or part of Reserve 52196.

The privately owned land immediately north of the Nanson Showground that is proposed to be amalgamated into the Nanson Showground Crown Reserve is zoned 'Rural' under the Scheme. Upon conclusion of the transfer from private land to public land, the Shire could attend to the rezoning of the subject area to 'Recreation'.

The portions of Crown Land, that are currently leased by the DPLH to the private landowner and cropped, and are proposed to be exchanged into private ownership, are zoned 'Rural' under the Scheme.

Reserve 9061 is zoned 'Recreation' under the Scheme, and in the event that the land parcel were to become a Reserve for the purpose of 'Yamatji Social, Cultural or Economic Benefit' as is proposed for 134,000ha of Crown Land under the Yamatji Nation Indigenous Land Use Agreement then Reserve 9061 could remain under its existing zoning or a suitable alternative to be determined in consultation with the land managers at such later time as the scheme is reviewed.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual lease fee paid by the Shire to Ballycastle Pty Ltd for the 9.7ha area of land immediately north of the Nanson Showground has been equivalent to the amount charged by the Department to Ballycastle Pty Ltd for their use of the 10.21ha area on the western side of Chapman Valley Road.

The most recent annual lease fee was \$500 GST ex and Account 2722 – Public Halls & Showground Expenses has been used to cover this cost. The finalisation of the Nanson Showground Land Exchange would remove the need for an ongoing lease.

Draft Deposited Plan of Survey DP409878 has been prepared to formally identify the area of Crown Reserve currently being farmed and proposed to become private/freehold land with Lot 1987 (thereby becoming Lot 11987). The Valuer Generals Office have valued the 10.2101ha Crown Land area (that is proposed to be disposed of, and amalgamated into the adjoining private land) at \$65,000 GST ex, and the 9.7ha land area (proposed to be excised from the privately owned Lot 1987 and amalgamated into the Nanson Showground Crown Reserve) at \$61,000 GST ex. The DPLH advised on 20 July 2017 that the \$4,000 difference in value would be expected to be paid by the Shire. This could be considered reasonable given the Shire's role as proponent of the land exchange and can be addressed through Account 7052 – Surveying and Land Expenses.

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

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and identifies the management of community aspirations within a confined fiscal envelope as a key issue impacting the Shire's finances.

STRATEGIC IMPLICATIONS

The Nanson Showground Masterplan was prepared in consultation with the user groups and was adopted by Council at its 20 March 2019 meeting. The masterplan guides and coordinates future development of the precinct, and the finalisation of the land exchange is a key component in realising the Council's vision for the Nanson Showground.

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

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

The Strategic Community Plan lists the following objectives of relevance in this matter:

Ref	Objective	Strategy
1.1	Nurture the sense of community	Development of plans relevant to population needs
1.2	Strengthen our advocacy role and regional partnerships to support the provision of local services and facilities	Be present in conversations and gatherings related to the provision of essential and desired services for Chapman Valley residents and visitors
4.1	Develop, manage and maintain built infrastructure	Development Projects
5.2	Be accountable and transparent in managing resources	Asset Management
5.3	Make informed decisions within resources and areas of responsibility	Regular and relevant briefings to Elected Members

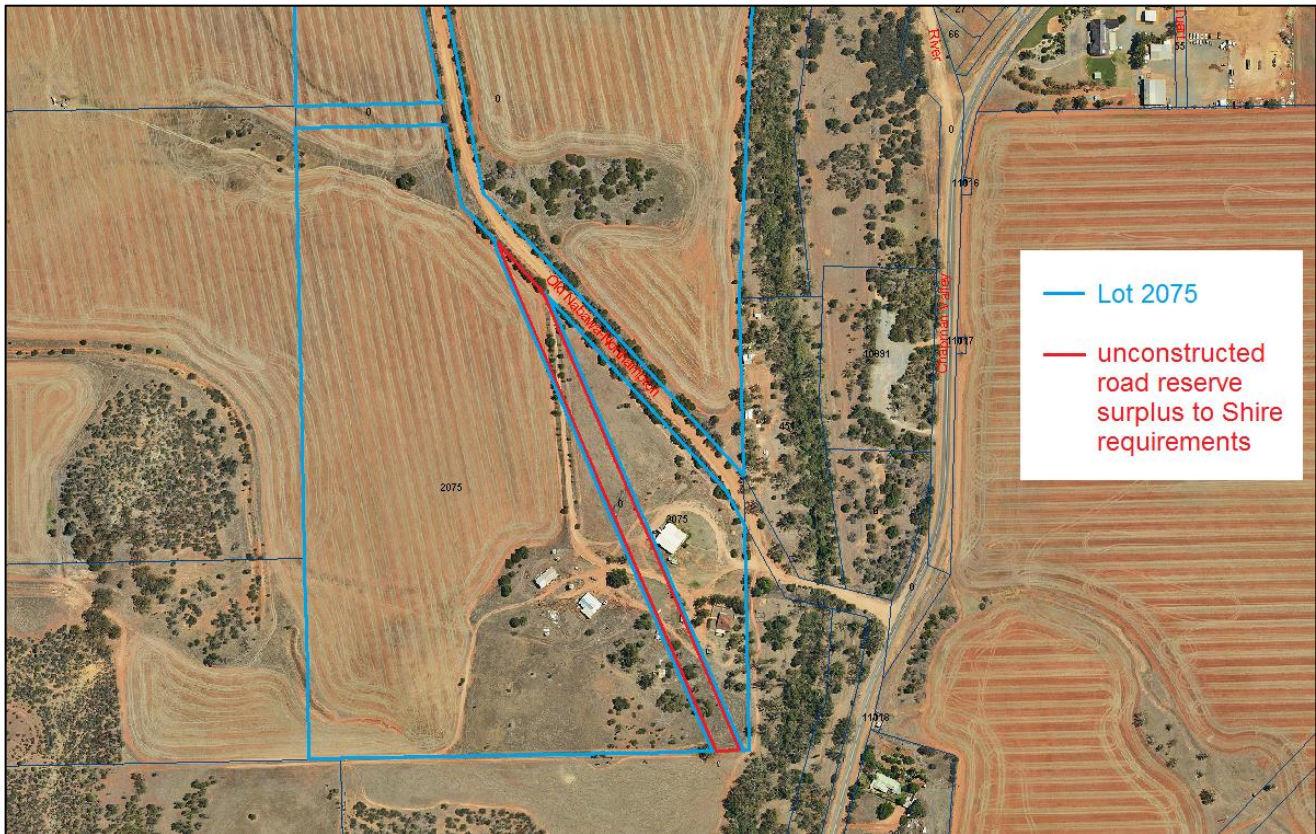
CONSULTATION

Since meeting with the Southern Yamatji Working Group on 7 November 2018, the Shire has investigated and forwarded various land parcels to the DPLH to raise in its discussions with the Traditional Owners Negotiation Team. The DPLH have advised that arising from these discussions the Southern Yamatji Working Group have advised that it would be agreeable to withdraw its objection to the NOITT if the Shire made available Reserve 9061 for transfer under the Yamatji Nation Indigenous Land Use Agreement. The withdrawal of the objection would enable the Nanson Showground Land Exchange to proceed towards finalisation.

The Shire has previously consulted with the landowner of Lot 1987 and they have expressed a willingness to continue with a lease arrangement as a temporary solution to resolving the Nanson Showground's limitations until the land exchange can be finalised.

Council resolved at its 15 March 2017 meeting to encourage all Nanson Showground users, in conjunction with the Shire, to establish an agreed masterplan for future development of the Nanson Showground. Following extensive consultation with the user groups the Nanson Showground Masterplan was adopted by Council at its 20 March 2019 meeting. As a separate matter, it is suggested that the Shire also advise the DPLH that it supports the inclusion of an unconstructed road reserve that runs across Lot 2075 Old Nabawa-Northampton Road, Nabawa into the Yamatji Nation Land Use Agreement and it being provided into the surrounding Naaguja Warangkarri Aboriginal Corporation farm.

Figure 10.1.1(c) – Aerial Photo of Unconstructed Road Reserve impacting Lot 2075



The 9,517m² road reserve is not constructed on-ground and is surplus to Shire requirements as it duplicates the existing Old Nabawa-Northampton Road alignment and does not connect through to the wider road network. The unrequired road reserves is not required to be constructed in future as the only other lot that it connects with (Lot 450) already has a constructed road frontage to Old Nabawa-Northampton Road.

The closure of the unconstructed road would benefit the Shire by removing an unrequired asset and would benefit the Naaguja Warangkari Aboriginal Corporation as the alignment runs between, and over, the buildings upon their farm.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Humphrey

That Council:

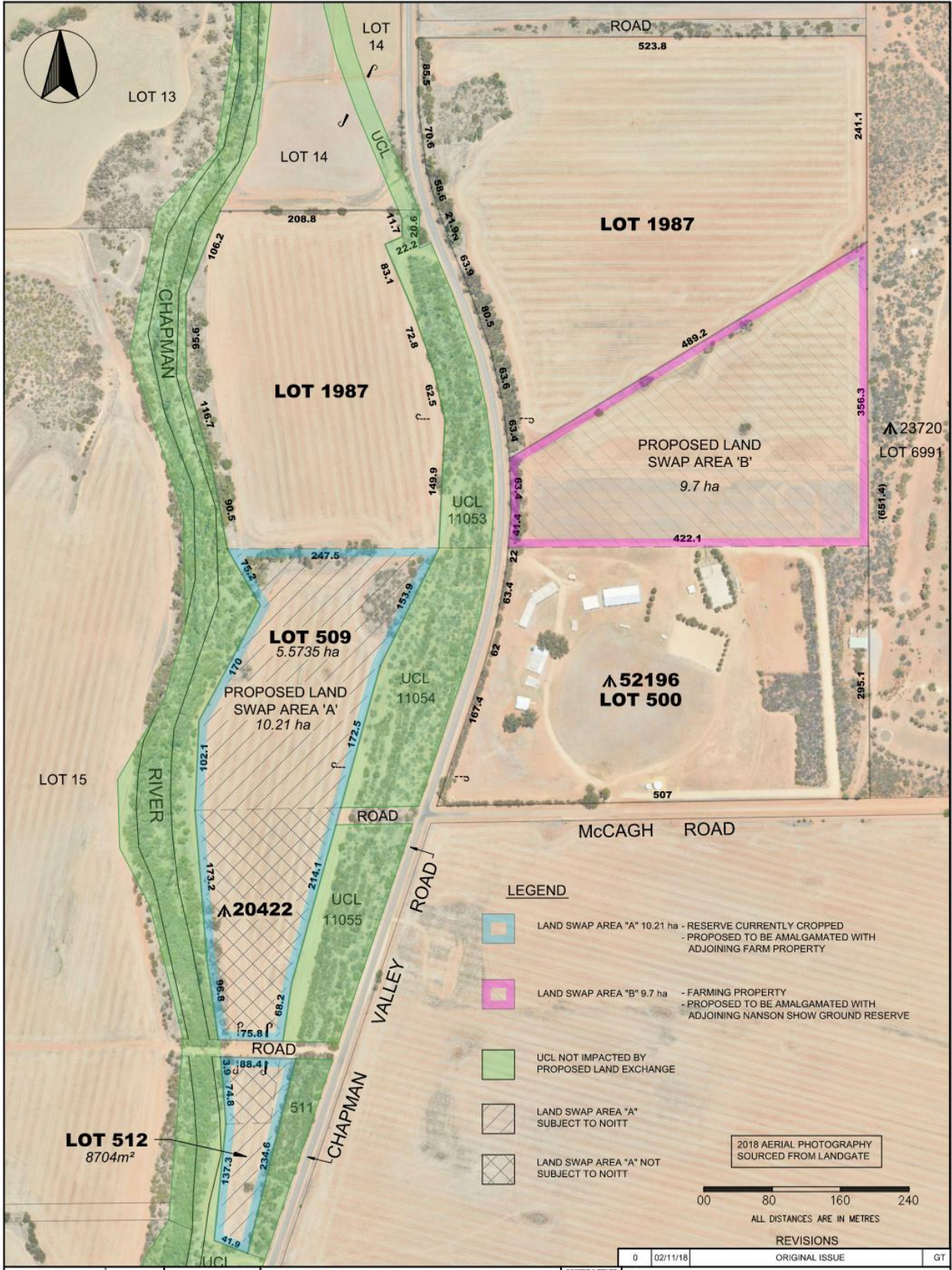
- 1 Advise the Yamatji Marlpa Aboriginal Corporation that it agrees to Reserve 9061 being included within the Yamatji Nation Indigenous Land Use Agreement in exchange for the withdrawal of its objection to Notice of Intention to Take N982297.

- 2 Advise the Department of Planning, Lands & Heritage of Council's resolution relevant to Reserve 9061 and, as a separate matter, advise the Department that Council supports the inclusion of the approximately 9,517m² unconstructed road reserve running across Lot 2075 Old Nabawa-Northampton Road, Nabawa into the Yamatji Nation Land Use Agreement and it being provided into the surrounding Naaguja Warangkarri Aboriginal Corporation freehold title landholding.

Voting F8/A0

CARRIED

Minute Reference: 03/20-4



SURVEYED BY:		AREA FILE: 1989
DRAWN BY:	GT	CONT. INTVAL: N/A
CHECKED BY:	Brad Collard 2018/11/25 0933007 +0800	V DATUM: AHD
APPROVED BY:		H DATUM: MGA94250
		FIELD Bk: N/A

HTD
SURVEYORS & PLANNERS
HILLE, THOMPSON & DELFOS

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WEBSITE: http://www.htds.com.au



0	02/11/18	ORIGINAL ISSUE	GT
CLIENT: SHIRE OF CHAPMAN VALLEY			
NANSON			
PROPOSED LAND EXCHANGE			
CHAPMAN VALLEY ROAD, NANSON - SHIRE OF CHAPMAN VALLEY			
SCALE 1: 4000	SHEET SIZE: A3	DWD No. 03416MS1-1-0	
ALL DISTANCES IN METRES			

10.2

Manager of Finance & Corporate Services

March 2020

10.2 Manager of Finance & Corporate Services

10.2 AGENDA ITEMS

10.2.1 Financial Reports for February 2020

10.2.2 Record Keeping Plan

10.2.1

Financial Management Report for February 2020

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	18 MARCH 2020
AUTHOR:	DIANNE RAYMOND

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	February 2020 Financial Management Report		✓
10.2.1(b)	Confidential List of Accounts January 2020		✓

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 February 2020 are 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 February 2020.

Long Term Financial Plan (LTFP):

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review 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 RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Maluish

SECONDED: Cr Davidson

That Council receives the financial management report supplied under separate cover for the months of February 2020 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 F8/A0

CARRIED

Minute Reference: 03/20-5

10.2.2

Record Keeping Plan Review

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	ADMINISTRATION
FILE REFERENCE:	411.06
PREVIOUS REFERENCE:	08/14-7
DATE:	18 MARCH 2020
AUTHOR:	DIANNE RAYMOND

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	Record Keeping Plan		✓
10.2.2(b)	Record Management Standard Operating Procedures		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Section 19 of the *State Records Act 2000* requires every government organisation to have a Recordkeeping Plan (RKP) approved by the State Records Commission. The purpose of this Recordkeeping Plan is to set out the matters about which records are to be created by the Shire of Chapman Valley and how it is to keep its records. The RKP is to provide an accurate reflection of the recordkeeping program within the organisation, including information regarding the organisation's recordkeeping system(s), disposal arrangements, policies, practices and processes. The RKP is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organization.

The objectives of the RKP are to ensure:

- Compliance with Section 19 of the *State Records Act 2000*;
- Recordkeeping within the Local Government is moving towards compliance with State Records Commission Standards and Records Management Standard AS ISO 15489;
- Processes are in place to facilitate the complete and accurate record of business transactions and decisions;
- Recorded information can be retrieved quickly, accurately and cheaply when required; and the
- Protection and preservation of the Local Government's records

COMMENT

Council has an obligation to maintain official records in its custody in good order and condition, which supports good governance. This includes both physical and electronic records and applies to staff, elected members, contractors, consultants acting on behalf of council. The revised Record Keeping Plan has been provided as a *separate Attachment 10.2.2(a)* including tracked changes as part of the review process for Council consideration.

Aside from demonstrating we meet our legal obligations and responsible records management practices are in place, this RKP offers the opportunity for us to look more closely at how both elected members and staff can operate more efficiently to ensure valuable records are protected in the event of an unforeseen circumstance.

Although it is not a requirement of the State Records Office for Council to adopt the plan, the plan is being presented to Council for endorsement. Attached to the RKP is a Record Management Standard Operating Procedures endorsed by the Chief Executive Officer. This manual is intended as a tool to be used by Management and Staff in the course of their day to day operations.

STATUTORY ENVIRONMENT

Section 19 of the *State Records Act 2000*

POLICY/PROCEDURE IMPLICATIONS

The RKP will be imbedded into Council’s Policy & Procedures Manual for staff operational reference and guidance.

FINANCIAL IMPLICATIONS

Long Term Financial Plan (LTFP):

No effect on the LTFP

STRATEGIC IMPLICATIONS

It is strategically sound management to plan for unforeseen circumstances in order to preserve essential and vital records for the ongoing management of the shire. Therefore, a realistic RKP is essential for the legislative, operational and historical requirements of the organization.

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

Relevant staff have been consulted in the review of both the Record Keeping Plan and Record Management – Standard Operating Procedures

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Forth

SECONDED: Cr Batten

That Council endorses the Record Keeping Plan as presented with tracked changes.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-6**

10.3

Chief Executive Officer

March 2020

10.3 Chief Executive Officer

10.3 AGENDA ITEMS

10.3.1 Review of Delegation Register

10.3.2 Road Infrastructure Committee Meeting

10.3.3 Building & Disability Services Committee Meeting

10.3.4 Local Government House Trust – Deed of Variation

10.3.5 Camping Areas Management Procedure (CMP-019)

10.3.6 Review of Council Policies & Procedures

10.3.7 Infrastructure Investment Program

10.3.1

Review of Delegation Register

PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.03
PREVIOUS REFERENCE:	MINUTE REFERENCES: 04/19-9
DATE:	18 th MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Delegation Register		✓
10.3.1(b)	Dept. Local Government – Delegations Guidelines		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

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

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

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

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

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

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

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

Council last undertook a full review of the Delegations Register at the April 2019 OCM i.e.

MOVED: CR HUMPHREY

SECONDED: CR FORRESTER

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

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

Voting 5/0

CARRIED

Minute Reference: 04/19-9

COMMENT

The Chief Executive Officer and staff have reviewed the current Delegations Register (see **Attachment 10.3.1(a)**) with the continued emphasis bringing on this document remaining relevant, integrated and cross-referenced with all relevant Policies and Procedures.

The Policy & Procedures Manual has also continued to be cross-reference with all relevant Delegations.

Provided under separate cover for Council information is a copy of the Department of Local Governments Delegations Guidelines (**Attachment 10.3.1(b)**).

As the existing delegations appear to be working satisfactorily the Staff Recommendation is to endorse the current Delegations Register as presented without change.

STATUTORY IMPLICATIONS / REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No Impact

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

No Impact

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

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

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Absolute Majority – If Changes made i.e.

Section 5.46 (2) states Council must review the Delegation Register annually, however, if no amendments are made to the existing register a simple majority may accept it without amendment.

Section 5.42 (1) states that any decision to amend or revoke a delegation by a Local Government is to be by an Absolute Majority.

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Davidson SECONDED: Cr Warr

Council endorse the current Delegations Register as presented with the following change:

Delegation 3004

Add the following words the purchase limit section for the Chief Executive Officer:

“Within legislative tender thresholds limits”

**Voting F8/A0
CARRIED
Minute Reference: 03/20-7**

10.3.2

Roads Infrastructure Committee Meeting

PROPONENT:	ROADS INFRASTRUCTURE COMMITTEE
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.03
PREVIOUS REFERENCE:	NA
DATE:	17th MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Roads Infrastructure Committee Meeting Minutes		✓
10.3.2(b)	Proposed 10 Year Road Works Program		✓
10.3.2(c)	Proposed Plant Replacement Program		✓
10.3.2(d)	Road Hierarchy		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Road Infrastructure Committee met on the 26th February 2020 to review the following:

- ~ Road Works Program;
- ~ Road Hierarchy;
- ~ Heavy Haulage Vehicle Permit Roads; and
- ~ Plant Replacement Program

The Unconfirmed Minutes of the meeting have been provided under separate cover for Council reference and information (see **Attachment 10.3.2(a)**).

COMMENT

Determination from the Road Infrastructure Committee will form recommendations to Council for consideration and endorsement for allocation of funding and resources to the forthcoming Draft Budget.

Rather than repeat the content of the Committee Meeting in this report I refer Councillors to the Committee Minutes and welcome any comments/questions.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

As stated in the Road Infrastructure Committee Minutes, various Policies and Procedures affect the decision-making process. These Policies and Procedures were considered during the Committee's deliberations.

FINANCIAL IMPLICATIONS

Road works is the largest income and expenditure component of the Shires operations, which makes it important to ensure the limited resources made available by grants and those allocated by Council to this function are maximised, whilst remaining conscious of the need to ensure road infrastructure maintenance is also preserved.

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

The Proposed 2020/2021 Road Works Program, Ten Year Road Works Program and Plant Replacement Program have been structured in a way to complement the LTFP. However; the Annual Budget can vary the amounts shown in the LTFP due to these Programs being more detailed. There will also be variation to the amounts indicated in the Programs when compared to the forthcoming budget as, again, the budget figures will be more detailed and analysed prior to being placed into the Draft Budget

STRATEGIC IMPLICATIONS

It is imperative Council carefully considers where resources are allocated in future road works programs to ensure the higher priority roads are catered for. The Shire's Road Hierarchy identifies the priority roads into the following categories:

- A. Main Arterial Roads (Significant Roads and approved by the RRG only);
- B. Main Feeder Roads;
- C. Minor Feeder Roads;
- D. Major Access Roads; and
- E. Minor Access Roads

It is important the Policy/Procedure to amend the Road Hierarchy is adhered to. This will ensure the integrity of the Road Hierarchy list and therefore the integrity of how Council allocates its resources to road works within the Shire is maintained.

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

Ref	Objective	Strategy	Action
4.2	Manage and maintain roads, drainage and other essential infrastructure	Capital Road Works Programs	Review Road Hierarchy and Ten-Year Road Works Program
		Plant Replacement Programs	Review Plant Replacement Program

CONSULTATION

Consultation occurred with the Shire's Manager Works and Services (Esky Kelly), Works Leading Hand (Marty Elks) and Greenfield Technical Services (consultant engineer) when developing the proposed road works and/or plant replacement programs.

RISK ASSESSMENT

There is a risk associated with limited resources not being allocated to the roads in most need, hence the reason for the Road Hierarchy and consultation with the road works staff being essential to the integrity of the process of funding allocations. Council should not be subject to allocating funds to road because of the "squeaky wheel receiving the most oil" concept.

However; as I am confident the processes and procedure are in place to ensure resources are appropriately allocated to the various programs I believe the risk in this instance is “*Moderate*” i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (MOVED EN BLOC)/COMMITTEE RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

Council receive the Road Infrastructure Committee Minutes and endorse the recommendations within i.e.

1. Minute Reference RIC 02/20-2

The Road Infrastructure Committee recommends Council endorses the *Road Hierarchy Procedure (IMP-025)* as presented without change.

2. Minute Reference RIC 02/20-5

The Road Infrastructure Committee recommends Council endorse the *10 Year Road Works Program 2020/21 to 2029/2030* as presented with the following changes and this Program be used as a basis for resource allocation into the Draft 2020/2021 Budget:

1. McCagh Rd – 250m Seal Extension.
2. Wandin & Wandana Rd (Own Resource Reseals) – Bring forward to Years 1,2 & 3.
3. BHPCC Overflow Carpark as a separate budget line item (not part of RW Program)

3. Minute Reference RIC 02/20-6

The Road Infrastructure Committee recommends Council endorses the *Management Procedure (IMP-025) – Heavy Haulage Vehicle Permits* as presented without change.

4. Minute Reference RIC 02/20-9

The Road Infrastructure Committee recommends Council endorses the *Proposed Plant Replacement Program* as presented with the following changes and request the Chief Executive Officer use this Program as a basis for resources to be allocated in the forthcoming budget

1. Amend Forklift to new 2½ tonne all terrain
2. Radar Speed Trailer – Minimum 50% Grant Reliant

Voting F8/A0

CARRIED

Minute Reference (Moved En Bloc): 03/20-3

10.3.3

Building & Disability Services Committee Meeting

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	VARIOUS SITES
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	NIL
DATE:	17th MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	Building & Disability Services Committee Meeting Minutes		✓
10.3.3(b)	Operating Building Maintenance Program & Capital Building Works Program		✓
10.3.3(c)	Disability Access Inclusion Plan		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Building & Disability Services Committee met on the 27th February 2020 to review:

- Buildings Capital Works Program;
- Buildings Maintenance Works Program; and
- Disability Access & Inclusion Plan

The Unconfirmed Minutes of the meeting have been provided under separate cover for Council reference and information (see **Attachment 10.3.3(a)**).

COMMENT

The Minutes and recommendations from the Building & Disability Services Committee meeting are presented for Council consideration.

Rather than repeat the content of the Committee Meeting in this report I refer Councillors to the Committee Minutes and welcome any comments/questions.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

The following Procedures are relevant and have been considered as part of the process:

- ~ CMP-010 – Building & Facility Hire Conditions;
- ~ CMP-012 - Nanson Show Grounds – Annual Chapman Valley Show;

- ~ CMP-014 - Sportsground;
- ~ CMP-015 - Council Housing / Buildings

Council also has Management Licences relevant to a number of buildings/facilities, which may need to be taken into account.

FINANCIAL IMPLICATIONS

Recommendations from the Committee are presented to Council for consideration for allocation into the forthcoming and future draft budgets. Not all cost estimates have been undertaken at time of writing this report.

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

The *Five Year Building Program* will have an effect on the Shire's Integrated Planning and Reporting, which sets Councils future long term direction and planning.

STRATEGIC IMPLICATIONS

It is important for Council to have a strategic approach to managing all its assets, which included buildings.

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

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

CONSULTATION

Council staff continually monitors buildings and facilities owned/controlled by the Shire. Staff also continually liaises with users of these facilities.

RISK ASSESSMENT

There is a risk of buildings and facilities deteriorating if adequate resources are not allocated to address depreciation and fair wear and tear of the buildings/facilities. However; in this instance, I believe the risk is currently **Minor** i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (MOVED EN BLOC)/COMMITTEE RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

Council receive the Minutes of the Building & Disability Services Committee and endorse the recommendations within i.e.

1. Minute Reference: BDSC 02/20-1

The Committee recommends Council consider the draft “*Operating Building Maintenance Program*” presented with the following amendments and this be used as a basis to develop the Draft 2020/2021 Budget:

Location	Amendments & New Items for Consideration
Council Chambers/Office	Reduce lawn & install native gardens front office
Nabawa Rec Centre	Roller shutters Farrell Balcony CGF
	Basketball stadium replace roof sheeting with full length metal & whirlybirds; grind back concrete edge & repaint; remove bench seating near court; install LED lights
Nabawa Community Centre	Kitchen upgrades & septic upgrades
	Plastic trestle tables
Naraling Hall	Roof repairs
Bill Hemsley Park CC	Screening of Gazebos Interpretive Sign – Mural Wall (PRA cash contribution) Additional Table & Benches (PRA cash contribution Prison crew or MEEDAC built) Install river sand around nature playground area
Yuna MCC	Carpet tiles main hall area
Cemetery	Pathway between toilet and gazebo (asphalt or concrete)
Yuna Hall Public Toilets	Replace existing septic system with a reduce septic system type

2. Minute Reference: BDSC 02/20-2

The Committee recommends Council consider the draft “*5 Year - Capital Building Works Program*” presented with the following amendments and this be used as a basis to develop the Draft 2020/2021 Budget:

Location	Amendments & New Items for Consideration
Nabawa depot	Truck Washdown bay to be reconsidered No consideration for cable or retractable gate
Nabawa Kindy	Cost upgrades for relocation of library
Nanson Museum Precinct Road Board	Power upgrades – investigate only not budget line item (consultancy)
Nanson Showgrounds	Subject to grant funding - Power Upgrades Toilets in accordance with Masterplan
Coronation Beach	Playground Upgrades subject to grant funding
Yuna Golf Club	Investigation and cost removal of asbestos and either re-cladding existing structure or installing new structure
Yuna Refuse Site	CCTV to site, adjusted road access and upgrade to signage
Nanson Showgrounds	Exhibition building – defer roof sheeting in the 5 year capital program until 2023/24

3. **Minute Reference: BDSC 02/20-3**

Council request staff undertake an in-house, desk-top review of the Plan and if necessary recommend any amendments to Council for consideration.

Voting F8/A0

CARRIED

Minute Reference (Moved En Bloc): 03/20-3

10.3.4

Local Government House Trust – Deed of Variation

PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SITE:	WESTERN AUSTRALIAN LOCAL GOVERNMENT AUTHORITIES
FILE REFERENCE:	404.01
PREVIOUS REFERENCE:	NIL
DATE:	18 th MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	Deed of Variation		✓
10.3.4(b)	Clause 12 of Trust Deed 1994		✓
10.3.4(c)	WALGA – Q & A for Unit Holders		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The email below has been received from the Chief executive Officer of the Western Australian Local Government Association (WALGA):

Sent on behalf of WALGA CEO Nick Sloan

19 February 2020

Our Ref: NS/RM

*Mr Maurice Battilana
Chief Executive Officer
Shire of Chapman Valley*

Dear Mr Battilana

Re: Local Government House Trust – Deed of Variation

I am writing to seek your Council's consent by formal resolution to a variation to the Trust Deed for the Local Government House Trust (The Trust).

Shire of Chapman Valley is a unit holder and beneficiary to the Local Government House Trust, holding 3 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Chapman Valley is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to us in writing. Please note, we are requesting consent for the Trustee to formally execute the attached Deed of Variation – your Local Government is not required to sign the enclosed document.

Further details on the particular Deed Variations and objectives to be achieved by this variation are outlined below.

Background on the Local Government House Trust

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to Division 1AB of the Income Tax Assessment Act 1936.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The~~ Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Comment

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Thank you for your consideration of the above amendments we look forward to receiving formal consent to execute these changes via resolution of Council.

If you have any questions regarding the variations, please email Financial Controller Rick Murray at rmurray@walga.asn.au.

Yours sincerely,
Nick

Nick Sloan | Chief Executive Officer | WALGA
(p) (08) 9213 2025 | (m) 0408 941 792 | (e) nsloan@walga.asn.au

COMMENT

The Deed variations (as listed in the WALGA email) being recommended are:

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The~~ Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
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13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Without obtaining legal advice, I do not see any issues with endorsing the recommended amendments.

STATUTORY ENVIRONMENT

The *Local Government House Trust Deed* and the *Deed of Variation* are legally binding documents.

POLICY IMPLICATIONS

No Policy/Procedure affected.

FINANCIAL IMPLICATIONS

The Shire of Chapman Valley hold 3 (three) Units valued at \$17,805.27 as at 30th June 2019.

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

No effect on the LTFP.

STRATEGIC IMPLICATIONS

No implications envisaged.

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

Not applicable or relevant.

CONSULTATION

WALGA email and discussions.

RISK ASSESSMENT

Insignificant i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION (MOVED EN BLOC)/STAFF RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

Council endorse the Western Australian Local Government Association's recommended variations to the Local Government House Trust Deed i.e.

1. Variation 2.1 amends clause 22.1 to point to additional clause:

22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The~~ Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.

2. Variation 2.2 inserts two new clauses:

22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as Trustee of the Trust; and
- (b) appoint such new or additional Trustee.

3. Variation 2.3 insert a new clause 13A

13A Delegation to the Board of Management

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

**Voting F8/A0
CARRIED**

Minute Reference (Moved En Bloc): 03/20-3

10.3.5

Camping Areas Management Procedure (CMP-019)

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE CONTROLLED CAMPING AREAS
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE 07/19-4
DATE:	18 th MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.5(a)	Draft Camping Procedure (CMP-019) – Option 1		✓
10.3.5(b)	Draft Camping Procedure (CMP-019) – Option 2		✓
10.3.5(c)	Draft Camping Procedure (CMP-019) – Option 3		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Concern has been raised recently over the way the current conditions of the *Camping Area – Corporate Management Procedure (CMP-019)* are being interpreted and manipulated by some, resulting in frustration and conflict occurring at the Coronation Beach Nature Based Camping Reserve.

Draft Corporate Management Procedures (three Options) (see **Attachments 10.3.5(a); 10.3.5(b) and 10.3.5(c)**) are presented to Council for consideration. These amendments (which have been tracked) are an attempt to remove ambiguities and address any future misinterpretation and manipulation of the current conditions associated with this Management Procedure.

COMMENT

Due to the nature of the matter it was decided to present a review of the *Camping Area – Corporate Management Procedure (CMP-019)* as a separate item, rather than include this analysis as part of the annual review of all policies and procedures (dealt with at Agenda Item 10.3.6 at today's meeting) or the annual review of the Shire's Fees & Charges (usually dealt with at the May OCMs).

The following situations arose at the Coronation Beach Nature Based Camping Reserve over the last Christmas/New Year period, which has triggered the need to review *Camping Area – Corporate Management Procedure (CMP-019)*:

- Camping Vehicle being parked at a site for +60 days with the owner taking the position he and a friend (both ratepayers with the Shire) will be sharing the site and vehicle over this period. This complies with the current Management Procedure where it is stated:

“Coronation Beach (for up to thirty days in one-year period)”

The concern and uncertainty here is the friend of the vehicle owner never actually camped at the site and it was difficult

to determine if the vehicle owner simply used this condition (and the cooperation of a friend) to hold a site for 60 days over the Christmas/New Year period.

- The sign at the entrance to the Coronation Beach Nature Based Camping Reserve states:

“Children under the age of 16 years free”

A group camping at the Reserve chose to be at the site throughout the day then leave their son (believed to 15 years old) at the site overnight. Therefore taking the position they did not have to pay the camping fee. This was dealt with by the CEO making the determination the child under the age of 16 years is only exempt from paying the camping fee if they are accompanied by an adult (even though the sign did not actually stipulate this). The campers eventually agreed to pay the fee.

The two situations above created significant angst between the campers and the Coronation Beach Caretaker, resulting in complaints being received about the manner in which the Caretaker spoke to the campers. I have personally dealt with the complainants and the Caretaker on the issues raised. However, I feel it is imperative the current anomalies associated with the conditions for camping at the Coronation Beach Nature Based Camping Reserve needs to be addressed.

Attachments 10.3.5(a); 10.3.5(b) and 10.3.5(c) provide Council with three possible options to amend the *Camping Area – Corporate Management Procedure (CMP-019)* and hopefully address some of the current issues.

The staff preference is **Option 3** as this removes all ambiguities associated with eligibility for exemption from the camping fee. This position is taken as it is not dissimilar to the hire or use of any other Shire owned/controlled facility (e.g. Halls, Community Centres, etc.) where no exemption is offered to ratepayers.

It will also be noted the draft Management Procedure has also been amended to better reflect the facilities available and Camp Fire permission at each site as this was also ambiguous in the current Management Procedure.

STATUTORY ENVIRONMENT

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

Role of Council

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

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

POLICY IMPLICATIONS

Three possible options to amend the *Camping Area – Corporate Management Procedure (CMP-019)* and possibly address some of the current issues are provided at **Attachments 10.3.5(a); 10.3.5(b) and 10.3.5(c)**.

FINANCIAL IMPLICATIONS

No significant effect on financial operations of the Shire.

Discussion did occur at the recent Shire Tour on the concept of some camping sites within the Shire being payment by "Donation" rather than by a "Set Fee" (e.g. Yuna Hall Area). I have not included this concept as part of the Agenda Item for consideration as this should be dealt with when Council reviews all its fees and charges (usually at the May OCM).

Long Term Financial Plan (LTFP):

No effect on LTFP of the Shire.

STRATEGIC IMPLICATIONS

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

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

- Strategic Community Plan/Corporate Business Plan

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.
5.2		Effectively Engage and communicate with the community	<ul style="list-style-type: none">• Annual Report• Website• Community Hub• Facebook

CONSULTATION

Significant discussion and consultation has occurred with the DCEO, MFCS, Coronation Beach Caretaker and a one particular camper involved in one of the issues raised during the most recent Christmas/New Year period.

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Humphrey

SECONDED: Cr Royce

Council suspend Standing Orders.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-8**

Open debate and discussion took place on the Agenda Item

COUNCIL RESOLUTION

MOVED: Cr Forth

SECONDED: Cr Batten

Council move that Standing Orders be reinstated.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-9**

STAFF RECOMMENDATION

Council endorse the following as the revised *Camping Area – Corporate Management Procedure (CMP-019)* to be introduced immediately:

CMP-019 Camping Areas

MANAGEMENT PROCEDURE No.	CMP-019
MANAGEMENT PROCEDURE	CAMPING AREAS
RESPONSIBLE OFFICER	BUILDING SURVEYOR/PROJECTS OFFICER
PREVIOUS POLICY No.	4.150
RELEVANT DELEGATIONS	6002

OBJECTIVES:

Set guidelines for the areas where camping is allowed within the Shire of Chapman Valley and conditions associated with these locations.

MANAGEMENT PROCEDURE STATEMENT/S:

Coronation Beach

This is a Nature Based Park comprising toilets, rubbish collection, shade shelters, unpowered sites and gas barbecue facilities only.

- 1) Maximum of thirty (30) days in one financial year period for all campers;

- 2) All campers (rate payers, non-ratepayers, resident, non-resident, etc.) are required to pay camping fee set by Council.
- 3) No fee payable for children under the age of 16 years only when they are accompanied by an Adult, otherwise normal fees will apply;
- 4) Maximum number of vehicle and campers/vans will be stipulated for each site. The Caretaker may vary this number if safety aspects of the site or reserve are not compromised;
- 5) All other camping conditions stipulated at the camping site or determined by the CEO must be adhered to.
- 6) NO CAMPFIRE ALLOWED AT ANYTIME;

Yuna Hall

- 1) Overnight only – unless otherwise approved by the CEO;
- 2) Public Toilet and BBQ facilities available;
- 3) NO CAMPFIRE ALLOWED AT ANYTIME

Fig Tree Crossing Reserve

- 1) Overnight only – unless otherwise approved by the CEO;
- 2) Public Toilet and BBQ facilities available;
- 3) NO CAMPFIRE ALLOWED AT ANYTIME

Yuna Golf Club Reserve

- 1) Overnight only – unless otherwise approved by the CEO
- 2) Showers and toilets provided.
- 3) NO CAMPFIRES ALLOWED DURING THE RESTRICTED & PROHIBITED BURNING, HARVEST/VEHICLE MOVEMENT AND TOTAL FIRE BAN PERIODS

Nabawa Oval

- 1) Overnight only – unless otherwise approved by the CEO
- 2) Public Toilet facilities only available;
- 3) NO CAMPFIRE ALLOWED AT ANYTIME

Nanson Showgrounds

- 1) Overnight only – unless otherwise approved by the CEO
- 2) Public Toilet facilities only available.

NO CAMPFIRES ALLOWED DURING THE RESTRICTED & PROHIBITED BURNING HARVEST/VEHICLE MOVEMENT AND TOTAL FIRE BAN PERIODS

COUNCIL RESOLUTION

MOVED: CR Warr

SECONDED: CR Forth

Council endorse the following as the revised *Camping Area – Corporate Management Procedure (CMP-019)* to be introduced immediately:

CMP-019 Camping Areas

MANAGEMENT PROCEDURE No.	CMP-019
MANAGEMENT PROCEDURE	CAMPING AREAS

RESPONSIBLE OFFICER	BUILDING SURVEYOR/PROJECTS OFFICER
PREVIOUS POLICY No.	4.150
RELEVANT DELEGATIONS	6002

OBJECTIVES:

Set guidelines for the areas where camping is allowed within the Shire of Chapman Valley and conditions associated with these locations.

MANAGEMENT PROCEDURE STATEMENT/S:

Coronation Beach

This is a Nature Based Park comprising toilets, rubbish collection, shade shelters, unpowered sites and gas barbecue facilities only.

- 7) Maximum of thirty (30) days in one financial year period for all campers;
- 8) All campers (rate payers, non-ratepayers, resident, non-resident, etc.) are required to pay camping fee set by Council.
- 9) No fee payable for children under the age of 16 years only when they are accompanied by an Adult, otherwise normal fees will apply;
- 10) Maximum number of vehicle and campers/vans will be stipulated for each site. The Caretaker may vary this number if safety aspects of the site or reserve are not compromised;
- 11) All other camping conditions stipulated at the camping site or determined by the CEO must be adhered to.
- 12) **NO CAMPFIRE ALLOWED AT ANYTIME;**

Yuna Hall

- 4) Maximum of two (2) nights – unless otherwise approved by the CEO;
- 5) Public Toilet and BBQ facilities available;
- 6) **NO CAMPFIRE ALLOWED AT ANYTIME**

Fig Tree Crossing Reserve

- 4) Overnight only – unless otherwise approved by the CEO;
- 5) Public Toilet and BBQ facilities available;
- 6) **NO CAMPFIRE ALLOWED AT ANYTIME**

Yuna Golf Club Reserve

- 4) Maximum of two (2) nights – unless otherwise approved by the CEO
- 5) Showers and toilets provided.
- 6) **NO CAMPFIRES ALLOWED DURING THE RESTRICTED & PROHIBITED BURNING, HARVEST/VEHICLE MOVEMENT AND TOTAL FIRE BAN PERIODS**

Nabawa Oval

- 4) Maximum of two (2) nights – unless otherwise approved by the CEO
- 5) Public Toilet facilities only available;
- 6) **NO CAMPFIRE ALLOWED AT ANYTIME**

Nanson Showgrounds

- 3) Maximum of two (2) nights – unless otherwise approved by the CEO
- 4) Public Toilet facilities only available.

-
- 5) **NO CAMPFIRES ALLOWED DURING THE RESTRICTED & PROHIBITED BURNING HARVEST/VEHICLE MOVEMENT AND TOTAL FIRE BAN PERIODS**

Voting F7/A1

CARRIED

Minute Reference: 03/20-10

Reason for deviation from Staff Recommendation: Council agreed to extend camping at some locations to two nights.

10.3.6

Review of Council Policies & Procedures

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE: 07/19-4 and 02/20-12
DATE:	18 MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.6(a)	CMP-010 - Building & Facility Hire Conditions		✓
10.3.6(b)	CMP-014 - Sports Ground		✓
10.3.6(c)	CMP-015 – Council Housing/Buildings		✓
10.3.6(d)	CMP-030 – Elected Members Training & Professional Development		✓
10.3.6(e)	CMP-042 – Annual Leave		✓
10.3.6(f)	CMP-045 – Payment of Expenses		✓
10.3.6(g)	CP-006 – Attendance at Events Policy (new Policy)		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To allow Council to review and consider changes to the Shire Policy & Procedures Manuals

At the July 2019 OCM the following was resolved:

MOVED: CR HUMPHREY

SECONDED: CR FORTH

Council endorses the amendments, deletions and additions to the Shire of Chapman Valley Policies & Management Procedures as presented.

Voting F6/A0

CARRIED

Minute Reference: 07/19-4

Council also resolved the following at the February 2020 OCM:

MOVED: CR ROYCE

SECONDED: CR BATTEN

Council endorses the Chief Executive Officer to amend all existing Policies and Procedures to best reflect the most appropriate wording of “Council” or “Shire” to be undertaken as an administrative task.

Voting F6/A0

CARRIED

Minute Reference: 02/20-12

The process of amending the wording to appropriately reflect “Council” or “Shire” across all policies and procedures is almost complete.

COMMENT

Council undertook an extensive review of all policies and procedures during 2018 with the result being an up to date, segregated manual, which has categorised policies and procedures into specific organisation responsibility areas. This has ensured there are specified areas of responsibility and a defined process on how the policies & procedures are communicated to Elected Members & Staff.

The Policies & Procedures are categories in the following areas, which will have separate Manuals for each area of responsibility i.e.

- Building & Projects;
- Finance;
- Elected Members Governance;
- Human Resources;
- Organisational Corporate; and
- Planning & Development

Each section has a designated *Responsible Officer* who is required for ensuring the policies & procedures relevant to their areas are communicated to staff under their management and to present recommended updates, amendments, additions, etc. to the CEO for consideration as required.

The *Elected Members Governance & Policy Manual* has been provided to all Elected Members and will be CEO’s responsibility to present to Council any recommended updates, amendments, additions, etc. for consideration.

The latest annual review of Policies & Procedures occurred at the July 2019 OCM.

All staff proposed Policy & Procedures adjustments presented will have the recommended amendments, adoption or deletion tracked and shown in colored text to assist Council with clearly identifying any proposed changes to the existing policies & procedures.

It is being recommended a number of Management Procedures currently in the *Planning & Development Policies & Procedure Manual* be relocated to the *Works & Services Policies & Procedure Manual* as these appear better suited to the works and services area. This will also leave the *Planning & Development Policies & Procedure Manual* with only those policies/procedures relevant to those adopted by Council under the planning legislation. This complements Council resolution at the February 2020 OCM to formally review its Local Planning Policies in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

STATUTORY ENVIRONMENT

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

Role of Council

- 3) *The council:*
 - (c) *Governs the local government’s affairs; and*
 - (d) *Is responsible for the performance of the local government’s function.*

- 4) Without limiting subsection (1), the council is to:
- c) Oversee the allocation of the local government’s finances and resources; and
 - d) **Determine the local government policies.**

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

Attendance at Events Policy – Local Government Act, 195 – Section 5.90A

In accordance with new legislations it is now a requirement for a local government authority to have a Policy regarding “Attendance at Events”.

Policy CP-006 is attached as a recommended new Policy to comply with legislation, This Policy has been developed in consultation with Marg Hemsley (LG People) and has been developed from a template, amended to suit this Shire’s situation, whilst remaining compliance.

It was also necessary to make minor amendments to other relevant policies/procedures ensure there was no conflict or ambiguities i.e.

- CMP-030 – Elected Members Training & Professional Development;
- CMP-045 – Payment of Expenses

POLICY IMPLICATIONS

All of the Shire of Chapman Valley existing policies & procedures are reviewed annually by Senior Staff, with only those being recommended for amendments, adoption or deletion presented to Council for consideration.

FINANCIAL IMPLICATIONS

No effect on financial operations of the Shire.

Long Term Financial Plan (LTFP):

No effect on LTFP of the Shire.

STRATEGIC IMPLICATIONS

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

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

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

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

All *Responsible Staff* members have been given to opportunity to recommend to the CEO any amendments, deletions and additions to the existing policies & procedures, which forms the basis of the Staff Recommendation.

The Shire is also currently working with consultants LG People (Marg Hemsley) to review the requirements of any other new Policies/Procedures being legislated by the State Government to be introduced and adopted by local government authorities. These will be presented as separate process.

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: Cr Humphrey

SECONDED: Cr Maluish

Council suspend Standing Orders.

Voting F8/A0

CARRIED

Minute Reference: 03/20-11

Open debate and discussion took place on the Agenda Item

COUNCIL RESOLUTION

MOVED: Cr Warr

SECONDED: Cr Batten

Council reinstate Standing Orders.

Voting F8/A0

CARRIED

Minute Reference: 03/20-12

STAFF RECOMMENDATION

Council:

1. Relocated the following Management Procedures (without change) from the *Planning & Development Policies & Procedure Manual* to the *Works & Services Policies & Procedure Manual*:
 - (i) CMP-017 - Collection of Native Seed
 - (ii) CMP-029 - Decontamination of Agricultural Spraying Vehicles Within Townsites
 - (iii) CMP-037 - Permit - Landowners Spraying Of Council Controlled Reserves/Land
 - (iv) CMP-038 - Declared Plants - Spraying Unit
 - (v) CMP-072 - Voluntary Care & Maintenance Works On Shire Controlled/Owned Land

2. Endorse amendments, deletions and additions to the following Shire of Chapman Valley Policies & Management Procedures as presented i.e.
 - (i) CMP-010 - Building & Facility Hire Conditions
 - (ii) CMP-014 - Sports Ground
 - (iii) CMP-015 – Council Housing/Buildings
 - (iv) CMP-030 – Elected Members Training & Professional Development
 - (v) CMP-042 – Annual Leave
 - (vi) CMP-045 – Payment of Expenses
 - (vii) CP-006 – Attendance at Events Policy (new Policy)

COUNCIL RESOLUTION

MOVED: Cr Batten

SECONDED: Cr Warr

Council:

3. Relocated the following Management Procedures (without change) from the *Planning & Development Policies & Procedure Manual* to the *Works & Services Policies & Procedure Manual*:
 - (i) CMP-017 - Collection of Native Seed
 - (ii) CMP-029 - Decontamination of Agricultural Spraying Vehicles Within Townsites
 - (iii) CMP-037 - Permit - Landowners Spraying Of Council Controlled Reserves/Land
 - (iv) CMP-038 - Declared Plants - Spraying Unit
 - (v) CMP-072 - Voluntary Care & Maintenance Works On Shire Controlled/Owned Land

4. Endorse amendments, deletions and additions to the following Shire of Chapman Valley Policies & Management Procedures as presented with the following adjustments and the removal of Procedure CMP-042 for further consideration at a later date i.e.
 - (i) CMP-010 - Building & Facility Hire Conditions
 - (a) Delete Clause 11;
 - (b) Add text “..air conditioners, etc...” to the “Other” Clause
 - (ii) CMP-014 - Sports Ground
 - (iii) CMP-015 – Council Housing/Buildings
 - (iv) CMP-030 – Elected Members Training & Professional Development

-
- (a) Correct grammatical and typographical errors
 - (b) Reinstate the third dot-point under the “Other” Clause
 - (v) CMP-045 – Payment of Expenses
 - (vi) CP-006 – Attendance at Events Policy (new Policy)

Voting F8/A0
CARRIED
Minute Reference: 03/20-13

Reason for deviation from Staff Recommendation: Council’s preferences on the review of Policies & Procedures.

10.3.7

Infrastructure Investment Program

PROPONENT:	AUSTRALIAN GOVERNMENT
SITE:	NATIONAL
FILE REFERENCE:	1004
PREVIOUS REFERENCE:	NA
DATE:	18th MARCH 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.7(a)	Correspondence – Hon, Michael McCormack MP		✓
10.3.7(b)	Mid West Secondary Grain Freight Network		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence (see **Attachment 10.3.7(a)**) has been received from the Hon Michael McCormack, Deputy Premier & Minister for Infrastructure, Transport & Regional Development seeking a response on the possible fast-tracking of critical road infrastructure projects.

COMMENT

The Mid West Regional Road Group's North Midland and Coastal Zone local government authorities have developed a list of *Mid West Secondary Grain Freight Network* roads (see **Attachment 10.3.7(b)**). These roads have been categorised into High, High-Medium, Medium, Medium-Low and Low priorities.

The following roads within the Shire of Chapman Valley are included in the list:

Road Name	Description of works	Priority Allocation	Estimated Cost
Moonyoonooka – Yuna (Morrell Rd to Yuna)	Widen shoulders, realignments and reseal	High - Medium	\$10,003,000
Yuna Tenindewa Yuna to Greenough River	Widen Shoulders and reseal	High - Medium	4,482,900
East Nabawa (Moonyoonooka – Yuna to Yuna Tenindewa Rd)	Upgrade gravel section to seal	Medium	\$920,000
Valentine (East Nabawa to CGG boundary)	Upgrade gravel section to seal	Medium	\$2,535,000

The costs shown in the *Mid West Secondary Grain Freight Network* are very rough estimates, based on average unit costs per kilometre only and would obviously need to undergo a significantly more detailed cost analysis if/when a project is endorsed.

The *Mid West Secondary Grain Freight Network* has 130 project currently listed for both Main Roads WA and Shire controlled roads. The total estimated cost for all projects is:

	No. of Projects Listed	Estimated Cost
Main Roads WA	37	\$ 88,837,000
Local Government	93	\$147,466,900
	130	\$236,303,900

It may be the case the Australian Government is only interested in allocating funds to local government authority controlled and not State controlled roads. This is unknown at the time of writing the report as the details of the *Infrastructure Investment Program* weren't provided.

From previous discussion it appears Council's highest priority project within the Shire of Chapman Valley is upgrades to the Moonyoonooka - Yuna Rd. However; if the Australian Government will not fund State controlled roads under the *Infrastructure Investment Program* then I would imagine the priorities would be:

Priority	Road Name	Description of works
1	East Nabawa (Moonyoonooka – Yuna to Yuna Tenindewa Rd)	Upgrade gravel section to seal
2	Valentine (East Nabawa to CGG boundary)	Upgrade gravel section to seal
3	Yuna Tenindewa Yuna to Greenough River	Widen Shoulders and reseal

Note: It would be important to ascertain stronger, more details cost estimates for each project.

Though the northern section of the Dongara Northampton Transport Corridor was presented by the Shire of Chapman Valley as a possible route to be included in the list of *Mid West Secondary Grain Freight Network* it was considered this should be treated as a separate project.

STATUTORY ENVIRONMENT

Though at the time of writing this report it was yet to be determined, I would imagine the *Infrastructure Investment Program* may be added to the Roads to Recovery (R2R) Program for allocation, control and acquittal purposes.

POLICY/PROCEDURE IMPLICATIONS

The Shire's Ten (10) Year Roadworks Program and MW Regional Road Group funded project will be directly affect if any (or all) of the projects listed in the *Mid West Secondary Grain Freight Network* are funded in full by the Australian Government under the *Infrastructure Investment Program*. However; this will have a positive affect as it will result in projects being completed earlier than currently scheduled and the Shire probably not having to contribute one-third of the cost to these projects as it is obliged to under the MW Regional Road Group grant funding program.

FINANCIAL IMPLICATIONS

The financial implications are unknown at the time of writing the report. However; in the event local government authorities are to build roads listed in the *Mid West Secondary Grain Freight Network* under the *Infrastructure Investment Program* this will have a direct effect in the ability to complete existing road works projects in accordance with the current program schedule.

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

The LTFP will be directly affected in the event the Shire is to build roads listed in the *Mid West Secondary Grain Freight Network* under the *Infrastructure Investment Program*.

STRATEGIC IMPLICATIONS

The *Mid West Secondary Grain Freight Network* is a cross-regional strategic plan on what roads should be considered for upgrade works in priority order.

It would be beneficial to the Shire if road projects are funded through the *Mid West Secondary Grain Freight Network* and the *Infrastructure Investment Program* as this will bring forward the completion date of these projects.

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

Ref	Objective	Strategy	Action
4.1	Develop, manage and maintain built infrastructure	Asset Management Plan	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire
		Development Projects	Review Strategic Community Plan to identify possible development projects
4.2	Manage and maintain roads, drainage and other essential infrastructure	Capital Road Works Programs	Review Road Hierarchy and Ten Year Road Works Program

CONSULTATION

Consultation has been facilitated by Main Roads WA on the *Mid West Secondary Grain Freight Network* over the past year (or so) resulting in a priority list of road projects being developed.

No consultation has occurred regarding the *Infrastructure Investment Program* other the correspondence received on the 6th March 2020 from the Hon Michael McCormack, Deputy Premier & Minister for Infrastructure, Transport & Regional Development.

RISK ASSESSMENT

The only possible risk envisaged is deferral of current Mid West Regional Road Group and Roads to Recovery road projects. However; this possible risk is unknown at this stage due to no details provided on how the *Infrastructure Investment Program* will be operated.

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

VOTING REQUIREMENTS

Simple Majority.

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Batten SECONDED: Cr Forth

Council promote the priority list of road work projects identified in the *Mid West Secondary Grain Freight Network* to the Hon Michael McCormack, Deputy Premier & Minister for Infrastructure, Transport & Regional Development for funding consideration through the Australian Government’s *Infrastructure Investment Program*.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-14**

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

COUNCIL RESOLUTION

MOVED: Cr Forth SECONDED: Cr Farrell

Council suspend Standing Orders.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-15**

Open debate and discussion took place on the effects of the COVID-19 Virus on the Shire.

Cr Batten departed the meeting at 10:35am

Simon Lancaster departed the meeting at 10:35am

Cr Batten returned to the meeting at 10:36am

Simon Lancaster returned to the meeting at 10:37am

COUNCIL RESOLUTION

MOVED: Cr Forth SECONDED: Cr Warr

Council reinstate Standing Orders.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-16**

COUNCIL RESOLUTION

MOVED: Cr Batten SECONDED: Cr Davidson

Council deal with a new item of urgent business relating to the COVID-19 virus and the possible effects on Shire staff.

Voting F8/A0
CARRIED
Minute Reference: 03/20-17

COUNCIL RESOLUTION

MOVED: Cr Farrell SECONDED: Cr Warr

Council introduce a maximum of up to 14 working days paid personal and/or carers leave for staff in the event of absence for imposed isolation due to the COVID-19 virus. To be implemented at the discretion of the CEO.

Voting F8/A0
CARRIED
Minute Reference: 03/20-18

13.0 DELEGATES REPORTS

Cr Forth	CV Agricultural Society Meeting
Cr Batten	Men's Shed Shinema
Cr Maluish	WA Grants Commission Public Hearing
	National Party Members of Parliament Meeting
Cr Warr	Northern Country Zone
	Energy Forum
Cr Farrell	National Party Members of Parliament Meeting
	Northern Country Zone
	State Government COVID-19 Webinar

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

Visitor Peter Sweeney departed the meeting at 11:34am

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

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Davidson SECONDED: Cr Forth

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

- 15.1 Hudson Attapulgitte Pty – Contribution Deed

Section 5.23(2)(e)(i)(ii) – Item 15.3 relates to a matter that if disclosed, would reveal information that has a commercial value to a person or information about the business, commercial or financial affairs of a person.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-19**

15.1 Hudson Attapulgitte Pty – Contribution Deed

AGENDA ITEM:	15.1
SUBJECT:	HUDSON ATTAPULGITE PTY – CONTRIBUTION DEED
PROPONENT:	HUDSON ATTAPULGITE PTY
SITE:	DARTMOOR & DARTMOOR LAKE NERRAMYNE ROADS
FILE REFERENCE:	1001.920/1001.310/AG04
PREVIOUS REFERENCE:	MINUTE REF: 05/15-21
DATE:	18 th MARCH 2020
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Warr SECONDED: Cr Forth

Council endorse the Maintenance Contribution Deed for the Dartmoor and Dartmoor Lake Nerramyne roads as presented and approach Hudson Attapulgitte Pty requesting they agree with this Deed being renewed for a further period of five (5) years commencing 1st July 2020.

**Voting F8/A0
CARRIED
Minute Reference: 03/20-20**

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 11:47am.