

ORDINARY COUNCIL MEETING

CONFIRMED MINUTES

9:00am Wednesday
17th June 2020

Shire Chambers - Nabawa

JUNE 2020

SHIRE OF CHAPMAN VALLEY

Maurice Battilana

CHIEF EXECUTIVE OFFICER



SHIRE OF

Chapman Valley

love the rural life!

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

DISCLAIMER



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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 positioned above the name and title of the signatory.

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 9.02am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

3.1 Attendees

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

Staff
Maurice Battilana, Chief Executive Officer
Simon Lancaster, Deputy Chief Executive Officer
Dianne Raymond, Manager Finance & Corporate Services
Clare Cream (Minute Taker)

Visitor
Wayne Harris

3.2 Apologies

Member
Cr Darryl Forth

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

Councillor	OCM/ SCM Month & Year	Date Approved	Minute Reference
Cr. Ian Maluish	June 2020 OCM	20/05/2020	05/20-3
Cr. Nicole Batten	July 2020 OCM	18/03/2020	03/20-1

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Wayne Harris introduced himself to Council and advised he was present to represent himself and his wife as the owners of 1 (Lot 320) Westlake Place, White Peak. Their plans to build an Ancillary Dwelling at the property are presented for Council deliberation under section 10.1.1.

No specific question asked.

4.2 Public Question Time

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council)

Nil

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
10.2.2	Cr. Trevor Royce	Impartiality	Closely associated person being neighbouring land owner

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: Cr. Warr

SECONDED: Cr. Humphrey

8.1 Ordinary Meeting of Council held on Wednesday 20th May 2020

The Minutes of the Ordinary Meeting of Council held Wednesday 20th May 2020 be confirmed as true and accurate.

Voting 6/0

CARRIED

Minute Reference: 06/20-01

9.0 ITEMS TO BE DEALT WITH EN BLOC

COUNCIL RESOLUTION

MOVED: Cr. Batten

SECONDED: Cr. Warr

Council to deal with the following Agenda items En Bloc:

10.1.3 Water Sports School Lease Extension

10.1.4 Grazing Lease Extension

Voting 6/0

CARRIED

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

May 2020

10.1 AGENDA ITEMS

- 10.1.1 Proposed Ancillary Dwelling (Remote Kitchen)**
- 10.1.2 Proposed Outbuilding (Comprising 3 Sea Containers)**
- 10.1.3 Water Sports School Lease Extension**
- 10.1.4 Grazing Lease Extension**

10.1.1

Proposed Ancillary Dwelling (Remote Kitchen)

PROPONENT:	W. Harris & R. Condon
SITE:	1 (Lot 320) Westlake Place, White Peak
FILE REFERENCE:	A1826
PREVIOUS REFERENCE:	Nil
DATE:	7 June 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Application (modified by applicant following submission period)		✓
10.1.1(b)	Received submissions		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application for an ancillary dwelling to the historic cottage upon 1 (Lot 320) Westlake Place, White Peak to serve as a remote kitchen and habitable area. The development is proposed to be partly located outside (east of) the building envelope for Lot 320 established at the time of the Dolby Creek Estate subdivision. The application has therefore been advertised for comment and presented to Council for its deliberation. This report recommends approval of a revised site layout.

Figure 10.1.1(a) – Location Plan of 1 (Lot 320) Westlake Place, White Peak



COMMENT

Lot 320 is an 8,914² property with a 155.13 frontage along its northern boundary to Westlake Place and the Dolby Creek reserve along its rear/southern boundary.

Figure 10.1.1(b) – Aerial photograph of 1 (Lot 320) Westlake Place, White Peak



The property contains a 2 bedroom, 1 bathroom stone cottage, that was built in 1883 with some additions in 1913, and associated former farm outbuildings. The applicant has since their purchase of the property in 2018 been undertaking conservation works to the cottage, however, the limited floor area of the cottage presents liveability constraints.

The cottage's location close to the rear boundary limits the ability to undertake extensions to increase the floor area to the south or east, and the applicant is also mindful that extensions to the cottage would impact its historic appeal, by introducing materials and construction methods not in keeping with the original building, and also removing the cottage scale of the building.

On this basis the applicant is proposing to construct a freestanding ancillary building (comprising 117m² enclosed area and 46m² deck area) in proximity to the cottage that would meet their living requirements by allowing for a kitchen, laundry and living area. The building would be mounted on stumps and clad in 'Windspray' (light grey) colorbond cladding to match the roof of the adjoining cottage and complement the existing old farm outbuildings upon Lot 320.

A copy of the application has been provided as **separate Attachment 10.1.1(a)** for Council's information. The application includes a site plan illustrating the proposed location of the ancillary dwelling in relation to the building envelope, elevation and floor plans of the proposed ancillary dwelling and extensive supporting information outlining the rationale for their proposal and their commitment to restoring the historic cottage (including several before and after photos of the cottage works to date).

The applicant has placed a sea container, containing a temporary kitchen upon Lot 320 and is also seeking Council's consent for this to remain on-site until their proposed ancillary dwelling is complete, after which time the sea container would be removed.

Figure 10.1.1(c) – View of cottage and temporary kitchen/sea container from Westlake Place looking south



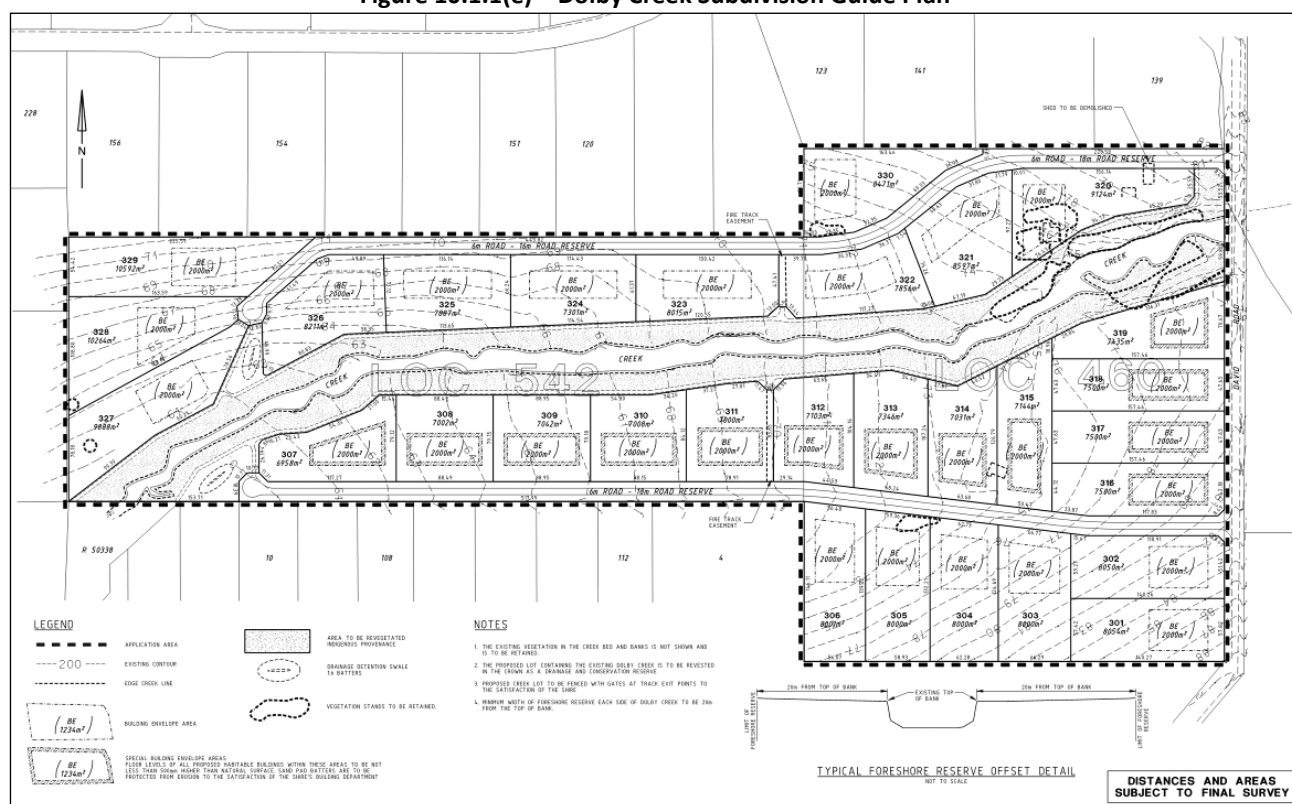
Figure 10.1.1(d) – View of cottage and temporary kitchen/sea container from Westlake Place looking west



Approximately $\frac{1}{4}$ (43.45m²) of the 163m² ancillary dwelling would be located east of/outside the building envelope for Lot 320 and the applicant is seeking this variation to assist them in making the buildings more useable as a whole, also noting that to site the new building entirely within the envelope would reduce the visibility of the historic cottage from the road thereby reducing the heritage appeal of the property to passers-by

Council adopted the Dolby Creek Estate Subdivision Guide Plan at its 20 October 2010 meeting that designated a 2,000m² building envelope for Lot 320, a copy of the plan is provided as **Figure 10.1.1(e)**.

Figure 10.1.1(e) – Dolby Creek Subdivision Guide Plan



The primary purpose for establishing building envelopes upon the Dolby Creek Subdivision Guide Plan was to set a recommended finished floor level and ensure that development was located away from the Dolby Creek watercourse to reduce potential risk from flooding and away from the associated riparian vegetation to reduce fire risk. On this basis, when an application does not propose to site development closer to Dolby Creek, the modification of the building envelope is something Council may wish to give some consideration to.

STATUTORY ENVIRONMENT

1 (Lot 320) Westlake Place, White Peak is zoned 'Rural Residential' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

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

The proposed development would meet with the definition of ‘Ancillary Dwelling’ which is defined by State Planning Policy 7.3- Residential Design Codes as a “*self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.*”

Ancillary Dwelling is listed by the Scheme as a ‘D’ use in the ‘Rural Residential’ zone, that is a use not permitted unless the local government has exercised its discretion by granting development approval.

The Scheme also notes the following relevant to this application:

“37 Appearance of land and buildings

- (1) Unless otherwise approved by the local government, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.*
- (2) All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the local government.*
- (3) Where in the opinion of the local government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.”*

“40 Building envelopes

- (1) Where a building envelope is identified on a structure or fire management plan, all development shall be contained within the designated envelope area.*
- (2) No development of any structures shall occur within any area/s identified as ‘Development Exclusion Area’, ‘Re-vegetation Area’, ‘Remnant Vegetation’ or similar on the structure or fire management plan;*
- (3) Notwithstanding the requirements of Clause 62 of the deemed provisions, where a building envelope exists on a particular lot an application for development approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*
- (4) In considering an application to relax the requirements of subclause (2) and (3), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to:*
 - (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations; and*
 - (b) unnecessary clearing of remnant native vegetation; and*
 - (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill; and*
 - (d) suitability for landscape screening using effective screening vegetation; and*
 - (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Scheme and relevant local planning policy.”*

“Schedule 5 - Rural Residential

Buildings

- (a) All buildings shall be sited in accordance with the setback requirements specified in the Scheme except where building envelopes are shown on a structure plan or local development plan. Where building envelopes are shown, all buildings and effluent disposal systems shall be located within that envelope.*
- (b) All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity in terms of their design, height, location, material and cladding colours...*

...(d) *Only one dwelling is permitted on any lot within the Rural Residential and Rural Smallholding zone, although the local government may, at its discretion, also approve one ancillary accommodation unit.*

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

- “(g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development...*
- ...(k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

The Dolby Creek Subdivision Guide Plan was adopted by Council at its 20 October 2010 meeting and is considered to form a Structure Plan as per Part 9 Regulation 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY/PROCEDURE IMPLICATIONS

Schedule 2 Part 2 Division 2 Clauses 3-6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The Shire of Chapman Valley Local Planning Policy 5.1 – Building Envelopes contains the following objectives:

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

Policy 5.1 also sets the following Policy Statement:

- “6.1 In considering an application to relax the development standards pursuant to Section 40 of its Local Planning Scheme, the Local Government will give particular consideration to:*
 - 6.1.a justification for the proposed amendment.*
 - 6.1.b the secondary nature of the development should the application be to site a building/s outside of the envelope (e.g. horse stables, bore sheds).*
 - 6.1.c unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range.*

- 6.1.d unnecessary clearing of remnant native vegetation.
- 6.1.e visual obtrusiveness and/or impact on an adjoining property by way overlooking, noise, odour or light spill.
- 6.1.f suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose.
- 6.1.g use of materials and colours to assist in softening any perceived visual impact.
- 6.1.h compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.
- 6.2 Building envelopes are generally imposed at the time of rezoning or subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits."

The application complies with all requirements of Shire of Chapman Valley Local Planning Policy 1.1 – Ancillary Dwellings pertaining to maximum habitable floor area, maximum total roof area, colours and separation distance. The application does not comply with Section 6.4 of Policy 1.1 which requires that *"ancillary Dwellings are required to be sited behind the 'front building line' of an existing dwelling on lots less than 4ha in area in all zones."*

The proposed ancillary dwelling upon Lot 320 would be located 15.4m forward of the existing cottage. However, it is considered that the variation is warranted in this instance given that the cottage is sited upon the rear boundary of Lot 320 (i.e. the ancillary dwelling could not be located behind it). Compliance with the Section 6.4 policy requirement could be achieved were the ancillary dwelling to be connected to the cottage, although Shire staff do not recommend this, concurring with the applicant's view that extending the cottage would detract from its heritage character.

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

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

STRATEGIC IMPLICATIONS

The cottage upon Lot 320 is listed within the Shire of Chapman Valley Heritage Inventory as a Management Category 3 - Moderate Significance site (1 being the highest Inventory category and 6 the lowest). The Inventory notes the following:

"Located on the northern side of Dolby Creek, this residence is of stone construction with a hipped corrugated iron roof. The roof features ventilation gablets and extends at the same pitch to cover verandahs to the west and south supported on timber posts. The verandah is enclosed to the east with fibro sheeting and the original timber verandah floors have been replaced with concrete. A gable roof extends over a room to the west facade which appears to be a later modification while there is a lean to garage on the north side of the building.

Statement of Significance:

The David Road Residence has some local historic significance as an example of an early farming property. It is evidence of the use of local stone construction and retains high integrity despite some modifications. It is located in a picturesque setting on the Dolby Creek.

Level of Significance:

Moderate Significance. Important to the heritage of the locality.

Management Recommendation:

Conservation of the place is recommended. Any proposed change to the place should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible."

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

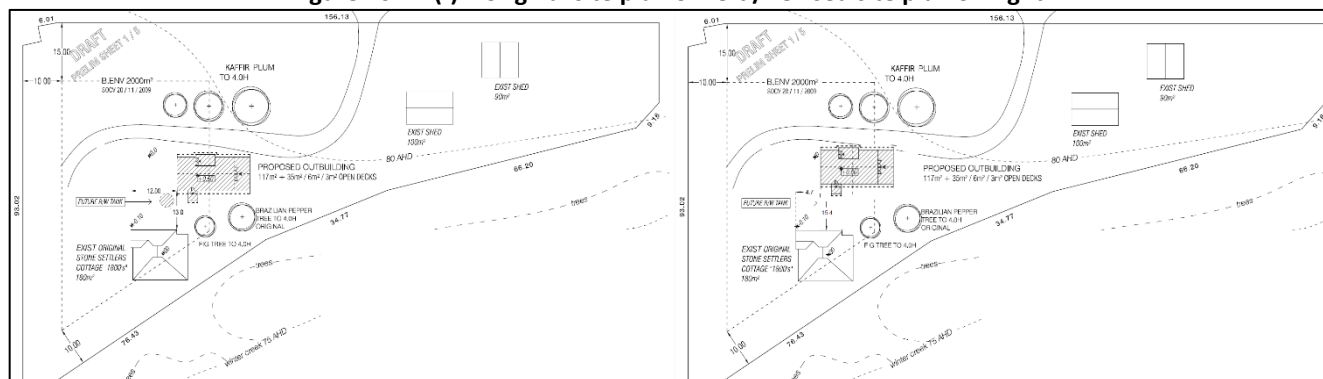
Section 7.0 of the Shire's 'Building Envelopes' Local Planning Policy notes that an application seeking to relocate, remove or expand a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.

The Shire wrote to the 11 surrounding landowners on 1 May 2020 providing details of the application and inviting comment upon the proposal prior to 22 May 2020, a sign was also erected on-site to advise of the received application and the opportunity for comment. Even though the cottage upon Lot 320 is not listed on the State Register of Heritage Places the Shire also wrote to the Heritage Council of the Department of Planning, Lands and Heritage inviting comment given the heritage aspects of this application.

At the conclusion of the advertising period 4 submissions had been received, all offering support for the application, although 1 submission did provide suggestion in regards to an adjusted location for the ancillary dwelling. A copy of the received submissions have been provided as **separate Attachment 10.1.1(b)**.

The applicant was provided with the opportunity to respond to the issues raised during the advertising period and they advised on 2 June 2020 that wished to make a minor variation to the proposed siting of their ancillary dwelling in response to the comments made in Submission No.4. The applicant sought to relocate the ancillary dwelling 7.3m west of the location as shown upon their original site plan, this alteration would reduce the area of the building outside of the envelope. Shire staff raise no objection to either of the proposed locations.

Figure 10.1.1(f) – original site plan on left / revised site plan on right



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 required

STAFF RECOMMENDATION

That Council grant formal planning approval for an ancillary dwelling upon 1 (Lot 320) Westlake Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 17 June 2020 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and planning approval for that use/addition.
- 3 The ancillary dwelling is required to use colours complementary to the existing residence and sheds, and be to a finish, to the approval of the local government.
- 4 Landscaping is required to be installed and maintained for the purpose of softening the visual impact of the development to the approval of the local government.
- 5 The works must be completed within 2 years of the date of this decision (i.e. prior to 17 June 2022) and the temporary kitchen/sea container is required to be removed from Lot 320 upon completion of the works or the expiry of the 2 year approval period (whichever is the earliest).

Advice Note:

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

COUNCIL RESOLUTION

MOVED: Cr. Humphrey

SECONDED: Cr. Royce

That Council grant formal planning approval for an ancillary dwelling upon 1 (Lot 320) Westlake Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 17 June 2020 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and planning approval for that use/addition.
- 3 The ancillary dwelling is required to use colours complementary to the existing residence and sheds, and be to a finish, to the approval of the local government.
- 4 Landscaping is required to be installed and maintained for the purpose of softening the visual impact of the development to the approval of the local government.
- 5 The works (inclusive of cladding or painting the 40 foot sea container in matching colours to the shearing shed) must be completed within 2 years of the date of this decision (i.e. prior to 17 June 2022) and the temporary 20 foot kitchen/sea container is required to be removed from Lot 320 upon completion of the works or the expiry of the 2 year approval period (whichever is the earliest).

Advice Note:

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

Voting 6/0

CARRIED

Minute Reference: 06/20-03

Reason for deviation from Staff Recommendation: Council required additional condition for the cladding/painting of sea container.

Mr. Wayne Harris departed the room at 9.16am

10.1.2

Proposed Outbuilding (comprising 3 Sea Containers)

PROPONENT:	S. Weir & M. Fieldwick
SITE:	2 (Lot 76) Snell Road, Nanson
FILE REFERENCE:	A1901
PREVIOUS REFERENCE:	Nil
DATE:	8 June 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Application		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application seeking to convert the existing building upon 2 (Lot 76) Snell Road, Nanson from a Class 10 (non-habitable) building to a Class 1 (habitable) building and permanently site 3 sea containers and undertake external works to convert them to an outbuilding. This report recommends conditional approval of the application.

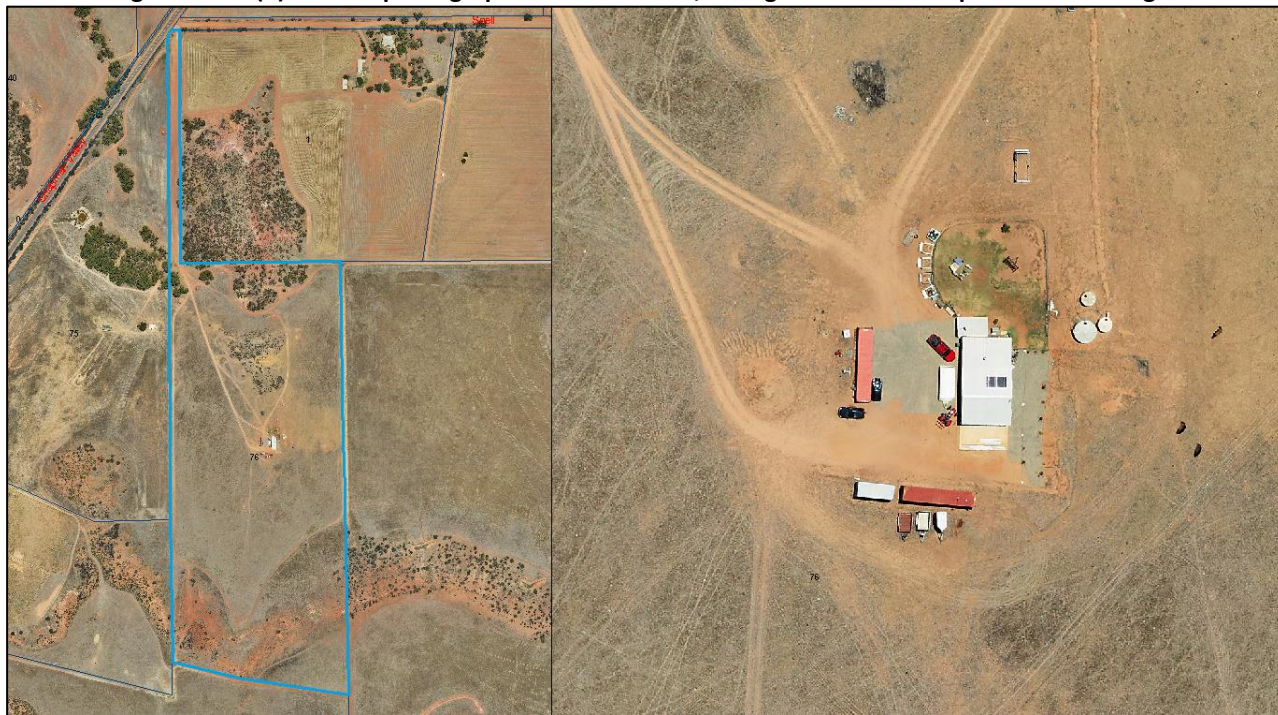
Figure 10.1.2(a) – Location Plan of 2 (Lot 76) Snell Road, Nanson



COMMENT

Lot 76 is a 21.1841 area property located in the Carney Hill Estate that is largely cleared and contains an outbuilding at its centre, approximately 550m east of Chapman Valley Road and 700m south of Snell Road.

Figure 10.1.2(b) – Aerial photograph of Lot 76 on left, enlargement of development area on right



The 14m x 8m (112m²) outbuilding was approved by the Shire as a Class 10 (non-habitable) shed on 21 May 2014 with a notice of completion received from West Steel Sheds on 22 July 2014.

The landowner has been living in the shed, requiring the Shire to commence compliance action, resulting in the receipt of an application from a private building surveyor on 18 April 2020 for the conversion of the shed from a Class 10 (non-habitable) building to a Class 1 (habitable) building.

Shire staff have inspected the building and reviewed the submitted plans outlining the internal works to achieve habitable status and do not raise objection to this aspect of the application, and this matter would normally have been dealt with under delegated authority.

However, the Shire has also notified the landowner that the siting of 3 sea containers upon Lot 76 does not meet with Council's policy requirements relating to sea containers. As a result the landowner has lodged an application seeking to relocate the sea containers, that are currently spread around the shed, to within immediate proximity of each other and the undertaking of external works including connecting lean-to structures to give the appearance of one outbuilding.

The applicant is seeking to site the 2 x '40 foot' sea containers (each 12.2m in length, 2.4m in width and 2.6m in height) 6m apart and span the 6m x 12m gap with a roof, and then site the '20 foot' sea container (6.1m in length, 2.4m in width, and 2.6m in height) at immediate right angles with a 6m x 6m carport coming off this. The intent is to create one 180m² structure that would have the appearance of a single outbuilding for storage of their household items.

The proposed outbuilding would be painted/clad to match the existing shed that is (subject to the application for Class 1 reclassification) which is Colorbond-Dune and the 2 buildings would be sited 6.4m apart at their closest point.

A copy of the application has been provided as **Attachment 10.1.2** for Council's information. The application includes site, elevation and floor plans of the proposed works and photographs of the site.

The landowner has commenced painting of the sea containers 'Dune' to give a coordinated appearance and match the shed, and intends to fence the perimeter of the development area on the western side to prevent the intended screening landscaping from being eaten by their stock.

Shire staff consider that the on-site discussions to date, and the submitted application, indicate a level of good faith on behalf of the landowner, and that the proposed works, when accompanied by landscaping of the immediate area will produce an acceptable outcome. On this basis, Shire staff recommend approval of the application subject to conditions.

The proposed development is located within the building envelope assigned to Lot 76 by the Carney Hill Estate that was adopted by Council at its 16 December 2009 meeting.

Figure 10.1.2(c) – View of development area prior to commencement of painting of sea containers by landowner



STATUTORY ENVIRONMENT

2 (Lot 76) Snell Road, Nanson is zoned 'Rural Smallholding 2' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for lot sizes in the range of 4 ha to 40 ha.*
- *To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

Lot 76 also falls within the 'Special Control Area 2 – Moresby Range Landscape Protection Area' for which the Scheme notes:

"The purpose of Special Control Area 2 is the protection of the Moresby Range and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for development approval on land

within Special Control Area 2, the local government shall give consideration to the purpose of the Special Control Area.

- (1) Within SCA 2, no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for:
 - (a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government;
 - (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the local government; and/or
 - (c) Clearing as may be allowed under the Department of Water and Environmental Regulation and Conservation Land Clearing Regulations;
 - (d) Trees that are diseased or dangerous.
- (2) In the determination of any application for development approval within SCA 2, the local government may, having regard to the purpose of the Special Control Area set out in Part 5 and the assessment criteria detailed in the Moresby Range Management Strategy, require modification of development proposals, or impose conditions of approval regarding:
 - (a) The siting of the proposed development;
 - (b) The design and layout of the proposed development;
 - (c) The materials and finishes to be used in the proposed development;
 - (d) The protection of remnant native vegetation or re-vegetation located on the site;
 - (e) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or
 - (f) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion."

The Scheme also notes the following relevant to this application:

"37 Appearance of land and buildings

- (1) Unless otherwise approved by the local government, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.
- (2) All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the local government.
- (3) Where in the opinion of the local government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity."

"Schedule 5 - Rural Smallholding

Buildings

- (a) All buildings shall be sited in accordance with the setback requirements specified in the Scheme except where building envelopes are shown on a structure plan or local development plan. Where building envelopes are shown, all buildings and effluent disposal systems shall be located within that envelope.
- (b) All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity in terms of their design, height, location, material and cladding colours...

...Vegetation...

- (b) Re-vegetation of identified areas with the intent of rehabilitating degraded land or for screening purposes may be required on consideration of subdivision or development applications."

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

- “(g) any local planning policy for the Scheme area;...
- ...(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development;...
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...
- ...(zb) any other planning consideration the local government considers appropriate.”

POLICY/PROCEDURE IMPLICATIONS

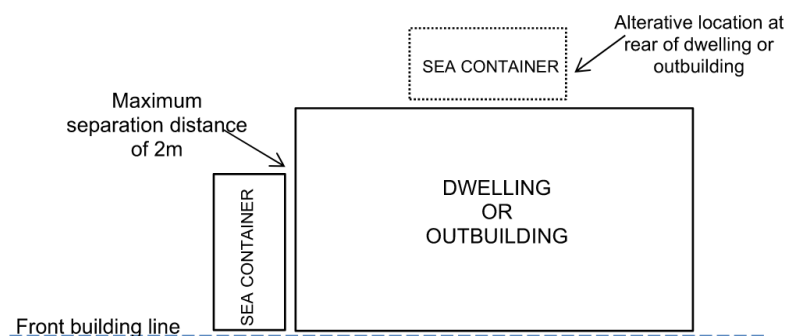
Schedule 2 Part 2 Division 2 Clauses 3-6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides for Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The Shire of Chapman Valley Local Planning Policy 7.3 – Sea Containers contains the following objectives:

- “3.1 To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.
- 3.2 Establish guidelines for the placement of sea containers or other similar relocatable storage units on land within the municipality..”

Policy 7.3 also sets the following Policy Statement:

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



- 6.2 A sea container proposed to be temporarily sited upon a property is only required to comply with Clauses 6.1.a, 6.1.b and 6.1.d (but not Clauses 6.1.c and 6.1.e) providing the sea container is removed within 12 months of its initial siting upon property and a current building permit has been issued for that property.
- 6.3 The permanent placement of a sea container or other similar relocatable storage unit will not be permitted on land zoned residential.
- 6.4 A sea container is considered in the calculation of the total aggregate outbuilding area as permitted under the Shire's 'Outbuildings' Local Planning Policy.
- 6.5 Should the sea container not meet the requirements of Clauses 6.1 and 6.2 of this policy a planning application is required to be lodged."

The application does not meet with the requirements of Sections 6.1.a and 6.1.c of Policy 7.3 hence this matter has been brought before Council for its determination.

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

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

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Council may wish to advertise the application to surrounding landowners inviting comment prior to making its determination.

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 required

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Humphrey

SECONDED: Cr. Davidson

That Council grant formal planning approval for the conversion of the existing Class 10 (non-habitable) building to a Class 1 (habitable) building and the development of an outbuilding (designed to incorporate the permanent placement of 3 sea containers and associated works) upon 2 (Lot 76) Snell Road, Nanson subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 17 June 2020 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.

-
- 2 Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and planning approval for that use/addition.
 - 3 The sea containers are required to be painted of a colour complementary to the existing building upon Lot 76 to the approval of the local government.
 - 4 The materials used for the external works to give the sea containers the appearance of 1 outbuilding are required be complementary to the existing building upon Lot 76, and be to a finish, to the approval of the local government.
 - 5 The outbuilding (designed to incorporate the permanent placement of 3 sea containers) is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.
 - 6 The building intended to be converted to a Class 1 standard is required to meet with the requirements of the Building Code of Australia for a habitable building.
 - 7 Landscaping is required to be installed and maintained about the development for the purpose of softening the visual impact of the development as viewed from Chapman Valley Road to the approval of the local government.
 - 8 The above conditions must be met to the approval of the local government within 12 months of the date of this decision (i.e. prior to 17 June 2021).

Advice Note:

- (a) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- (b) Council notes in its determination on this application the relatively large land area of the subject property, the increased setback distance from the road network, the intended additional structural works to give the appearance of one outbuilding in matching colours to the existing development, and the ability to screen the development through the introduction and continuing maintenance of landscaping. Council further notes that on this basis that this decision should not be viewed as a precedent for applications seeking relaxation of the requirements under the Shire's Sea Containers Local Planning Policy.

Voting 6/0

CARRIED

Minute Reference: 06/20-04

10.1.3

Water Sports School Lease Extension

PROPONENT:	Kitewest
SITE:	Reserve 50066 Coronation Beach Road, Oakajee
FILE REFERENCE:	A1956
PREVIOUS REFERENCE:	05/16-5 & 05/17-6
DATE:	7 June 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3	Current Kitewest lease		✓

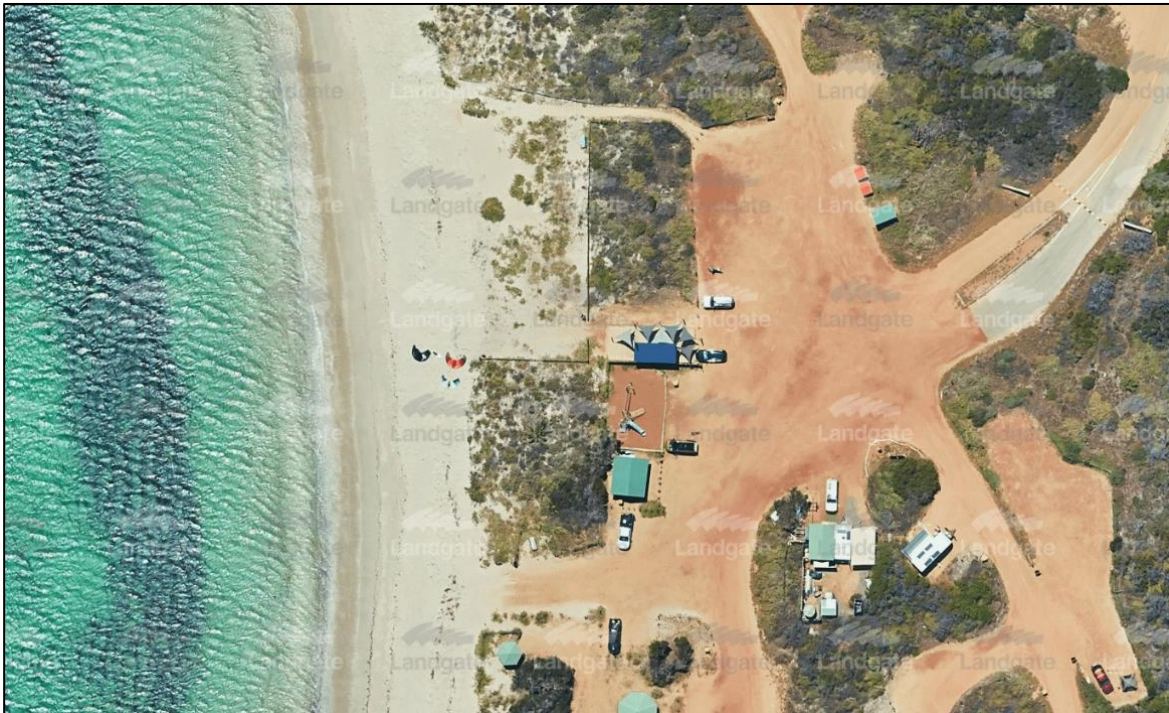
DISCLOSURE OF INTEREST

Nil

BACKGROUND

Kitewest are seeking an extension of their lease to operate a water sports school at Coronation Beach. This report recommends that Council grant a further 5 year lease.

Figure 10.1.3(a) – Aerial Photo of Kitewest Water Sports School and surrounding Coronation Beach area



COMMENT

Council resolved at its 18 May 2016 meeting to lease an area at Coronation Beach to enable Kitewest to operate a water sports school for a summer 4-month trial period. At the end of the trial period Kitewest sought to enter into a longer lease. No issues or complaints had been received by the Shire over the trial period and Council resolved at its 17 May 2017 meeting to offer a 5 year lease.

The current lease does not expire until 30 June 2022, however, the lessee is seeking an extension for a further 5 years (i.e. until 30 June 2027) to provide them with greater financial certainty.

Shire records indicate that no complaints have been received or compliance issues arisen relating to the water sports school and no objection is therefore raised to the extending of the lease period.

Figure 10.1.3(b) – Kitewest Water Sports School at Coronation Beach



The water sports school at Coronation Beach primarily involves kitesurfing and stand-up paddleboard lessons, operating from 9am to 5pm, generally staffed by 2 people. The applicant also made available their services for occasional sea rescue with their jet ski.

The water sports school operates from a 6m x 2.4m ('20 foot') sea container that houses water sport equipment and also serves as an office and reception area to take bookings. The sea container has been upgraded to improve its visual appearance. Given Coronation Beach is nature based the Shire does not provide services and the lessee must supply their own water and power (though solar panels).

The Shire has previously advised the lessee that it raises no objection to the sale of food and drink from the water sports facility building, subject to the necessary health/legislative approvals being obtained and conditions of those approvals being complied with. It is considered that should the lessee wish to expand operations to include sale of drinks, coffee and food etc. this would offer further activation of this tourism node and should be encouraged.

A copy of the current lease has been provided as **separate Attachment 10.1.3** for Council's information.

STATUTORY ENVIRONMENT

Reserve 50066 has a management order issued to the Shire of Chapman Valley for the purpose of 'Camping and Recreation' with the power to lease (or sub lease or licence) the whole or any portion of the reserve for any term not exceeding 10 years.

Reserve 50066 is zoned 'Public Open Space' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being:

- “• To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.
- To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”

POLICY/PROCEDURE IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The Shire charges an annual lease fee of \$500 GST exclusive, intended to cover the administration costs associated with the ongoing lease.

During previous Council discussion in 2016 and 2017 it was considered that the annual fee should not be an excessive one, given that it did not provide for an exclusive use of the reserve to the lessee (excepting the actual building footprint which is relatively minor), that no power or water services were provided by the Shire, and Council could entertain other approaches to lease other areas of Reserve 50066. Previous discussion also noted that the water sports school was assisting in Council's strategic goal of greater activation of Coronation Beach and the leaseholders presence was improving water safety to kiteboarders and windsurfers.

Given the seasonal nature of the business, and the difficulties experienced by the tourism and services sector as a result of the COVID-19 travel restrictions, it is not suggested that the annual lease fee be increased.

Long Term Financial Plan (LTFP):

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

STRATEGIC IMPLICATIONS

The Mid West Development Commission's 'Tourism Development Strategy' (2014) includes amongst its identified priorities, increasing the range of eco nature based tourism activities, attractions and experiences. The Economic Development element of the Commission's Mid West Blueprint (2015) notes the Mid West Tourism Potential as follows:

“The long term aspiration of this Blueprint is for the Mid West to attract one million overnight visitors (annually) by 2050. The Mid West would be highly developed as an inspiring nature based destination, that offers a wide range of high quality, year round experiences.”

The Shire of Chapman Valley Coastal Management Strategy and Action Plan (2016) identifies the objective for Coronation Beach as being:

“To protect and enhance the ambiance and low impact character of Coronation Beach and to facilitate the continued recreational uses in the area.”

It is considered that the operation of a water sports school aligns with all of these objectives.

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

No complaints or objections have been received by the Shire in relation to the water sports school during its operation.

The Coronation Beach Planning Study (2002) that guided the Shire's development of the Coronation Beach Campground was based on extensive public consultation and Section 2.1-Consultation of the study noted that:

"There is a general presumption by existing users and key stakeholders with an interest in this coastal area, that Coronation Beach should be maintained for low-key tourist use (no major development), with informal camping/caravanning being one of the preferred activities."

It is considered that the water sports school is low-key in nature and does not conflict with this objective. The study also referenced that there was some opportunity for a small building such as a kiosk at Coronation Beach, and that there should be flexibility for the Shire to sub-lease.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Batten

SECONDED: Cr. Warr

That Council issue delegated authority to the Chief Executive Officer to prepare a lease for Kitewest to continue to operate a Water Sports School upon Reserve 50066 (Coronation Beach) subject to the following conditions:

- 1 The period of the lease shall be not more than 5 years from the current lease expiry date (i.e. new expiry date not later than 30 June 2027).
- 2 The lease shall again address matters pertaining to location, visual appearance and maintenance of the water sports school sea container, and agreed improvements and manner of operation.
- 3 The lease issued to the Water Sports School is not to be construed as the granting of an exclusive use of the reserve, other than for the immediate area occupied by the sea container, and agreed improvements, and associated parking area for 1 vehicle and 1 trailer.
- 4 The annual lease fee shall be \$500 GST exclusive.
- 5 The lessee is required to produce and implement a Risk Management Plan to the approval of the local government.
- 6 The lessee shall provide a copy of their liability and indemnity insurance to the local government and ensure that the Shire of Chapman Valley is listed an interested party upon the insurance policy.
- 7 In the event that there any disputes in relation to the drafting and enacting of the lease this matter is to be returned to Council for its consideration.

Voting 6/0

10.1.4 Grazing Lease Extension

PROPONENT:	T. & S. Jeffery
SITE:	Reserve 13085 Lauder Street, Nanson
FILE REFERENCE:	A1921
PREVIOUS REFERENCE:	02/05-11, 16/10-8 & 07/15-2
DATE:	9 June 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.4	Draft lease document		✓

DISCLOSURE OF INTEREST

The applicant is an employee of the Shire of Chapman Valley.

BACKGROUND

The adjoining landowner and lessee is seeking a further grazing lease for Reserve 13085 Lauder Street in the Nanson townsite. This report recommends that Council grant a further 5 year lease.

Figure 10.1.4(a) – Aerial Photo of Reserve 13085 and lessee's adjoining landholding



COMMENT

Reserve 13085 is a vacant 1,012m² property in the Nanson townsite that has a management order issued to the Shire of Chapman Valley for the purpose of 'Recreation'.

Council previously resolved at its 15 February 2005 meeting:

“That the Council resolve in relation to Crown Reserve 13085 (Lot 39) Lauder Street, Nanson to issue a formal licence for grazing to Mr and Mrs Jeffery for a five (5) year period at an annual fee of \$1.00 on demand, and advise Mr and Mrs Jeffery accordingly.”

Council subsequently resolved at its 23 June 2010 meeting:

“That Council under Section 3.54 of the Local Government Act 1995 resolve to:

- 1 Issue a formal licence to Trevor & Susan Jeffery for the use of Crown Reserve 13085 for the expressed purpose of grazing. This licence will be valid for a period of five (5) years at an annual fee of \$1.00 on demand.*
- 2 Advise the landowners (T & S Jeffery of Lauder Street, Nanson) accordingly.”*

Council resolved at its 15 July 2015 meeting:

“That Council under Section 3.54 of the Local Government Act 1995 resolve to:

- 1 Issue a formal licence to Trevor Jeffery for the use of Crown Reserve 13085 for the expressed purpose of grazing. This licence will be valid for a period of five (5) years at an annual fee of \$1.00 on demand.*
- 2 Advise the lessee/adjoining landowner and the Departments of Lands that Council has no objection to the Department of Lands disposing of Reserve 13085 to the lessee/adjoining landowner through its amalgamation into Lot 40 Lauder Street should they wish to purchase the property.”*

The lessee wrote to the Shire on 1 February 2017 expressing interest in purchasing Reserve 13085 and this was forwarded to the Department of Lands by the Shire (along with background information, and a copy of Council’s resolution supporting disposal of the reserve). On 20 December 2017 the Department of Lands advised that the lessee had withdrawn their application, and the purchase would not be proceeding. It is understood that the purchase negotiations between the lessee and the Department of Lands did not reach finalisation over issues pertaining to valuation and indemnification.

Figure 10.1.4(b) – Reserve 13085 looking east from Lauder Street



The site remains undeveloped and the Shire has no plans to develop the land parcel for recreational purposes. Given that the adjoining landowner has both formally and informally managed this parcel of land for many decades, and no complaints have been received by the Shire in regards to the use and management of the land, no objection is raised to entering into a new lease.

It is recommended that a new lease agreement should be subject to the same terms as previous agreements, that is for a period of 5 years with an annual fee of \$1.00 on demand (sometimes referred to as a 'peppercorn' lease). A draft lease agreement based upon the wording of the previous agreements has been included as **separate Attachment 10.1.4** for Council's consideration.

STATUTORY ENVIRONMENT

Council may under Section 3.54 of the *Local Government Act 1995* issue a licence for the private use of Crown land under its control in the interest of controlling and managing that land.

Reserve 13085 is zoned 'Rural Townsite' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being *"To provide for a range of land uses that would typically be found in a small country town."* In the absence of an identified alternative Shire use for the land, the entering into a temporary lease (with power to terminate the lease should a Shire purpose be identified) is considered an appropriate action.

POLICY/PROCEDURE IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Were the reserve not leased then Council would be required to undertake maintenance upon the property (e.g. firebreaks, weed control and general maintenance) which would require mobilising of staff and equipment. It has been previously considered by Council that these resources could be better utilised elsewhere and that leasing the property is a more appropriate means of management. Although the property has only been leased on a 'peppercorn' rate it has been considered that such a lease has reduced a cost to Council.

Long Term Financial Plan (LTFP):

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

STRATEGIC IMPLICATIONS

Reserve 13085 is considered surplus to recreational requirements as formal recreational facilities are already provided 400m south at the Nanson Playground, and informal recreational opportunities are provided along the Chapman River reserve immediately to the west of Lauder Street.

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Council may wish to approach the adjoining landowner to the south enquiring whether they wish to purchase Reserve 13085 from the Department of Planning, Lands and Heritage.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Batten

SECONDED: Cr. Warr

That Council pursuant to Section 3.54 of the *Local Government Act 1995* issue a formal licence to Trevor Jeffery for the use of Crown Reserve 13085 for the expressed purpose of grazing. This licence will be valid for a period of five (5) years at an annual fee of \$1.00 on demand.

Voting 6/0

CARRIED

Minute Reference (Moved En-Bloc): 06/20-02

10.2

Manager of Finance & Corporate Services

March 2020

10.2 AGENDA ITEMS

- 10.2.1 Financial Management Report for May 2020**
- 10.2.2 Write Off Outstanding Debt**
- 10.2.3 Budget Variation COVID-19**

10.2.1

Financial Management Report for May 2020

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	17 th June 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	May 2020 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts May 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 May 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 May 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. Davidson

SECONDED: Cr. Batten

That Council receives the financial management report supplied under separate cover for the month of May 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 6/0

CARRIED

Minute Reference: 06/20-05

Cr. Trevor Royce declared impartiality to item 10.2.2 and departed the room at 9.29am

10.2.2

Write Off Outstanding Debt

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	311.00
PREVIOUS REFERENCE:	Nil
DATE:	17 th June 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

DISCLOSURE OF INTEREST

Nil

BACKGROUND

An acoustic assessment was required to be carried out for a dog boarding kennels business operating from Lot 71 Oakajee Road, Howatharra which the debtor would be contributing 50% of the costs being \$7,381 to assess compliance with Environmental Protection (Noise) Regulations 1997 due to noise complaints generated from neighbors of which \$631.00 remains outstanding.

COMMENT

The applicant and property owner, at the time, was advised a second acoustic assessment would be required and made agreement with the property owner for them to meet 50% of costs in order for the Shire to assess the kennels operate in accordance with the statutory requirements. Due to the applicant having financial difficulties an option to pay off the debt was finalizing. As this did not occur in a timely manner debt recovery was attempted through the Local Magistrates Courts system, albeit unsuccessfully. Subsequently the property owner became incapacitated; was admitted to care and has since passed away. There was considerable delay in finalizing the affairs with the deceased estate by the Public Trustee. The property has been sold by the Public Trustee with the Trustee being informed prior to settlement of the debt yet they have not considered this to be a debt against the land to make settlement with the proceeds of sale. The outstanding amount of \$631.00 showing in the Sundry Debtors Ledger for debtor DD65 is unrecoverable from the new property owners and staff now seek a write off under the Local Government Act 1995.

STATUTORY ENVIRONMENT

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - © write off any amount of money,
- which is owed to the local government.
- * Absolute majority required.
- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

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

POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-064 and Delegation 3008 relates only to requests for financial assistance from a proponent and do not apply in this matter.

FINANCIAL IMPLICATIONS

A minor loss of revenue for the small debt write off totaling \$631.00

Long Term Financial Plan (LTFP):

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
5.3	Make informed decisions within resources and areas of responsibility	Council and Shire process formally incorporate integrated plans as references for decision making	Reference Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Long Term Financial Plan and Workforce Plan regularly as part of decision-making process

CONSULTATION

Not applicable

RISK ASSESSMENT

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

Absolute Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Humphrey

SECONDED: Cr. Davidson

That Council authorise the write off for the sundry debt totalling \$631.00 for Debtor DD65, which forms part of the outstanding Sundry Debtors Ledger, in accordance with section 6.12(1)© of the Local Government Act 1995.

Voting 5/0

CARRIED

Minute Reference: 06/20-06

Cr. Trevor Royce returned to the room at 9.31am

10.2.3

Budget Variation COVID-19

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	Nil
DATE:	17 th June 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The COVID-19 Pandemic has seen some day to day costs which are not related to any other service or expense budgeted throughout the year. The budget having been formally adopted, and this being an expenditure not identified at adoption, a budget variation is necessary.

COMMENT

The COVID-19 Pandemic was not an anticipated budget expense when council adopted the 2019/2020 budget yet a reality we are currently experiencing. The day to day financial costs due to the COVID-19 Pandemic have been pooled in the one general ledger account number for pragmatic ease of retrieving information at a later date. These are costs not related to any other service or expense normally budgeted for throughout the year such as hand sanitizer, signage for public facility closures etc. The variation is within the one Program of Law, Order and Public Safety with a reduction in budget expenditure to the Provision for Ranger Services Long Service Leave account to offset the additional expense in Other Law, Order & Public Safety for COVID-19 expenses. This is a nil affect across the overall 2019/2020 Adopted Budget.

STATUTORY ENVIRONMENT

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

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

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

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

** Absolute majority required.*

(1a) In subsection (1):

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

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

(a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Staff Recommendation is requesting the reallocation of funds, yet with no increase in total expenditure across the 2019/2020 Annual Budget. Reallocating the budget across the single program of Law, Order & Public Safety is to simplify the variation expenses. Below is a summary of the Budget Variations being requested:

General Ledger COA Number	Original Budget	Amendment	Amended Budget
0962	\$400	\$9,600	\$10,000
0152	\$15,000	\$10,000	\$5,000

Long Term Financial Plan (LTFP):

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
5.2	Be accountable and transparent in managing resources		

CONSULTATION

Not applicable

RISK ASSESSMENT

As the overall effect to the current budget is nil there is no significant financial risk

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Royce

SECONDED: Cr. Davidson

Council endorse the following variation to the adopted 2019/2020 Annual Budget:

COA No.	Description	Adopted Budget	Proposed Amended Budget	Effect on Budget
0962	Other Law, Order & Public Safety Expenses	\$400	\$10,000	+\$9,600
0152	Provision LSL	\$15,000	\$5,400	-\$9,600
Total Effect on Budget				\$0.00

Voting 6/0

CARRIED

Minute Reference: 06/20-07

10.3

Chief Executive Officer

May 2020

10.3 AGENDA ITEMS

- 10.3.1 Batavia Local Emergency Management Committee - MOU**
- 10.3.2 Bushfire Risk Management Plan – Grant Agreement**
- 10.3.3 Local Government Act Regulations Amendment**

10.3.1

Batavia Local Emergency Management Committee - MOU

PROPONENT:	Chief Executive Officer
SITE:	Chapman Valley, Greater Geraldton & Northampton LGAs
FILE REFERENCE:	403.09
PREVIOUS REFERENCE:	Nil
DATE:	17 th June 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Draft Memorandum of Understanding		✓
10.3.1(b)	Notes – Three LGAs – 11th May 2015		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Batavia Local Emergency Management Committee (BLEMC) was established in 2015 with the intent to remove administrative duplications and deal with emergency management on a regional, rather than an individual local government basis.

The BLEMCI includes the City of Greater Geraldton and the Shire's of Chapman Valley & Northampton. This has been a successful approach to emergency management across the three local government authorities, with one of the focusses being to remove cross-boundary anomalies across the three districts. However; there has never been a formalised understanding of how the BLEMCI is to operate and who are the core and non-core members of the Committee.

At the time the BLEMCI was established there was a verbal understanding of how it should operate, yet nothing formally put in place. Hence the need to establish a Memorandum of Understanding (MOU) to remove future uncertainties and ambiguities. The only record of the initial arrangements was what was recorded in the Discussion Notes at the meeting between the three LGAs on the 11th May 2015 (see **Attachment 10.3.1(b)**). It is based upon these notes and how the BLEMCI has evolved since 2015 the Draft MOU was developed (see **Attachment 10.3.1(a)**).

COMMENT

Staff at each of the participating LGAs have worked collaboratively to develop the Draft MOU, with the Shire of Chapman Valley being the lead organisation in the project. All LGAs are now at the point of presenting the Draft MOU to their Council's for consideration.

Rather than repeat the content of the Draft MOU I refer Council to **Attachment 10.3.1(a)** and highlight the following section in particular:

- Section 5 – Membership – Core & Non-Core; and
- Section 6 – Appointment of Committee Chair & Provision of Secretariat Support.

STATUTORY ENVIRONMENT

Emergency Management Act 2005 – Established BLEMC in 2015

POLICY/PROCEDURE IMPLICATIONS

No Policy or Management Procedure affected. However; each participating LGA have individual Local Emergency Management Arrangements (LEMA). Staff at the three LGAs have been working on developing a regional LEMA. The City of Geraldton is the lead organisation for this project with the draft being basically completed. This is referred to in section 4 of the Draft MOU.

FINANCIAL IMPLICATIONS

No financial implications envisaged. The regional approach to emergency management will reduce administrative burdens on each participating LGA.

- **Long Term Financial Plan (LTFP):**
Nil effect on the LTFP.

STRATEGIC IMPLICATIONS

The establishment of the BLEMC is strategically sound as it ensure emergency management is not dealt with in isolation to neighbouring districts.

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

Ref	Objective	Strategy	Action
1.2	Strengthen our advocacy role and regional partnerships to support the provision of local services and facilities	Maintain close relationships with neighbouring shires and regional bodies	Participate in and advocate for regional resource sharing and cross-boundary cooperation.
		Be present in conversations and gatherings related to the provision of essential and desired services for Chapman Valley residents and visitors	Participate in and advocate for regional resource sharing and cross-boundary cooperation.

CONSULTATION

As previously mentioned, staff at the three participating LGAs have been working collaboratively on the developing the Draft MOU, which has now being presented to each Council for consideration.

RISK ASSESSMENT

The risk in this instance is insignificant at worst the MOU will provide better clarity on the BLEMC operations.

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

STAFF RECOMMENDATION

Council endorse the Batavia Local Emergency Management Committee Memorandum of Understanding as presented.

COUNCIL PROCEDURAL MOTION:

MOVED: Cr. Humphrey

SECONDED: Cr. Warr

That the debate be adjourned until July 2020 Ordinary Council Meeting.

Voting 6/0

CARRIED

Minute Reference: 06/20-08

Reason for deviation from Staff Recommendation: Council required clarification on the appointment of the Deputy Chairperson of the BLEMC before proceeding.

10.3.2

Bushfire Risk Management Plan – Grant Agreement

PROPONENT:	Department of Fire & Emergency Services
SITE:	Shire's of Chapman Valley, Morawa & Perenjori
FILE REFERENCE:	601.03
PREVIOUS REFERENCE:	Not Applicable
DATE:	17 th June 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Draft Bushfire Risk Management Planning Program – Grant Agreement		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

An approach has been made from the Department of Fire & Emergency Services (DFES) seeking Council consideration to participate in the implementation of a Bushfire Risk Management Program and for the recruitment of a Bushfire Risk Planning Coordinator (BRPC) to support the Shires of Chapman Valley, Morawa and Perenjori with bushfire planning.

A copy of the Draft Bushfire Risk Management Planning Program Grant Agreement is provided at **Attachment 10.3.2(a)** for Council information.

COMMENT

The Bushfire Risk Management Planning Program has been in operation across the State for a few years with the higher priority bushfire prone local government areas being accommodated in the first instance. The Shire's of Chapman Valley, Morawa and Perenjori are now scheduled to receive funding under the Program to establish a Bushfire Risk Management Plan (BRMP) for each participating Shire.

As stated in Schedule 1 of the Draft Grant Agreement the purpose of the grants funds is as follows:

"The Approved Purpose of the Grant is to enable the Organisation to purchase and/or lease services and items and pay the salary of the Bushfire Risk Planning Coordinator (BRPC), as described in Annex A, to undertake and complete Bushfire Risk Management Planning (BRMP) activities."

Schedule 1 also specifies the responsibility of the local government authorities (the *Organisation*) i.e.

"Responsibilities of the Organisation"

- a) The Organisation will deliver on the milestones contained in the BRM Plan Milestone Report (Annex B) and will submit an updated report by the last working day of each month.
- b) The Organisation agrees that the BRPC position will be employed under and administered by the Grantee, for the period covered by this Agreement.

-
- c) The Organisation must cooperate fully with Grantor in respect of the administration of this Agreement.*
 - d) The Organisation must properly provide for the care, safety, security and protection of all Records as defined herein, (whether created by Grantor, the Organisation or any other person) that are in their custody or control.*
 - e) Unless the Grantor agrees otherwise in writing, the Organisation must provide everything necessary to enable it to fully comply with all of its obligations under this Agreement.*
 - f) The Organisation must take out and maintain insurance in relation to all insurable liabilities of the Organisation under this Agreement, as specified in Schedule 1 of this Agreement.*
 - g) The Organisation agrees to use local or regional human resources, products and services for the BRM Program wherever possible.*
 - h) The Organisation must obtain oversight of the BRPC's daily activities to ensure they work within the terms of this Agreement.*
 - i) The Organisation must nominate a suitable employee to manage the BRPC's obligations, as identified in this Agreement, and must provide their contact details to the Grantor. "*

The Program will run for two (2) years over which period the BRMPs will be completed for each participating LGA. Upon completion of the BRMP a local government authority will be eligible to seek State Government funding assistance to implement the Plan. Such funding is not available if the BRMP has not been completed and endorsed by Council.

STATUTORY ENVIRONMENT

There is no legislation obligating for a local government authority to have a BRMP in place, yet it is considered “best practice” to have such a Plan.

POLICY/PROCEDURE IMPLICATIONS

Council has a number of Policies and Management Procedure relevant to the bushfire and emergency areas of the Shire. However; none of these are affected by, or will effect, the proposed establishment of a BRMP. The BRMP will be designed to assist the Shire in determining areas needing attention in the future and assist with seeking State Government funding to implement recommendation within the Plan.

FINANCIAL IMPLICATIONS

The understanding is the proposed BRMP will not place a financial burden or obligation on the Shire, rather the Plan will give the Shire some direction regarding bushfire control and prevention. It is also important to understand Planning legislation deals separately with land developments, subdivision, etc. for bushfire control & mitigation.

The concern is with the BRMP being too onerous and recommendations unachievable from a resource issue. Therefore, it is important the final BRMP endorsed by Council is not resource hungry. Conversely the BRMP should not be watered-down and ignore issues of significance simply due to resource concerns. The final BRMP needs to genuinely identify the issues and if necessary clearly state if the implementation of any specific recommendation is within, or outside, the Shire resource capability.

Long Term Financial Plan (LTFP):

Effect on the LTFP will not be known until the BRMP outcomes and recommendations are known. However; my discussions with LGAs who have already been through the process of establishing BRMP highlights there does not appear to be any significant effect on their LTFP.

STRATEGIC IMPLICATIONS

It is strategically sound to ensure appropriate plans are in place to direct current and future Councillors and staff where to allocate resources. The establishment of a BRMP will assist the Shire in determining bushfire risk areas and how to best manage and resource mitigating these risk.

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

Mr. Craig Smith, Superintendent, Operations Command, Midwest and Gascoyne for DFES has been in discussions with all three LGA CEO's to gauge interest in participating in the Program. At the time of writing I was yet to hear if any of the other two LGAs (i.e. Morawa or Perenjori) were willing to participate and auspice the grant funds. I did indicate to DFES if neither of the other two LGAs were prepared to auspice the grant funds the Shire of Chapman Valley would be happy to take on this role (subject to Council endorsement of course).

RISK ASSESSMENT

There will be no cash contribution required of the LGAs so there is an insignificant risk associated with the project financially. However; not having an endorsed BRMP could place the Shire in a higher risk of not conforming to best practice for bushfire mitigation and prevention. Such risk is unknown, yet I would suggest it could range between Minor and Catastrophic.

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

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
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Batten

SECONDED: Cr. Davidson

Council:

- i. Agree to participate in the Department of Fire and Emergency Services (DFES) Bushfire Risk Management Plan Grant Program and authorise the Chief Executive Officer to finalise the Grant Agreement with DFES for this project.
- ii. Advise DFES it's preference is not to auspice the proposed Bushfire Risk Management Plan Grant Program. However; will undertake this role if no other participating local government authority is willing to do so.

Voting 6/0

CARRIED

Minute Reference: 06/20-09

10.3.3

Local Government Act Regulations Amendments

PROPONENT:	WA State Government
SITE:	All Western Australian Local Government Authorities
FILE REFERENCE:	404.03
PREVIOUS REFERENCE:	Not Applicable
DATE:	17 th June 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	Local Government Regulations Amendment (Consequential) Regulations 2020 – Explanatory Notes		✓
10.3.3(b)	WALGA Info Page – LG Amendment Bill & Regulatory Amendments		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Department of Local Government, Sport & Cultural Industries (DLGSCI) is seeking feedback on the proposed regulations by the 13th July 2020.

Consequential amendments to regulations are now required to effect further change and the DLGSCI has released the Local Government Regulations Amendment (Consequential) Regulations 2020 for this purpose. The DLGSCI has also prepared Explanatory Notes (see **Attachment 10.3.3(a)**) as an aid to understanding the effect of the proposed regulations.

The Western Australian Local Government Association (WALGA) is also seeking feedback on the proposed regulations by 3 July 2020 (see **Attachment 10.3.3(b)**)

COMMENT

Correspondence from the DLGSCI states:

“Local Government Regulations Amendment (Consequential) Regulations 2020 will bring into effect measures relating to:

- the harmonisation of the appointment of authorised persons across multiple pieces of legislation in the local government portfolio;*
- local and statewide public notices; and*
- improved access to information, including through publication on the local government’s website.”*

The proposed amendments are basically supported, though some will create more administrative work. However; I have concerns with the following, which Council may wish to comment on to both the DLGSCI and WALGA:

Regulation 20

There has been significant concern expressed by many CEOs on the proposed regulation to advertise the CEO's remuneration in the Annual Report. I personally have no concerns with this, yet do see how this could be an issue in some small local government authorities.

There is also new reporting requirements which directly affect the Elected Members under the proposed changes i.e.

- the number of council and committee meetings attended by each council member; and
- diversity data, including age ranges for council members.

Regulation 24

This amendment requires the following to be placed on the Council web site:

- name of each elected member who has lodged a primary and/or annual return;
- the position of each employee who has lodged a primary and/or annual return.

It is difficult to see any reasoning why this has to be undertaken. It is a legislative requirement for any new Councillor or designated employee to submit a primary return and then an annual return. The amendment is only to list the names on Councils website and not the return details.

The amendment also will require reporting the type and value of fees, expenses and allowances paid to each Elected Member, President and Deputy President and will need to be detailed by person and type. This advice is now also proposed to be a requirement in the annual budget as per Regulations 32 and 33 the annual financial report.

It is therefore considered if the above information is within the budget and annual financial reports, why is it necessary to be on the website separately when both of those documents are also to be published on the website.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Local Government Regulations Amendment 2020

POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-024 will become superfluous as this will now be legislated i.e.

MANAGEMENT PROCEDURE No.	CMP-024
MANAGEMENT PROCEDURE	RELEASE OF "UNCONFIRMED" MINUTES
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	6.60
RELEVANT DELEGATIONS	

OBJECTIVES:

Set guidelines for the release of the Shire's Unconfirmed Minutes.

MANAGEMENT PROCEDURE STATEMENT/S:

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

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

FINANCIAL IMPLICATIONS

Though there will be some additional administrative tasks associated with the proposed legislative changes these should not be overly onerous and can be accommodated within existing staff resources.

Long Term Financial Plan (LTFP):

No effect on the LTFP

STRATEGIC IMPLICATIONS

The Act review is supposed to address the current excessive “red-tape” and remove the existing “one-size-fits-all” legislative situation. I personally feel this has not been achieved to date, yet many of the changes have been welcomed.

The concern is if the State Government’s focus remains on additional transparency and accountability, which most of the changes are linked to, the administrative burdens will increase. This will make it even more difficult for the smaller, under resourced local government authorities to comply and survive.

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 Department of Local Government, Sport & Cultural Industries (DLGSCI) is seeking feedback on the proposed regulations by the 13th July 2020.

The Western Australian Local Government Association (WALGA) is also seeking feedback on the proposed regulations by 3 July 2020. (see **Attachment 10.3.3(b)**)

RISK ASSESSMENT

The risk of non-compliance is considered insignificant in this instance.

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 1

MOVED: Cr. Farrell

SECONDED: Cr. Warr

Council provide the following comments to both the Department of Local Government, Sport & Cultural Industries and the Western Australian Local Government Association:

Regulation 20

- i. Express concern on the proposed regulation to advertise the CEO's remuneration in the Annual Report as this may have an adverse effect on the community relationship with the CEO, specifically in small regional local government authorities. The existing requirement of publishing the remuneration in bands should suffice and be maintained.
- ii. The new requirement to advertise Elected Member data is not supported i.e.
 - the number of council and committee meetings attended by each council member; and
 - diversity data, including age ranges for council members.

Regulation 24

- i. The new requirement to advertise the following on the local government website is not supported i.e.
 - name of each elected member who has lodged a primary and/or annual return;
 - the position of each employee who has lodged a primary and/or annual return.

It is difficult to see any reasoning why this has to be undertaken. It is a legislative requirement for any new Councillor or designated employee to submit a primary return and then an annual return.

- ii. The new requirement to advertise the type and value of fees, expenses and allowances paid to each Elected Member, President and Deputy President and will need to be detailed by person and type is not supported.

COUNCIL RESOLUTION /STAFF RECOMMENDATION 2

Council delete Corporate Management Procedure CMP024 as this requirement will now be covered under regulation. This deletion will only come into effect when legislation is enacted.

Voting 6/0

CARRIED

Minute Reference: 06/20-10

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13.0 DELEGATES REPORTS

COUNCILLOR	ITEM
Cr. Forth	Emailed a report outlining that the Chapman Valley Agricultural Society will not be going ahead with the Chapman Valley Agricultural Show in 2020.
Cr. Batten	Moresby Range Eco Tourism Plan Consultation
Cr. Warr	Electricity Connectivity Advocacy Survey – Still open, there has been good response so far (over 100). A report will be collated on the survey results received & brought into a Concept Forum.

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

Nil

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10.17am.