

ORDINARY COUNCIL MEETING

Confirmed Minutes

**9:00am Wednesday
21/10/2020**

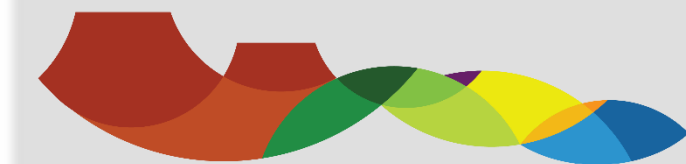
Nabawa Council Chambers

October 2020

SHIRE OF CHAPMAN VALLEY

Simon Lancaster

Acting CHIEF EXECUTIVE OFFICER



SHIRE OF

Chapman Valley

love the rural life!

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.

Simon Lancaster
Acting 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	In	Out
Cr Anthony Farrell (President)	9:02am	10.52am
Cr Kirralee Warr (Deputy President)	9:02am	10.52am
Cr Nicole Batten	9:02am	10.52am
Cr Beverley Davison	9:02am	10.52am
Cr Darrell Forth	9:02am	10.52am
Cr Peter Humphrey	9:02am	10.52am
Cr Trevor Royce	9:02am	10.52am

Officers	In	Out
Simon Lancaster, Acting Chief Executive Officer	9:02am	10.52am
Dianne Raymond, Manager Finance & Corporate Services	9:02am	10.52am
Beau Raymond (Minute Taker)	9:02am	10.52am

Visitors	In	Out
Ben Tomasino	9:02am	10.30am

3.2 Apologies

Elected Members
Nil
Officers
Maurice Battilana, Chief Executive Officer

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

Nil

Councillor	SCM Month & Year	Date Approved	Minute Reference

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

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

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
10.1.3	Cr Royce	Impartiality	Proximity Interest, adjoining landowner

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

MOVED: Cr.Warr

SECONDED: Cr. Humphrey

8.1 Ordinary Meeting of Council held on Wednesday 16th September 2020

That the Minutes of the Ordinary Meeting of Council held Wednesday 16th September 2020 be confirmed as true and accurate.

Voting F7/A0

CARRIED

Minute Reference: 10/20-01

9.0 ITEMS TO BE DEALT WITH EN BLOC

Nil

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

October 2020

10.1 AGENDA ITEMS

10.1.1 Proposed Outbuilding

10.1.2 Proposed Residence (Building Envelope Alteration)

10.1.3 Water Sports School Lease Extension

10.1.4 Proposed Nanson Townsite Right of Way Closure and Reserve Disposal

10.1.1 Proposed Outbuilding

PROPONENT:	Champion Sheds for D. Tyler & P. McAndrew
SITE:	144 (Lot 221) Parmelia Boulevard, White Peak
FILE REFERENCE:	A1600
PREVIOUS REFERENCE:	Nil
DATE:	13 October 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Application and letters of support		✓

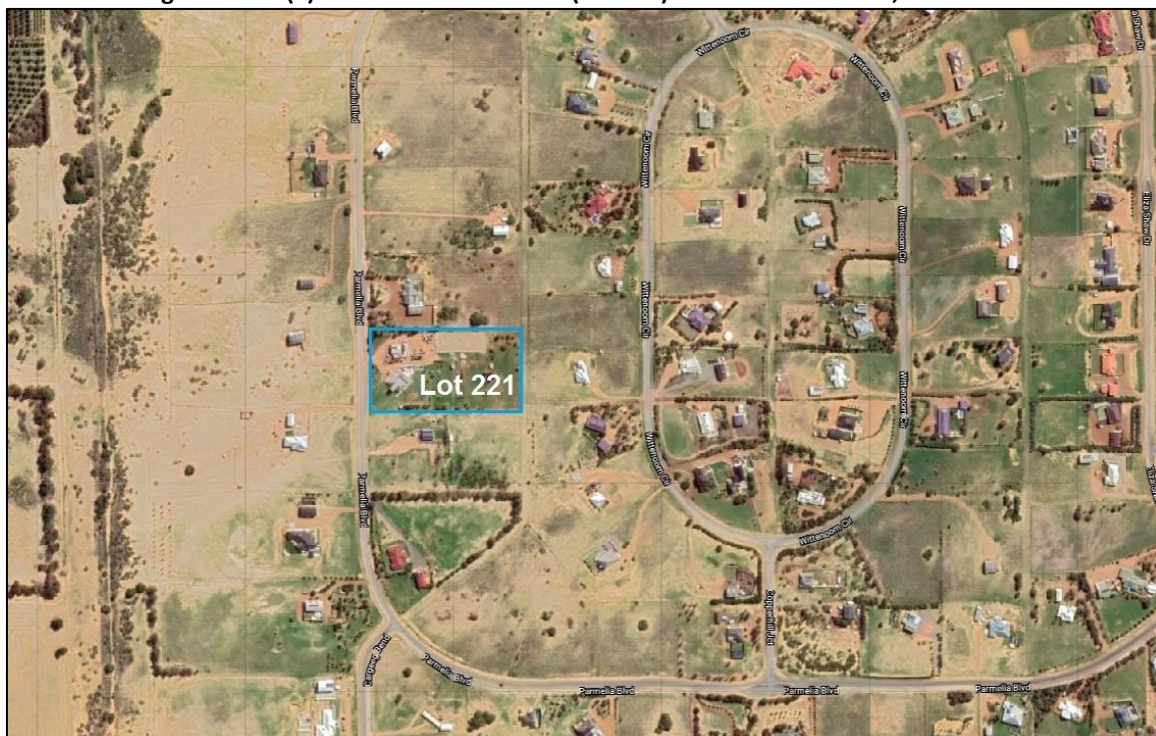
DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application for an outbuilding upon 144 (Lot 221) Parmelia Boulevard, White Peak that is proposed to be sited 71m from the residence, which is greater than the maximum 22m separation distance set by the Scheme for the 'Rural Residential 1' zone. The application has been advertised for comment and is now presented to Council for its deliberation. This report recommends refusal of the application.

Figure 10.1.1(a) – Location Plan of 144 (Lot 221) Parmelia Boulevard, White Peak



COMMENT

Lot 221 is a 2.0053ha rectangular property with a 101.95m frontage along its western boundary to Parmelia Boulevard.

The development history for Lot 221 is as follows:

9 January 2007	Lot 221 created from DP52558;
5 February 2007	Parkfalls Estate developer sold Lot 221;
19 October 2009	Planning approval issued for 115m ² outbuilding;
1 November 2010	Applicant purchased Lot 221;
13 December 2013	Council approved temporary siting of sea container for 12 months subject to a building permit being issued for a Class 1A building upon the property;
18 November 2014	Planning approval issued for 4 bedroom, 2 bathroom, 2 storey residence;
17 May 2017	Planning approval issued for garage and patio extension to residence;
26 February 2019	Planning approval issued for swimming pool;
26 August 2020	Planning application received for outbuilding that exceeded Shire staff delegated authority.

The application is for a 45.6958m² outbuilding (comprising a 35.6958m² enclosed area and 10m² lean to) with a 3.3m wall height and 3.863m total height, and 'Dune' Colorbond cladding.

The outbuilding is proposed to be sited 68m from the rear/eastern property boundary and 29m from the closest (northern) side property boundary and 71m from the residence.

Figure 10.1.1(b) – Site Plan for proposed outbuilding of 144 (Lot 221) Parmelia Boulevard, White Peak



The applicant is seeking to site the outbuilding in the proposed location so that it can be used for equine related purposes (e.g. storage of horse float, horse feed and saddlery) and it would be located immediately alongside and support the existing horse yard and paddocks. The landowner has consulted with surrounding landowners with regard for the proposed location of the outbuilding not blocking their ocean views.

The Shire of Chapman Valley Local Planning Scheme No.3 notes for the 'Rural Residential 1' zone the following:

“For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in the Scheme”

As the development is seeking a variation to the Scheme, which requires that outbuildings must be sited not more than 22m from the residence, this matter is being presented to Council for its consideration.

A copy of the application (including site, elevation and floor plans) has been provided as **separate Attachment 10.1.1** for Council’s information, along with explanatory letters from both the shed builder and landowner outlining the reasons for seeking to site the outbuilding in the requested location. Copies of expressions of support from 4 of the surrounding landowners have also been included within **separate Attachment 10.1.1**.

Figure 10.1.1(c) – Panorama view of proposed outbuilding location and residence looking south-west



Figure 10.1.1(d) – Panorama view of proposed outbuilding location and residence looking south



Figure 10.1.1(e) – View of proposed outbuilding location looking south-east



Figure 10.1.1(f) – View of 144 (Lot 221) Parmelia Boulevard looking north-east from road



STATUTORY ENVIRONMENT

144 (Lot 221) Parmelia Boulevard, White Peak is zoned 'Rural Residential 1' under the Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*

- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

The Scheme notes the following relevant to this application:

"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."*

"Schedule 6 – Additional site and development requirements relating to Rural Residential zone

Rural Residential 1

- 1 *For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in the Scheme"*

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...*
- ...(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;...*
- ...(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."*

Shire staff generally when making recommendation for refusal, provide an alternative potential motion within the body of the agenda report for Council's consideration in the event that it deems the application has merit and could be supported. This is considered good practice to assist Councillors rather than requiring alternative motions to be drafted 'on the fly' at a meeting, and to ensure that relevant conditions that might assist in delivering a better planning outcome are included within an approval.

However, in this instance an alternative suggestion has not been provided as the Scheme does not allow for approval of outbuildings at a greater separation distance than 22m within this zone.

Whilst Clause 34 of the Scheme provides for 'Variations to site and development requirements' by which an approval might be given, this is specified as being only relevant to the requirements set out in Clauses 32 & 33 of the Scheme.

Clause 32 is not relevant to the 'Rural Residential R1' zone and Clause 33 is linked to Schedules 3 & 4 only of the Scheme which allow Council some discretion relating to matters such as lot area, effective frontage, site coverage, plot ratio, property boundary setbacks, car parking spaces and landscaping. Clause 33 omits reference to Schedules 5 & 6 of the

Scheme which address specific 'Rural Residential' zone requirements and sets the 22m maximum separation distance requirement between a residence and its outbuildings.

The Shire sought the advice of its solicitor on whether this interpretation of the Scheme was correct, and they have advised that there is no power to vary the requirement in clause 1 of Schedule 6 of the Scheme for all structures to be within 22m of the dwelling for those lots in the 'Rural Residential 1' zone which do not have a building envelope, and that there is no overarching power in the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* or the *Planning and Development Act 2005* that would permit this either.

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 1.4 – Outbuildings contains the following objectives:

- “3.1 To alter the deemed to comply provisions of the R-Codes for Outbuildings.*
- 3.2 To provide a clear definition of what constitutes an ‘Outbuilding’.*
- 3.3 To ensure that Outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 3.4 To limit the visual impact of Outbuildings.*
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding area.*
- 3.6 To ensure that the Outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.”*

Policy 1.4 also sets the following within its Policy Statement:

- “6.7.c For lots zoned ‘Rural-Residential’, ‘Rural Smallholding’ and ‘Rural’ the Outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.”*

Section 1.0 of the policy also notes that *“In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme”*.

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

Scheme Amendment No.20 to Shire of Chapman Valley Local Planning Scheme No.1 that rezoned the Parkfalls Estate area was adopted by Council at its 23 February 1999 meeting. Council also adopted the Parkfalls Estate Subdivision Guide Plan as contained within the Scheme Amendment No.20 documentation at its 23 February 1999 meeting.

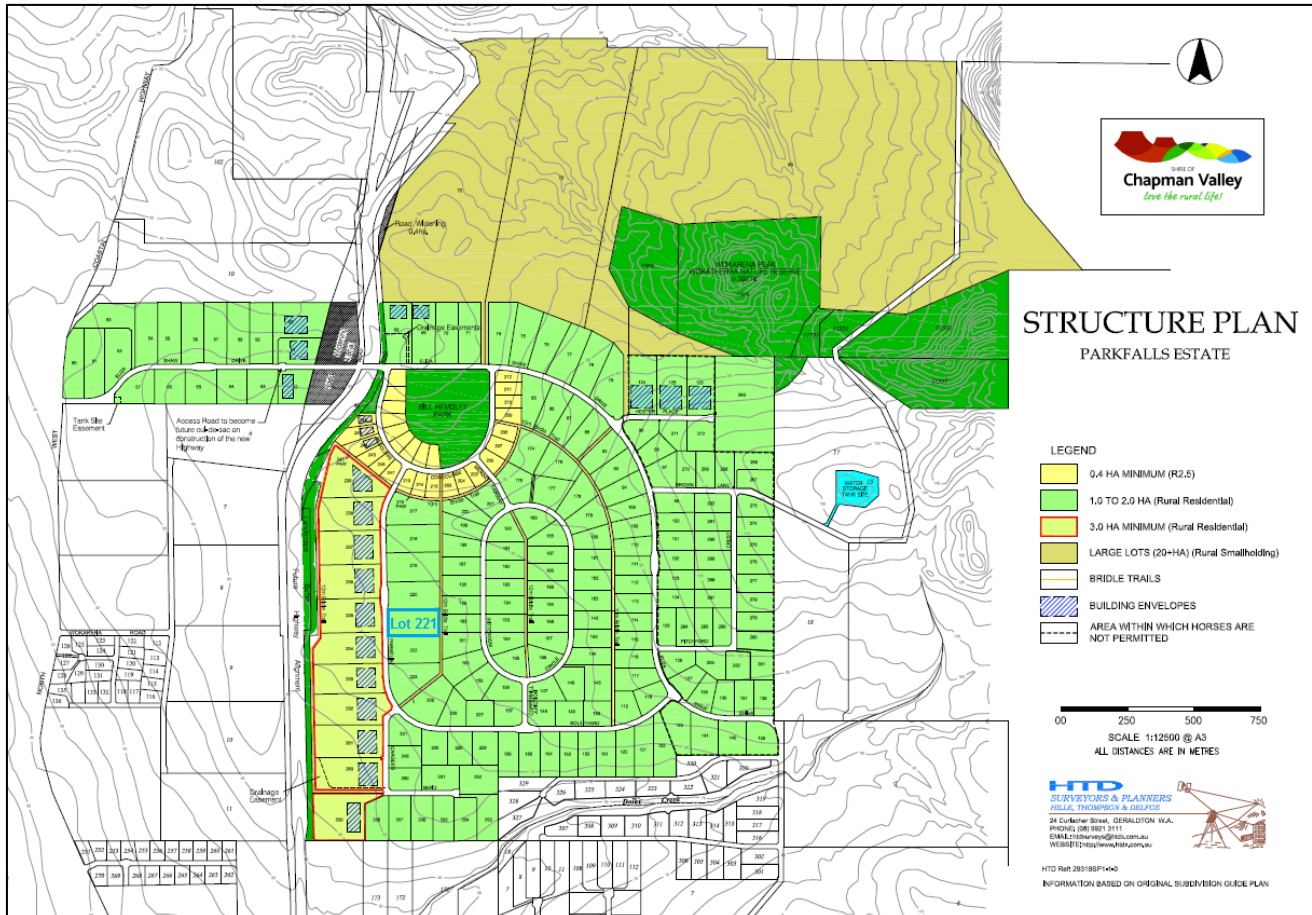
Scheme Amendment No.20, inclusive of the Subdivision Guide Plan, was approved by the Western Australian Planning Commissions ('WAPC') on 8 September 1999

The Parkfalls Estate Subdivision Guide Plan is considered to form a Structure Plan as per Part 9 Regulation 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a copy of the plan is provided as **Figure 10.1.1(g)**.

The primary purpose for establishing building envelopes upon the Parkfalls Estate Subdivision Guide Plan was to setback habitable buildings from the proposed Primary Distributor Road alignment (that would run along the former Geraldton-Northampton railway alignment which is under the management of Main Roads WA) and also setback development from the Wokatherra Nature Reserve.

No building envelope was identified for Lot 221 (or other lots within the central portion of the Parkfalls Estate) and on this basis Schedule 6, RR1, clause 1 of the Scheme requires *“For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in the Scheme”*

Figure 10.1.1(g) - Parkfalls Estate Structure Plan



Section 4.6 of the original Parkfalls Estate rezoning report (Scheme Amendment No.20 to Scheme No.1 that was gazetted on 17 September 1999) further noted that:

“As an alternative to building envelopes (which have little relevance in untreed estates with uniform high land capability), is proposed to generally adopt the standard setbacks already in the Scheme for the Special Rural Zone, with an additional requirement that any other structures including sheds, outbuildings, garages, storage areas and effluent disposal systems cannot be sited more than 22 metres from the closest wall of the dwelling. This in effect creates a Building Envelope at approximately 2,500m² on most of the lots.

The only exception where Building Envelopes are shown on the Subdivision Guide Plan are:

- (i) *For the three lots on the west side of the Tourist Site, which partially contain some lower capability landform (refer Section 3.2);*

-
- (ii) *For those lots abutting the proposed new Highway to ensure maximum separation distances are achieved."*

Council has not previously supported an application for an outbuilding setback a distance of greater than 22m in the Parkfalls Estate or the wider 'Rural Residential 1' area.

The result of the Scheme requirement for a 22m maximum separation distance between outbuildings and the associated residence is that the built form in the Parkfalls Estate is clustered upon each lot.

The role of town planning in the protection of views is a long debated matter with the general consensus being that one does not 'own their view', although it is recognised that much of the attraction for residents in the Parkfalls Estate are the ocean views to the west, town views to the south-west, Buller Rivermouth views to the north-west and Moresby Range views to the east.

The maximum 22m separation distance in the Parkfalls Estate has resulted in some degree of protection of views, so that whilst inevitably development has impacted upon residents' views, the clustering of buildings has provided some ability to preserve view corridors between each 1ha+ lot.

The approval of an outbuilding further than the 22m maximum separation distance would set a precedent that would have the potential to impact on these views in the Parkfalls Estate. An adherence to the clustering requirement would maintain a level of certainty for landowners in the Parkfalls Estate on the location of built development upon surrounding properties. This certainty can be advantageous in reducing potential landowner disputes and in maintaining higher lot prices which can promote a higher standard of development within a locality.

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

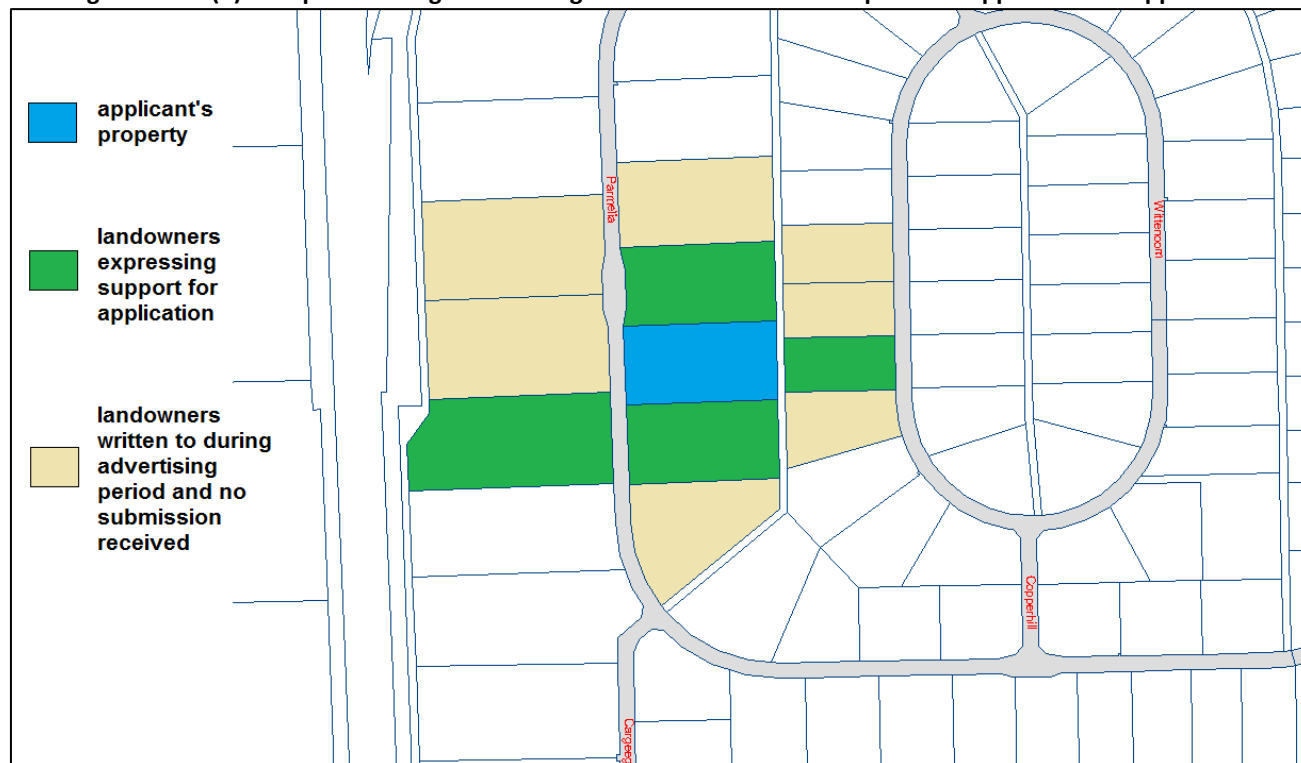
Section 7.0 of Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings requires that:

- "7.1 Should the application be considered to meet the requirements of this policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for determination.*
- 7.2 Applications that propose variation to any part of the Policy (other than the variation pursuant to Section 7.3 and 7.4 of this policy) will require consultation with surrounding landowners, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days, prior to the application and any received submissions being placed before a meeting of Council for consideration."*
- "7.5 The advertising of a received application that proposes variation to any part of the policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted.
The local government in determining the application will take into account the submissions received but is not obliged to support those views."*

The Shire wrote to the 11 surrounding landowners on 31 August 2020 providing details of the application and inviting comment upon the proposal prior to 25 September 2020, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 1 submission had been received, offering support for the application, a copy of which has been included within **Attachment 10.1.1** along with a further 3 expressions of support that were submitted with the application. A map illustrating the location of the supporting landowners to this application has been provided as **Figure 10.1.1(h)**.

Figure 10.1.1(h) – map illustrating surrounding landowners who have expressed support for the application



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

MOVED: Cr. Forth

SECONDED: Cr. Humphrey

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council refuse the application for an outbuilding upon 144 (Lot 221) Parmelia Boulevard, White Peak for the following reasons:

- The development does not meet the requirement that outbuildings shall not be sited more than 22m from the dwelling as established in Schedule 6 (Rural Residential 1) clause 1 of the Shire of Chapman Valley Local Planning Scheme No.3.

-
- 2 In its consideration of the application Council is not satisfied that the development satisfies the matters under Clause 67 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - 3 The development is considered contrary to Section 6.7.c of the Shire of Chapman Valley Local Planning Policy 1.4 Outbuildings.
 - 4 Approval of this application would set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the amenity of the 'Rural Residential 1' zone.

Advice Note:

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

Voting F6/A1

CARRIED

Minute Reference: 10/20-02

10.1.2 Proposed Residence (Building Envelope Alteration)

PROPONENT:	S & P Rodgers
SITE:	33 (Lot 78) Murphy-Norris Road, Nanson
FILE REFERENCE:	A2051
PREVIOUS REFERENCE:	Nil
DATE:	6 October 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Residence Application & Carney Hill Estate Structure Plan		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application for a residence upon 33 (Lot 78) Murphy-Norris Road, Nanson. The development is proposed to be located outside the building envelope shown upon the Carney Hill Estate Structure Plan. The application has been advertised for comment and no objections were received, and this report recommends approval.

Figure 10.1.2(a) – Location Plan for 33 (Lot 78) Murphy-Norris Road, Nanson



COMMENT

Lot 78 is a 21.5406ha property located in the Carney Hill Estate with a 547.49m frontage along its western boundary with Chapman Valley Road and a 317.79m frontage along its southern boundary with Murphy-Norris Road (a restrictive covenant requires vehicle access to be off Murphy-Norris Road).

The lower and flat-topped sections of Lot 78 have been cleared for farming in the past, with some remaining vegetation on the steeply sloping areas of the property. The development history for the property is as follows:

16 December 2009	Council adopted the Carney Hill Estate Subdivision Guide Plan that designated a 1ha building envelope for each proposed lot, including Lot 78 (a copy of the plan is included as the final page of separate Attachment 10.1.2);
17 December 2012	subdivider created Lot 78;
20 April 2015	applicants purchased Lot 78;
14 July 2015	108m ² outbuilding approved;
14 June 2017	192m ² outbuilding (stables) approved;
27 August 2020	landowner lodged application seeking to site their residence outside of the building envelope.

Figure 10.1.2(b) – Aerial photograph of 33 (Lot 78) Murphy-Norris Road, Nanson



The application is for a 2 storey residence that would be sited approximately 350m east of Chapman Valley Road and approximately 100m outside/east of the building envelope identified for Lot 78.

The proposed residence would be a timber framed 3 bedroom, 2 bathroom with a 115.04m² enclosed ground floor area and further 121.635m² verandah area, the upper floor area would consist of a 73.28m² enclosed area and 27.52m² balcony. The ground floor would be clad in fibre cement sheeting and the upper floor would be clad with vinyl weatherboard, with both floors intended to be clad in neutral colours of Beige Ash with Alpine Snow accents to blend with the hillside. The roof would be clad with Shale Grey Colorbond sheeting and all windows would be double glazed

A copy of the application has been provided as **separate Attachment 10.1.2** which includes site, elevation and floor plans, and 3-D modelling along with supporting information detailing the reasons behind the sought location.

It is considered that the application can be supported on the following basis:

- the design of the residence is of a suitably high standard and would not detract from the visual amenity and rural landscape nature of the Chapman Valley Road tourism drive;
- the proposed residence would be located further back from, and in what might be considered a less visually prominent location as viewed from Chapman Valley Road, than were it to be constructed within the building envelope;
- the proposed residence would be set against the slope rather than on top of the skyline;
- given the 21ha scale of the property the proposed distance is not considered a significant variation to the building envelope;
- the revised residence location would improve the privacy for adjoining landowners;
- the revised location would relocate the residence away from the underground fibre optic telecommunications line;
- the surrounding landowners have been invited to comment upon the proposed residence and no objections were received;
- there is the ability for Council to impose conditions requiring landscaping about the residence that will assist in screening the development from Chapman Valley Road;
- the landowner is seeking to use neutral colours intended not to draw undue attention to the residence;
- the proposed residence would still be in a location that is clustered with the existing outbuildings.

Figure 10.1.2(c) – View of Lot 78 from Chapman Valley Road looking south-east

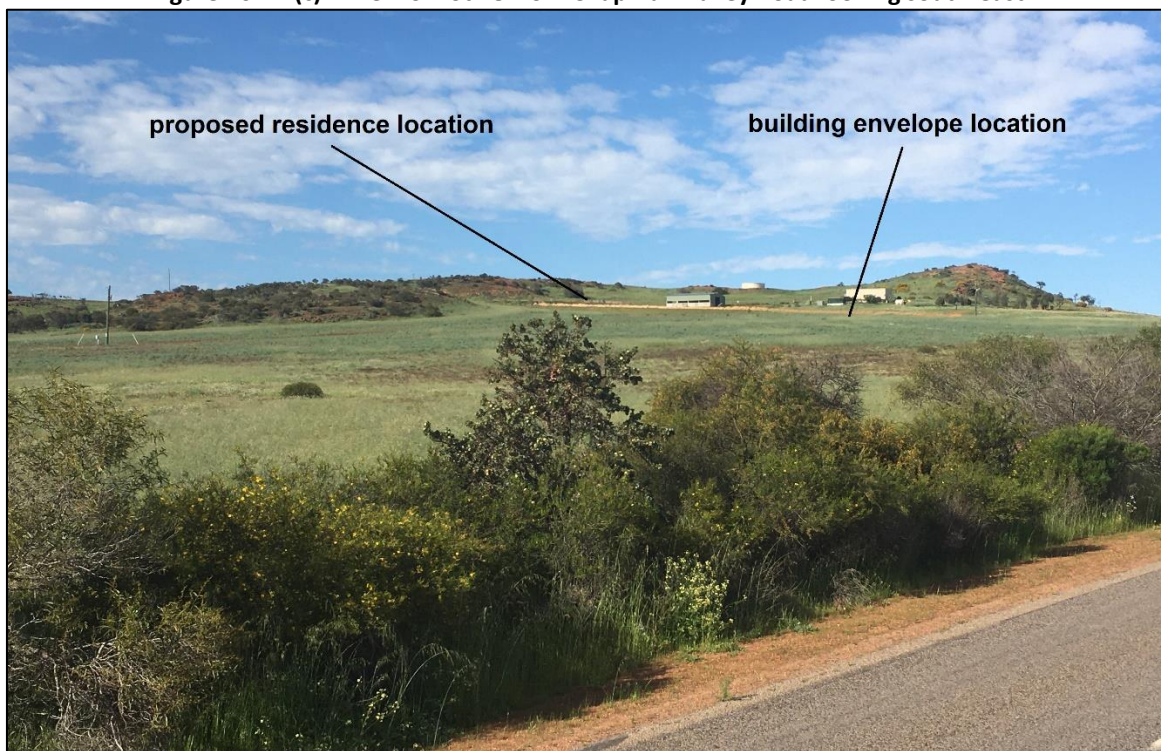
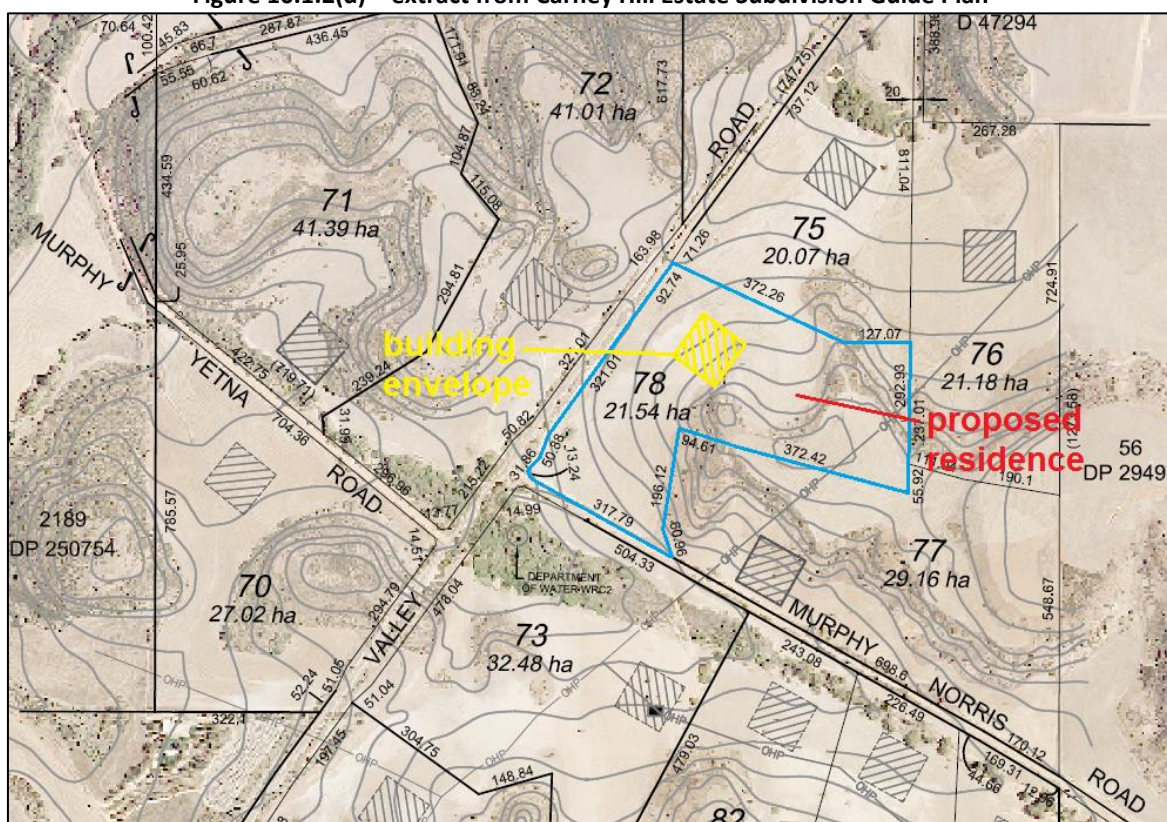


Figure 10.1.2(d) – extract from Carney Hill Estate Subdivision Guide Plan



The underlying rationale for identifying building envelopes upon the Carney Hill Estate Subdivision Guide Plan was summarised in the Scheme Amendment No.37 (that rezoned the land from 'Rural' to 'Rural Smallholding') documentation as follows:

"Protect the rural amenity and character of the area from incompatible land use/development. The size of the lots coupled with the proposed Scheme provisions (including building exclusion areas) will ensure compatibility with surrounding land. Measures such as designated building envelopes will also be used by the Shire to manage the visual amenity and rural ethos of the area." (Amdt No.37, page 7)

4.2 LOCATION OF BUILDINGS AND STRUCTURES

The rural seclusion, natural land features and scenic qualities have proven to be the major factors in attracting purchasers to the Chapman Valley area. However, there is a need to ensure that building developments within this locality do not adversely impact on the visual landscape amenity of the area, nor have a detrimental effect on nearby farming activities. Therefore, the positioning of buildings will not be permitted within any area identified as 'Development Exclusion Area' and for that matter will only be allowed within the allocated building envelopes as identified on the Subdivision Guide Plan or as determined otherwise by the Shire Council.

In this regard areas of exclusion has been identified in order to protect existing vegetation and encourage the maintenance and enhancement of rural landscape amenity along Chapman Valley Road, which is an important tourist road and part of the Shire's heritage trail. Furthermore, it is unlikely the Council will support the placement of buildings on hill tops where there is a perceived detrimental effect the broader amenity and scenic qualities of the Flat Top Moresby Ranges." (Amdt No.37, page 14)

Whilst the residence would be sited in a location where it is visually prominent to passing vehicles along the Chapman Valley Road, which is identified as a Primary Distributor Road in the Main Roads WA network and is also a tourism drive

with a high level of scenic appeal, the proposed location would be setback further from the road, and in a location that might be considered less visually prominent than were it to be constructed in the building envelope.

STATUTORY ENVIRONMENT

33 (Lot 78) Murphy-Norris 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.”

The proposed development would meet with the definition of 'Single House' which is defined by State Planning Policy 7.3- Residential Design Codes as *“a dwelling standing wholly on its own green title or survey strata lot”*. 'Single House' is listed by the Scheme as a 'P' use in the 'Rural Smallholding' zone, which *“means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme”*.

Lot 78 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.”*

“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 Smallholding

(1) Structure Plan

- (a) Subdivision, development and land use shall generally be in accordance with a structure plan as adopted by the local government and the Western Australian Planning Commission in accordance with Part 4 of the deemed provisions;*
- (b) Subdivision, development and land-use shall generally be in accordance with any other matters outlined on the structure plan; and*
- (c) In addition to such other provisions of the Scheme as may affect it, any land that is included in a Rural Residential zone or Rural Smallholding zone shall be subject to those provisions as may be specifically set out against it in Schedules 6 or 7.*

(2) 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...*
 - ...(3) *Vegetation*
 - (a) *No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for:*
 - (i) *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, and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004;*
 - (ii) *Clearing for vehicular access or fire breaks specifically identified on a structure plan or local development plan;*
 - (iii) *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;*
 - (iv) *Trees that are diseased or dangerous.*
 - (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:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development...*
- ...(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;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(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 Carney Hill Estate Subdivision Guide Plan was adopted by Council at its 16 December 2009 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.”*

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 would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy identifies Lot 78 as being located within Precinct No.3-Chapman Valley the vision for which is *“A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources”*.

The Strategy lists the following precinct objectives of relevance in the assessment of this application:

“3.3.5 Protect the rural amenity and character of the area from incompatible land use/development, again through the implementation of appropriate environmental and planning controls.

Lot 78 falls within the study boundary of the Moresby Range Management Strategy (WAPC, 2009) and is identified by Strategy Map 6 as being alongside a tourist drive and Strategy Map 7 as being alongside a travel route corridor and having natural landscape significance. Sections 4.5.1 and 4.5.2 of the Strategy make recommendations of relevance in the assessment of this application:

“Recommendations: land use and development planning

- 43 *Ensure that land uses and infrastructure are sited and designed to complement the landscape qualities of the range and reduce their overall impact. The key elements of effective landscape planning and design to be considered are:*
- describing the landscape values that need to be protected;*
 - defining areas that can accommodate more intensive land use or development;*
 - selecting suitable land uses and development, including consideration of noise, dust and other potential impacts;*
 - providing for a density compatible with retaining landscape values;*
 - sensitive siting; and*
 - designing buildings and structures to blend into their setting.*
- 44 *Ensure that buildings, structures and public or private roads are sited and designed to have minimal impact on views of the range and reflect surrounding character, with reference to the manual, Visual Landscape Planning in Western Australia (DPI, 2007), so that they:*
- Do not dominate the landscape but are compatible in form, scale, bulk, and mass to their setting.*
 - Give thought to visually concealing all buildings and associated services, such as delivery and storage areas and necessary infrastructure. Where possible, buildings are to be constructed behind or among trees.*
 - Reflect the rural nature of the range and cater for expected level of use, particularly any public or private road, and vehicle manoeuvre areas associated with lookouts;*
 - Blend into the surroundings through use of appropriate colour schemes.*
 - Take advantage of views to the range through appropriate orientation of roads in new subdivisions.”*

“Recommendations: flat tops and side slopes, key view corridors and travel routes

- 45 *Minimise more intensive land use and development on the flat tops and side slopes and in key view corridors (identified in map 5) that has the potential to be clearly seen and that would adversely affect the landscape values of the view. Permit more intensive land use and development on the flat tops and side slopes and key view corridors only where it can be demonstrated that such land use and/or development is consistent with the objectives of this strategy.*
- 46 *Support land use and development proposals abutting areas of high landscape significance, as identified in map 6, where it can be demonstrated that the land use and/or development:*
- a) will not adversely affect views of the range; and*
 - b) enhances opportunities for people to enjoy views of or from the range, or experience the range in some other way.*
- 47 *Minimise development in key view corridors and travel route corridors (map 5 and map 6 respectively); advocate the siting and design of buildings and structures to have minimum possible impact on key view corridors and from travel routes, and to reflect the surrounding character:*
- particular attention should be paid to the location and orientation of large sheds and screening to minimise their impact on views to the range; and*
 - lower sites should be chosen, sheds should be orientated perpendicular to the primary view and screening should be provided, whether by vegetation or other development.*

-
- 48 *Ensure that future land use or development maintains the landscape value of the foreground when viewed from major travel routes, and that revegetation and landscaping along and near major travel routes does not affect views of the range from these routes.*
 - 49 *Consider the impact remnant vegetation clearing may have on views of the range. Discourage the clearing of remnant vegetation where it forms part of a view corridor from a major travel route."*

The 'Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design' (WAPC, 2007) provides local governments with guidance on incorporating visual landscape planning into assessment and decision making. The manual outlines three broad visual objectives for managing landscape character; 'protection and maintenance'; 'restoration and enhancement'; and 'best practice siting and design'.

The Chapman Valley Road is a drive of scenic value to both the local community and visitors to the region and Council might consider its role in the assessment of rezoning, subdivision and development as being to protect the natural landscape character of this route to maintain its appeal.

The manual generally recommends that vegetation should be retained and development avoided on skylines as seen from important viewing locations and sensitive roads. The siting of the building envelopes on the Carney Hill Estate Structure Plan gave demonstration for this recommendation.

The manual notes that development should be sited with care to ensure that individual components that have the potential to draw attention, such as reflective roofs and windows, are not visible. The manual also notes that the forms, colours and textures of a development do not need to be identical to those found in nature, but they need to appear compatible to the extent that any contrasts do not draw attention. It might be considered that the application has made attempt to address this criteria to reduce the visual impact that its proposed location would create.

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.

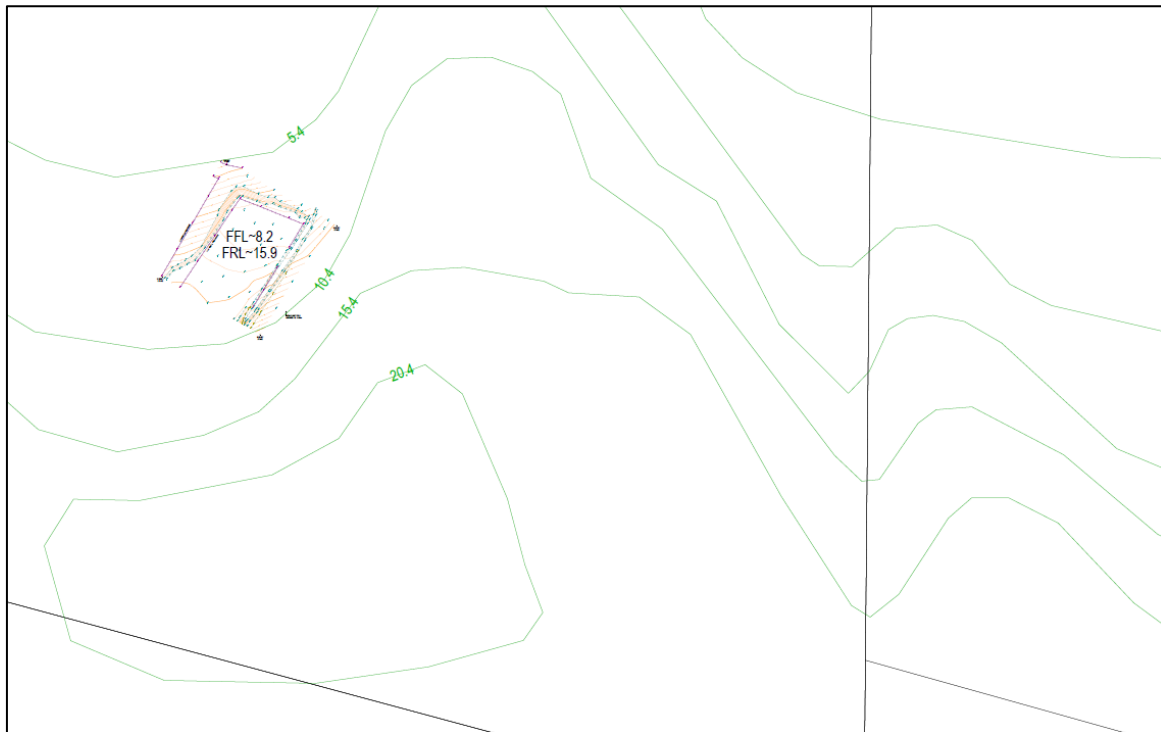
The Shire wrote to the 7 landowners, that are within 500m of the proposed residence location, on 31 August 2020 providing details of the application and inviting comment upon the proposal prior to 25 September 2020.

At the conclusion of the advertising period 2 submissions had been received, 1 from the landowner on the opposite/west side of Chapman Valley Road expressing support for the application, and the other from the landowner to the east querying the location of the residence in relation to the ridgeline (i.e. would the residence be able to be seen from/overlook their property to the east and impact their privacy).

The nature of the query was raised with the applicant who then engaged their surveyor and draftsman to prepare an additional site plan which is provided as page 4 in **separate Attachment 10.1.2**. An enlarged extract from this additional site (contour) plan has been also been provided as **Figure 10.1.2(e)**.

The plan illustrated that the residence, which would have a top-of-upper-wall height of 5.74m and a top-of-roof height of 7.7m, would be sited in front of the ridgeline that would rise to a height of 4.5m above the top-of-roof height. The querying neighbour was provided with a copy of this plan and they have advised that they are satisfied that their query has been answered.

Figure 10.1.2(e) – extract from site plan illustrating proposed residence datum height relative to ridgeline to rear



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

MOVED: Cr. Humphrey

SECONDED: Cr. Batten

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant formal planning approval for a residence upon 33 (Lot 78) Murphy-Norris Road, Nanson subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans as contained in **Attachment 10.1.2** 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 development is required to use colours and materials complementary to the natural landscape features, and be to a (non-reflective) finish, to the approval of the local government.

-
- 4 Landscaping is required to be installed and maintained between the residence and Chapman Valley Road for the purpose of softening the visual impact of the development to the approval of the local government.
 - 5 The development is required to be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas.

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 F7/A0

CARRIED

Minute Reference: 10/20-03

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 & 06/20-2
DATE:	2 October 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

Cr Royce declared an impartiality interest in item 10.1.3 and left chambers at 9:15am

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3	Kitewest correspondence		✓

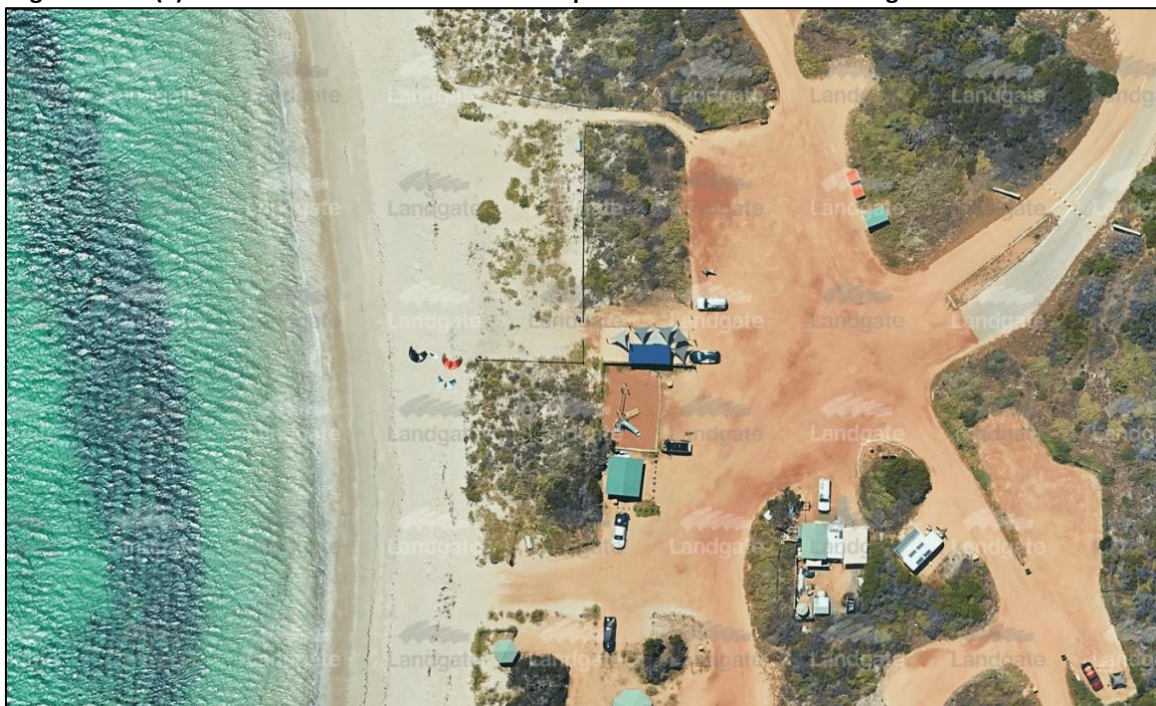
DISCLOSURE OF INTEREST

Nil

BACKGROUND

Kitewest are seeking Council's approval to operate a food outlet alongside their water sports school at Coronation Beach. This report recommends that Council support the proposal and the amendment of the management licence to reflect the revised lease area. This report also recommends that Council investigate upgrades to directional tourism road signage with Main Roads WA.

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 and Council resolved at its 17 May 2017 meeting to offer a 5 year lease.

Council approved a further 5 year lease at its 17 June 2020 meeting, in response to the lessee's request for an extension to provide them with greater financial certainty, and the current lease expires on 30 June 2027.

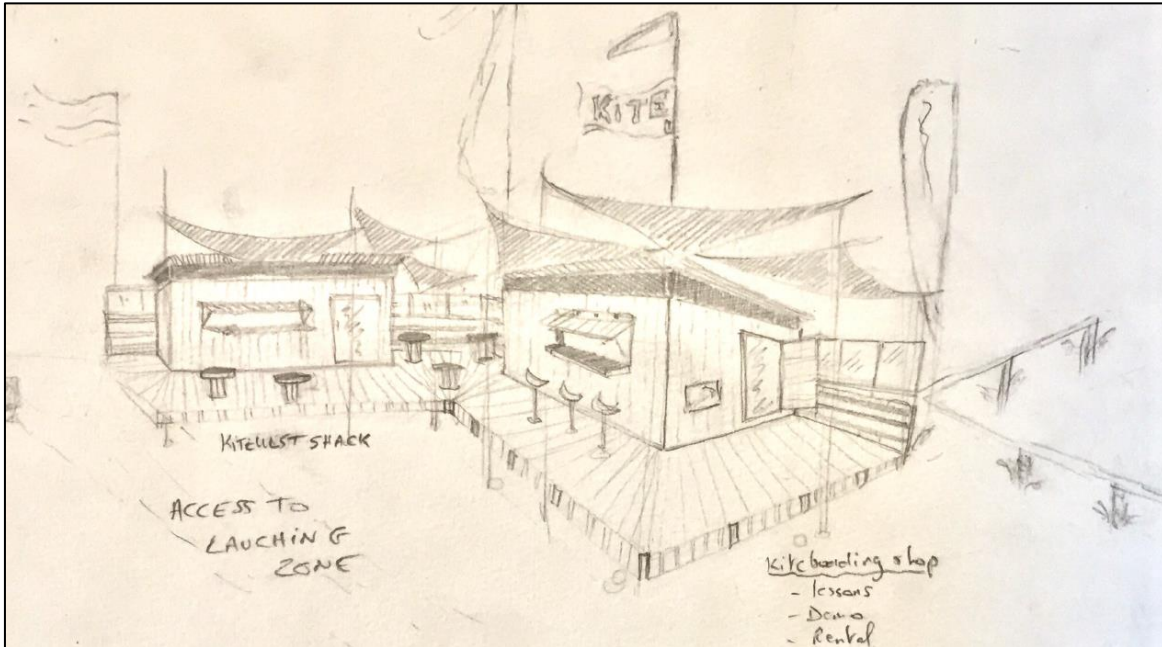
Figure 10.1.3(b) – Kitewest Water Sports School at Coronation Beach



The existing 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 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 and immediate surrounds have 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 lessee is seeking approval in 2021 to site a second sea container at a right angle to the water sports school and undertake external works, including wood cladding, decking and shade sails, to match the existing development. The second sea container would serve as a food outlet and commence operations in November 2021 (i.e. in time for the 21/20 summer season).

Figure 10.1.3(c) – Concept sketch for Kitewest Water Sports School and Food Outlet at Coronation Beach



A copy of the applicant's correspondence has been provided as separate **Attachment 10.1.3** and a copy of the existing management licence between the Shire and the applicant can be provided to Councillors upon request.

The applicant's correspondence outlines 2 options for the siting of the food outlet in relation to the existing water sports school, and Shire staff consider that Option 2 is the preferred layout as it presents a more welcoming open deck area to visitors and also encroaches to a lesser degree on the car parking in front of the playground.

Figure 10.1.3(d) – Applicant's suggested options for the food outlet/water sports school site layout



Shire staff raise no objection to the establishment of a food outlet and associated extending of the lease footprint to accommodate the additional building on the following basis:

- the sale of drinks, coffee, food etc. offers further activation of this tourism node and should be encouraged;
- the legislative requirement for the lessee to obtain the necessary health/food approvals prior to commencement, and the need to maintain ongoing compliance with the health/food approval conditions provides a level of certainty to Council in regards to the food outlet operations;

- the appearance of the lessee's current water sports school demonstrates they have an understanding for the type of development that is in keeping with the nature-based, low-key amenity of Coronation Beach valued by the users of this area and echoed in Council's own development of the adjacent campground;
- the Shire has to date received no complaints, or had cause to raise any compliance issues with the lessee, in relation to their activities at Coronation Beach;
- the proposed and existing form of development allows for the structures to be removed from the site, or relocated elsewhere at Coronation Beach, in the event that coastal erosion, or economic or compliance issues, or future Council requirements deem this necessary;
- the management licence contains clauses that provide a level of certainty to Council and obligation to the lessee including that the lessee must maintain/replace the structures to the Shire's satisfaction, take all reasonable action to minimise and prevent anti-social behaviour, nuisance and littering in connection with the business, and keep the leased area (and immediate surrounding area) clean, tidy, unobstructed and free from rubbish to the Shire's satisfaction;
- Council has the ability to review the rent annually in the event that its incurred costs at Coronation Beach are increasing as result of the lessee's operations;
- Council will be constructing a unisex, disabled toilet approximately 30m from the food outlet in the 20/21 budget year that will assist in servicing the greater visitor activity that might be generated in this area through the introduction of a food outlet.

The lessee has also submitted secondary correspondence (also provided in **Attachment 10.1.3**) raising the issue of signage relating to their business and Coronation Beach more generally.

It is agreed that the Coronation Beach Road intersection with the North West Coastal Highway warrants improved signage to assist visitors and businesses alike, and this should be in the form of directional tourism signage (i.e. 'finger signs') mounted on the street sign pole.

It is suggested that the more general issue of directional tourism signage should be discussed by Council's Tourism and Events Working Group as the nearby Nanson-Howatharra Road intersection with the North West Coastal Highway could also benefit from review and upgrading, along with other key highway intersections such as Chapman Valley Road and Nabawa-Northampton Road that whilst not in the Shire of Chapman Valley do relate to businesses within the local government area.

The existing signage at the Coronation Beach Road intersection with North West Coastal Highway (refer **Figure 10.1.3(e)**) could be improved to include an additional brown directional blade sign stating 'Kitewest 8' and additional blue directional blade sign stating 'Campground 8' and 'Windsurfing Club 8'.

To further assist visitors and businesses the Shire could also approach Main Roads WA seeking the installation of 2 larger directional signs approximately 300-500m north and south of the Coronation Beach Road turn-off, with an example of the form of 2 pole sign that might be sought illustrated in **Figure 10.1.3(f)**.

Figure 10.1.3(e) – Coronation Beach Road & North West Coastal Highway intersection



Figure 10.1.3(f) – potential prior notice signs to Coronation Beach Road & North West Coastal Highway intersection



On the matter of more general tourism directional signage, the existing sign prior to the Nanson-Howatharra Road intersection with North West Coastal Highway (refer **Figure 10.1.3(g)**) could be improved to include an additional brown directional blade sign stating 'Fishing Park 10' and additional blue directional blade signs stating 'Historical Museum 15' and 'Nanson Showground 16'.

Figure 10.1.3(g) – Nanson-Howatharra Road & North West Coastal Highway intersection



The existing sign prior to the Chapman Valley Road intersection with North West Coastal Highway (refer **Figure 10.1.3(h)**) could be improved to include an additional brown directional blade sign installed stating 'Burnt Barrel 27' and additional blue directional blade signs stating 'Nanson Showground 27' and 'Historical Museum 26'.

Figure 10.1.3(h) – Chapman Valley Road & North West Coastal Highway intersection



Whilst the existing sign at the Nabawa-Northampton Road intersection with North West Coastal Highway (refer **Figure 10.1.3(i)**) could be improved, it may be prudent, however, to await the sale and reopening of the Nabawa Tavern, at which

point a brown directional blade sign could be installed stating 'Valley Tavern 23' or a blue directional blade sign stating 'Rural Hotel 23' could be installed.

Figure 10.1.3(i) – Nabawa-Northampton Road & North West Coastal Highway intersection



Shire staff do not recommend Council support larger pylon ('billboard') advertising signs for individual businesses on the basis they lead to an unattractive and ad-hoc proliferation of signs.

It is also considered that one of the likely outcomes of the Coronation Beach Masterplan will be the production of a concept for a proposed entry statement at the Coronation Beach Road highway turn-off that would tie-in with the materials/themes for a proposed artwork installation at the Coronation Beach lookout. This future entry statement project would also assist in the applicant's desired outcome of raising awareness of Coronation Beach to passing motorists.

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.”

The establishment of a food outlet incidental to the existing water sports school and offering takeaway food and drink to visitors to this area is considered in keeping with the intent of this zoning.

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 water sports school 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 watersports school business, and because the lessee is not proposing to commence the food outlet until summer 21/22 it is not suggested that the annual lease fee be increased in the event that Council supports the food outlet proposal. This suggestion is also made in recognition of the difficulties experienced by the tourism and services sector as a result of the COVID-19 travel restrictions, noting that ongoing international travel restrictions impact the kitesurfing and windsurfing visitor numbers to Coronation Beach as a significant component travel from Europe.

Council does have the ability, under clause 4 of the management licence, to review the rent amount as part of its annual Fees & Charges review. Council might consider increasing the rent amount in the event that that its incurred costs at Coronation Beach are increasing as result of the lessee's operations.

Council has an allocation of \$1,000 in Account 3952 for 'Tourism Signage Expense' with the 20/21 budget noting this is for *"the establishment of blade directional signage relating to tourism related businesses and community facilities at key, strategic intersections in consultation with Main Roads WA (TEAG Minute Ref: 03/20-4)."* Council also has Account 3562 for 'Road Sign Expenses' which contains \$10,000 which is more commonly used for purchase of signs to replace worn or missing road signs, or safety signs required for roadworks, but could be utilised for the purpose of directional road side signs also.

As an indicative cost, double sided directional finger signs cost approximately \$35-\$60 (this can vary depending on the length of the sign/wording) and larger signs (e.g. containing camping, toilet, picnic table symbols) cost upwards of this towards \$300-\$400 (+ pole costs)

Council may consider that the wider issue of improving the directional tourism signage relating to the locations and businesses in the Shire of Chapman Valley at highway (and other significant road) intersections should be referred to Council's Tourism & Events Advisory Group for further discussion.

Alternatively Council may instruct Shire staff to proceed immediately to liaise with Main Roads WA over the upgrading of directional signage at the intersections shown in **Figures 10.1.3(e)-(i)** of this report, and in the manner as generally outlined in this report, recognising that COVID-19 has impacted tourism businesses and the Shire can have a role to play in assisting its local tourism businesses recover, and also in assisting visitors to this region in locating these business safely.

In the event that Council wishes to pursue the more immediate upgrading of the tourism directional signage it may consider that condition 6 of the recommendation be amended as follows:

- "6 That Shire staff approach Main Roads WA to improve the directional tourism signage at highway intersections relating to locations and businesses in the Shire of Chapman Valley, utilising Account 3952 and Account 3562 as necessary."

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:

"Land Use & Facilities

- Protection and enhancement of recreational activities popular in the area such as windsurfing, kiteboarding and longboarding.*
- The need to identify provision of facilities with appropriate controls to sustainably provide for tourist and recreational demands. (page 16)*

"To protect and enhance the ambiance and low impact character of Coronation Beach and to facilitate the continued recreational uses in the area." (page 61)

It is considered that the operation of a food outlet alongside the existing water sports school aligns with 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 and the approval of this proposal would align with delivery of the following objectives.

No.	Objective	Strategy	Action	Timeline
2.2	Provide support for business development and local employment	Consider business start- up incentives	Investigate possible planning improvements	Short
		Encourage digital network development in the Valley	Continue advocating for improvements to existing infrastructure and introduction of new infrastructure for digital communications	Short
2.3	Welcome local tourism and participation in regional strategy.	Explore support needed by local tourism industries.	Encourage Tourism Operators to establish an Alliance for them to research support required. This must be industry driven, not Shire driven.	Short
2.4	Ensure town planning complements economic development activities	Town Planning Review/Initiatives	Ensure Planning is in place to encourage economic development activities	Medium

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." (page 3)

“The opportunity to upgrade facilities, including the provision of designated windsurf rigging area, shade shelters, additional ablutions, international signage, fire rings and barbeques, kiosk/information building, and improve carparking, traffic flow, beach access and general recreation areas.” (page 6)

“Some opportunity exists for on-site servicing to support a small building such as a kiosk. The type of facility provided will depend on the level of management proposed for the Reserve (for example a full-time, on-site caretaker would require a different type of facility and different level of servicing to that of a seasonal operator of a kiosk facility only).” (page 20)

It is considered that the received food outlet proposal is low-key in nature and does not conflict with the objective of this study.

The relatively small footprint extension to the existing Kitewest lease area is not considered to be prejudicial to the ongoing discussion in regards to the Coronation Beach Masterplan, and the low-key nature of the proposal aligns with the feedback of the Steering Group during this project.

RISK ASSESSMENT

Rating (Level)	Measures of Consequence						
	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

STAFF RECOMMENDATION

That Council:

- 1 Support the establishment of a food outlet at Coronation Beach subject to the following:
 - (a) The location/footprint of the food outlet and associated improvements being to the satisfaction of the Shire;
 - (b) The visual appearance of the food outlet (including colours, additions and signage) being to the satisfaction of the Shire;
 - (c) The food outlet shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
 - (d) The applicant shall obtain the written approval of the Shire that the food outlet meets the required food, health, waste management and access standards before the commencement of operations.
 - (e) Public access about the management licence area being to the satisfaction of the Shire.

Notes:

- (i) In relation to (a) the location/footprint of the food outlet shall generally be in keeping with the option 2 layout as illustrated in the applicant’s correspondence provided as **Attachment 10.1.3** subject to any modifications deemed necessary by the Shire.
- (ii) In relation to (b) the visual appearance of the food outlet shall generally be in keeping with the visual appearance of the applicant’s existing water sports building and the style as illustrated in the applicant’s correspondence provided as **Attachment 10.1.3** subject to any modifications deemed necessary by the Shire.
- (iii) In relation to (c) & (d) the applicant is advised that they are required to liaise with the Shire’s Environmental Health Officer for an inspection to be undertaken at their premise to ensure compliance before the commencement of the operations (and as required by legislation thereafter to continue operations).

-
- (iv) The management licence issued to the applicant is not to be construed as the granting of an exclusive physical use of the reserve, other than for the immediate area occupied by the 2 sea containers, and agreed improvements, and associated parking area for 1 vehicle and 1 trailer.
 - (v) The management licence issued to the applicant is not to be construed as the granting of an exclusive commercial use of the reserve, Council reserves the right to enter into management licences and/or other arrangements with other parties who may seek to conduct commercial activities at Coronation Beach.
 - 2 Issue delegated authority to the Chief Executive Officer to amend the existing management licence to allow for the food outlet, in addition to the water sports school, upon Reserve 50066 (Coronation Beach).
 - 3 In the event that the Chief Executive Officer and Kitewest reach agreement concerning the amended management licence, the Shire President and Chief Executive Officer are authorised to complete signing and sealing of the amended management licence document on behalf of Council.
 - 4 In the event that there any disputes in relation to the amended management licence this matter is to be returned to Council for its consideration.
 - 5 The sea container shall not to be placed on-site until such time as the amended management licence agreement has been signed and sealed by the Shire of Chapman Valley and Kitewest as required.
 - 6 That the issue of improving the directional tourism signage relating to the locations and businesses in the Shire of Chapman Valley at the highway and other significant road intersections be referred to Council's Tourism & Events Advisory Group for discussion.

MOVED: Cr. Humphrey

SECONDED: Cr. Warr

COUNCIL RESOLUTION

That Council:

- 1 Support the establishment of a food outlet at Coronation Beach subject to the following:
 - (a) The location/footprint of the food outlet and associated improvements being to the satisfaction of the Shire;
 - (b) The visual appearance of the food outlet (including colours, additions and signage) being to the satisfaction of the Shire;
 - (c) The food outlet shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
 - (d) The applicant shall obtain the written approval of the Shire that the food outlet meets the required food, health, waste management and access standards before the commencement of operations.
 - (e) Public access about the management licence area being to the satisfaction of the Shire.

Notes:

- (i) In relation to (a) the location/footprint of the food outlet shall generally be in keeping with the layout as illustrated in the applicant's correspondence provided as **Attachment 10.1.3** subject to any modifications deemed necessary by the Shire.
- (ii) In relation to (b) the visual appearance of the food outlet shall generally be in keeping with the visual appearance of the applicant's existing water sports building and the style as illustrated in the applicant's correspondence provided as **Attachment 10.1.3** subject to any modifications deemed necessary by the Shire.
- (iii) In relation to (c) & (d) the applicant is advised that they are required to liaise with the Shire's Environmental Health Officer for an inspection to be undertaken at their premise to ensure compliance before the commencement of the operations (and as required by legislation thereafter to continue operations).

-
- (iv) The management licence issued to the applicant is not to be construed as the granting of an exclusive physical use of the reserve, other than for the immediate area occupied by the 2 sea containers, and agreed improvements, and associated parking area for 1 vehicle and 1 trailer.
 - (v) The management licence issued to the applicant is not to be construed as the granting of an exclusive commercial use of the reserve, Council reserves the right to enter into management licences and/or other arrangements with other parties who may seek to conduct commercial activities at Coronation Beach.
- 2 Issue delegated authority to the Chief Executive Officer to amend the existing management licence to allow for the food outlet, in addition to the water sports school, upon Reserve 50066 (Coronation Beach).
 - 3 In the event that the Chief Executive Officer and Kitewest reach agreement concerning the amended management licence, the Shire President and Chief Executive Officer are authorised to complete signing and sealing of the amended management licence document on behalf of Council.
 - 4 In the event that there any disputes in relation to the amended management licence this matter is to be returned to Council for its consideration.
 - 5 The sea container shall not to be placed on-site until such time as the amended management licence agreement has been signed and sealed by the Shire of Chapman Valley and Kitewest as required.

Voting F6/A0

CARRIED

Minute Reference: 10/20-04

Reason for deviation: To provide flexibility and to enable the issue of signs to be discussed by the Tourism and Events advisory group separately.

Cr Royce returned to chambers at 9:29am

Visitor Ben Tomasino left meeting at 9:30am

10.1.4 Proposed Nanson Townsite Right of Way Closure and Reserve Disposal

PROPONENT:	B Egerton-Green & B. Gamble
SITE:	Lots 7, 8 & 10 Lauder Street & Lot 19 & Reserve 43117 East Terrace, Nanson
FILE REFERENCE:	A634, A1342 & A2031
PREVIOUS REFERENCE:	08/20-05
DATE:	12 October 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved at its 19 August 2020 meeting as follows:

“That Council:

- 1 Pursuant to Section 58 of the Land Administration Act 1997, initiate closure action of the portion of Right of Way adjoining Lot 10 Lauder Street, Nanson (to enable its subsequent amalgamation with Lot 10 Lauder Street, Nanson).*
- 2 Pursuant to Section 58 of the Land Administration Act 1997, initiate closure action of the portion of Right of Way between Lots 7 & 8 Lauder Street & Lot 19 East Terrace, Nanson (to enable its subsequent amalgamation with Lot 19 East Terrace, Nanson).*
- 3 Concurrent to the public notice period relating to the ROW closures, also seek comment from adjoining landowners and service authorities in regards to the potential disposal of Reserve 43117 East Terrace, Nanson.*
- 4 At the conclusion of the public notice period return these matters to Council for its further consideration.”*

The advertising period has now concluded, with no objections having been received. This report recommends that Council formally request the Minister for Planning, Lands and Heritage to close the subject portion of Right of Way (‘ROW’) to enable its amalgamation into the adjoining properties, and to also advise that Council has no objection to the disposal of Reserve 43117 considering it surplus to requirements.

COMMENT

Lot 10 Lauder Street is a 1,051m² property located towards the southern end of the Nanson townsite that contains a residence and shed. The property backs onto a 5m wide ROW (more commonly known as a ‘dunny lane’) and the landowner (B. Egerton-Green) is seeking to acquire the 111.54m² ROW section that directly abuts the rear of Lot 10 and amalgamate it into their property.

To the south of Lot 10 lies Lots 8 & 9 Lauder Street (both owned by B. Gamble) which are each 1,117m² in area and separated from Lot 19 East Terrace, Nanson (also owned by B. Gamble) by the 5m wide ROW. The landowner is seeking to close the 235m² section of the ROW that runs between their 3 lots and amalgamate it into their 1,1771m² Lot 19 East Terrace.

The Department of Planning, Lands & Heritage process for disposal of a ROW/Crown Survey instruction generally does not permit wider/additional lot amalgamation (i.e. the amalgamation of Lots 8, 9, 10 and the ROW into 1 lot) considering this

a matter that requires separate application to the Western Australian Planning Commission. Hence the reasoning behind the ROW being proposed to be disposed of and amalgamated into Lot 19 as this will then assist the landowner to pursue their future plans to demolish the existing residence and construct a larger residence upon their property setback further from the road (noting the landowner can still then choose to pursue a wider amalgamation of all 3 lots at a later date with the WAPC should they wish).

Figure 10.1.4(a) – Location Plan of southern section of Nanson townsite



This matter arose when the landowner of Lot 10 Lauder Street wrote to the Council on 4 August 2020 enquiring as follows:

"I am interested in the possible purchase of the ROW at the rear of my block at 14 Lauder St, Nanson. Would you please be able to present this request before Council at your next opportunity in order that my interest and request can be forwarded to the appropriate party at your convenience."

In separate correspondence, also dated 4 August 2020, the landowner of Lot 10 Lauder Street wrote to the Shire enquiring whether the 1,083m² Reserve 43117 East Terrace on the opposite side of the ROW (they are seeking to close and acquire) might also be available for purchase.

"A member of my family has expressed a passing interest in the possible availability and purchase of the block adjoining my block in Nanson, shown as 101 of 1084metres.

I would stress that this is only a passing interest and may not proceed any further.

I would also point out that there are a number of large trees on the block, which would need to be removed prior to any proposed building on the block itself.

This would obviously need to be taken into consideration when the appropriate person is consulted as to a realistic value, bearing in mind the considerable cost of the removal of the trees, the subsequent levelling of the block, the possible but very real likelihood that a considerable amount of landfill would need to be accessed and carted to the block in order to level and fill the subsequent holes. (craters).

If you have the time to seek advice as to whether or not this block is available, and taking these points into consideration it would be appreciated if you could make the appropriate enquiries on my behalf."

Figure 10.1.4(b) – Lot 10 Lauder Street (blue), adjoining ROW (red) & Reserve 43117 East Terrace (green)



Figure 10.1.4(c) – View of ROW between Lot 10 Lauder Street & Reserve 43117 East Terrace, Nanson



Figure 10.1.4(d) – View of Reserve 43117 looking west from East Terrace



Figure 10.1.4(e) – View looking east from rear of Reserve 43117 towards East Terrace



The landowner of Lots 8 & 9 Lauder Street and Lot 19 East Terrace then wrote to the Shire on 17 August 2020 advising that they were interested in acquiring the section of ROW that ran between their 3 properties.

Shire staff raise no objection to the closure of the portion of the ROW adjoining Lots 8, 9 & 10 Lauder Street and Lot 19 East Terrace, Nanson and its amalgamation into the adjoining land on the following basis:

- the ROW is considered surplus to Shire requirements;
- the ROW contains no Shire assets or public utility services;

- the ROW already appears on-ground to form part of the landowners' properties;
- there are no other adjoining private landowners to the ROW who would have an interest in acquiring part or all of the ROW;
- closing the ROW would not inconvenience the surrounding landowners or wider public as the ROW is not required for access purposes;
- disposal of the ROW would remove any Shire responsibility for the land relating to management or liability;
- it is considered that the subject land would be better managed under the private ownership of the adjoining landowners rather than under public ownership;
- closing this central section of ROW would complete a process of disposal for an entire length of ROW that Council has been pursuing over a number of years commencing with the closure of the ROW at its northern end across the Nanson Museum and the (then) R & White property at its 18 April 2012 and 20 June 2012 meetings, and the closure of the ROW at its southern end into the L & S Bloomfield property at its 21 June 2017 and 16 August 2017 meetings;
- closing this section would see this ROW issue resolved for the entirety of the southern portion of the Nanson townsite between Murphy Street and Eastough Street;
- closing the ROW would accord with the Shire's strategic direction as contained in the recommendations of the Nanson Townscape Plan.

Shire staff also raise no objection to the disposal of Reserve 43117 on the following basis:

- Reserve 43117 is considered surplus to recreational requirements as formal recreational facilities are already provided 150m to the north-east at the Nanson Playground, and informal recreational opportunities are provided along the Chapman River reserve 100m to the west of Reserve 43117;
- disposal of Reserve 43117 would remove any Shire responsibility for the land relating to management (e.g. firebreaks, weed control and general maintenance) or liability and allow for Shire resources to be utilised elsewhere on assets that serve a greater community benefit;
- Council has no identified future purpose for Reserve 43117;
- Reserve 43117 contains no Shire assets or public utility services;
- disposing of Reserve 43117 could be considered to accord with the Shire's strategic direction as contained in the recommendations of the Nanson Townscape Plan.

STATUTORY ENVIRONMENT

Lots 8, 9 & 10 Lauder Street and Lot 19 & Reserve 43117 East Terrace and the ROW between them are all zoned 'Rural Townsite' under the Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed as being *"to provide for a range of land uses that would typically be found in a small country town"*.

Section 58 of the *Land Administration Act 1997* provides for the closure of public roads and ROW's and requires a resolution of Council to commence the advertising process and another to refer the request to the Minister for Planning, Lands & Heritage.

Reserve 43117 is a Reserve for Recreation that has had a management order (formerly known as 'vesting order') issued to the Shire of Chapman Valley by the Department of Planning, Lands & Heritage since 1994.

Council's role in the disposal of Reserves and ROW's is an initiating and advisory one only, and the final decision on whether to dispose of the land will rest with the Department of Planning, Lands & Heritage.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council's financial involvement is limited to the minor cost of advertising the ROW closure process, although there would be some long-term financial benefit to Council in removing unrequired assets and management responsibility.

Should the Department of Planning, Lands & Heritage be in agreeance to the disposal of the land it will request the Valuer General to set a valuation for the 111.54m² and 235m² areas of ROW and the 1,083m² Reserve 43117 and present these costs to the respective landowners for consideration.

The Department of Planning, Lands & Heritage will also require the landowner/purchaser to accept any incurred surveying and conveyancing expense, in addition to the cost of purchase of the land as set by the Valuer General, and this money is retained by the State Government and not the Local Government.

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 considered that the disposal of assets deemed surplus to requirements both reduces maintenance and liability to Council but assists in meeting a required Level of Service in the most cost effective manner for present and future community.

STRATEGIC IMPLICATIONS

The Nanson Townscape Plan was adopted by Council on 16 March 2004 to provide guidance for future development and enhancement of the Nanson townsite and provide a supporting basis for the pursuit of funding for specific projects identified in the Plan.

The Nanson Townscape Plan makes recommendation that the Shire *“investigate possible closure of the right of way (dunny cart lane) with adjacent landowners”* and Council’s support for the approaches from the landowners of Lot 10 Lauder Street, and Lots 7 & 8 Lauder Street & Lot 19 East Terrace to acquire the sections of ROW to the rear of their properties accords with this strategic vision.

The Nanson Townscape Plan also makes recommendation regarding Lot 10 and adjoining Reserve 43117 that the Shire *“formalise lease arrangement with adjoining landowner for continued use of Lot and Reserve”* and it is considered that the disposal of the land would accord with this strategic direction, noting particularly that the Nanson Townscape Plan identifies no Shire use for the land.

Council previously supported a ROW closure and disposal to the immediate north of Lot 10 Lauder Street at its 18 April and 20 June 2012 meetings relevant to the Nanson Museum (as several Museum buildings were constructed over the ROW). The ROW was also closed that ran between Lots 11 and 12 Lauder Street and Lots 16 and 17 East Terrace (that were all owned by the same landowner) to enable the amalgamation of the ROW into their landholding and subsequently the amalgamation of their 4 lots into 1 title.

Council previously supported a ROW closure and disposal to the immediate south of Lots 7 & 8 Lauder Street and Lot 19 East Terrace at its 21 June 2017 and 16 August 2017 meetings to enable the amalgamation of the ROW into an adjoining private landholding.

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

The proposed ROW closure was required to be advertised for comment for a period of 35 days (or greater) under Section 58 of the *Land Administration Act 1997* and this has now been undertaken by the Shire and included the following actions:

- notice being placed in the Mid West Times on 2 September 2020;
- letters being sent to the 3 surrounding landowners;
- letters being sent to the relevant service authorities (Alinta Energy, ATCO Gas, Horizon Power, Telstra, Water Corporation and Western Power) and also the Department of Fire & Emergency Services; &
- sign detailing the proposed ROW closure being erected onsite; &
- notice being displayed at the Shire office.

At the conclusion of the advertising period on 9 October 2020, 4 submissions had been received, 1 from an adjoining landowner expressing support for the proposed ROW closure, and 3 from service authorities (ATCO Gas, Water Corporation and Western Power) confirming they had no assets within the subject area and expressing no objection to the proposed ROW closure and disposal.

Given that Council was already required to undertake consultation in relation to the proposed ROW closure/disposal it was considered opportune to also invite comment upon the potential disposal of Reserve 43117 East Terrace at the same time. At the conclusion of this concurrent consultation period on 9 October 2020, 3 submissions had been received, 1 from the same adjoining landowner expressing support for the proposed disposal of Reserve 43117, and 2 from service authorities (Water Corporation and Western Power) confirming they had no assets within Reserve 43117 and expressing no objection to the proposed reserve disposal.

Copies of the received submissions from each of the consultation actions can be provided to Councillors upon request.

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

MOVED: Cr. Batten

SECONDED: Cr. Forth

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

- 1 Pursuant to Sections 58 & 59 of the *Land Administration Act 1997* request the Minister for Planning, Lands & Heritage to approve the closure of the portion of Right of Way adjoining Lot 10 Lauder Street, Nanson (to enable its subsequent disposal and amalgamation with Lot 10 Lauder Street, Nanson).
- 2 Pursuant to Sections 58 & 59 of the *Land Administration Act 1997* request the Minister for Planning, Lands & Heritage to approve the closure of the portion of Right of Way adjoining Lots 7 & 8 Lauder Street, Nanson and Lot 19 East Terrace, Nanson (to enable its subsequent disposal and amalgamation with any/all of these lots).
- 3 Advise the Minister for Planning, Lands & Heritage that Council considers Reserve 43117 East Terrace, Nanson surplus to its requirements and supports its disposal by the Department of Planning, Lands & Heritage.

**Voting F7/A0
CARRIED
Minute Reference: 10/20-05**

10.2

Manager of Finance & Corporate Services

October 2020

10.2 AGENDA ITEMS

- 10.2.1 Financial Management Report for September 2020**
- 10.2.2 Bushfire Risk Management Plan – Grant Agreement**
- 10.2.3 Local Road & Community Infrastructure Projects**
- 10.2.4 Office Equipment Capital Expenditure Budget Variation**

10.2.1 Financial Management Report for September 2020

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	21 st October 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

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

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

reporting of financial activity. Risk rating is considered Level 1 – Insignificant.

VOTING REQUIREMENTS

Simple Majority

MOVED: Cr. Forth

SECONDED: Cr. Royce

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council receives the financial management report supplied under separate cover for the months of September 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 F7/A0
CARRIED
Minute Reference: 10/20-06**

10.2.2 Bushfire Risk Management Plan – Grant Agreement

PROPONENT:	Department of Fire & Emergency Services
SITE:	Shire of Chapman Valley, Morawa & Perenjori
FILE REFERENCE:	601.03
PREVIOUS REFERENCE:	06/20-09
DATE:	21 st October 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the June 2020 OCM:

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

The Agreement has been finalised with the Department of Fire & Emergency Services (DFES); signed by DFES and all three participating local government authorities (Shires of Chapman Valley, Morawa and Perenjori).

As the Shire's of Morawa and Perenjori were reluctant to host the project we agreed to undertake this role either for the full two year period the project is scheduled to run or shorter if another Shires wished to assume this role at some time during the two years. The Agreement caters for the transition of host after the first twelve months if this is considered necessary and appropriate.

COMMENT

As reported to the June 2020 OCM, the Bushfire Risk Management Planning Program has been in operation across the State for a number of 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 Planning (BRMP) for each participating Shire.

Schedule 1 of the Grant Agreement states the purpose of the grants funds being:

“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.*
 - i) *The Organisation must cooperate fully with Grantor in respect of the administration of this Agreement.*
 - j) *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 local government authority. Upon completion of the BRMP a local government authority will be eligible to seek State Government funding assistance to implement their 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

As reported to the 17th June 2020 OCM, 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 recognise planning legislation deals separately with land developments, subdivision, etc. requirements for bushfire control & mitigation.

The concern remains with the BRMP being too onerous and recommendations unachievable from a resource perspective. 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.

The purpose of this agenda report is to seek endorsement from Council to vary the 2020/2021 Adopted Budget to:

- a) Accommodate the additional Expenditure and Revenue associated with the Bushfire Risk Management Planning Program; and
- b) Alter the changeover process for the replacement of the Deputy CEO's vehicle in 2020/2021 so this vehicle can be retained and leased by the Shire of Chapman Valley to the BRM Program for use by the BRPC over the two year period of the project.

Item (b) above has come about due to concerns the DFES Budget allocated for the supply of a lease vehicle may not be enough after several quotes have been received from leasing organisations. The thought was for the existing DCEO vehicle (2016 Ford Ranger), which is due to be traded in 2020/2021, being retained and (if DFES and the other two LGAs agree) lease this vehicle back to the Bushfire Risk Management Planning Program for the two year duration of the project. At the end of the project, the Shire of Chapman Valley would retain ownership of the vehicle and sell it outright or as a second trade vehicle on the changeover of another of the Shire's scheduled light vehicle changeovers.

The scenario of retaining the DCEO vehicle and leasing this back to the BRM Projects helps by:

- Keeping lease vehicle costs within the BRM Project Budget;
- Vehicle being available immediately the newly appointed BRMPC commences in the position. There is some concern with the delayed supply of a new vehicle due to the COVID-19 pandemic diminishing imports of vehicle from overseas manufacturers;

There will be some adverse financial implications in 2020/2021 if it is agreed to retain the DCEOs vehicle and leasing this to Bushfire Risk Management Planning Program; however, these will covered in future financial years i.e.

	Adopted Budget Amount	Amended Budget Amount	Variation
2020/2021			
Trade Vehicle Income Budgeted	\$20,000	\$0	-\$20,000
Lease Income Received for Trade Vehicle to BRMP (based on estimated amount of \$1200/month for 6 months)	0	\$7,200	+\$7200
Loss of Income			-\$13,800
2021/2022			
Lease Income Received for Trade Vehicle to BRMP	\$14,400	NA	+\$14,400

(based on estimated amount of \$1200/month for 12 months)			
Income			\$14,400
2022/2023			
Lease Income Received for Trade Vehicle to BRMP (based on estimated amount of \$1200/month for 6 months)	\$7,200	NA	Lease Income Received for Trade Vehicle to BRMP (based on estimated amount of \$1200/month for 6 months)
Income			\$7,200
Difference over 20/21; 21/22 and 22/23 Financial Years			\$8,800

Based on the figures above (bearing in mind the lease amount of \$1,200 per months for 24 months is yet to be confirmed) and the fact the Shire will retain the 2016 Ford Ranger at the end of the two years for trade or outright sale there is no anticipated loss to the Shire under this scenario.

The additional income and expenditure which will need to be included for the 20/21 Budget is \$150,186. This amount is for a full 12 month and the Shire will not use all of these funds in 20/21 due to delay in commencing the project. However; it is anticipated the full amount will be paid in 20/21 with the unspent portion being placed into Council's *Unspent Grant Reserve* at the 30th June 2021.

The grant covers the following expenditure areas:

- Salary & Wages;
- Workers Compensation Insurance;
- Superannuation;
- Leave Entitlements;
- ICT Cost (e.g. laptop, phone and accessories);
- Vehicle lease and operation cost (including fuel);
- Training;
- Travel and Allowances;
- Other (e.g. PPE).

The second year grant amount is \$148,203, which will be dealt with at the time the 21/22 Budget is being determined.

The only contribution expected from the LGAs under the Grant Agreement is in-kind support. However; if there is any unforeseen cash expenditure required, which is not covered under the grant, this will need to be dealt with if/when this occurs.

DFES has agreed to accommodate the employee at their office in Vulcan St, Geraldton, so there will be limited requirement for a work station to be provided at the Shire's.

DFES has also agreed to undertake the recruitment process for the Bushfire Risk Planning Coordinator position, with the CEO from the Shire of Chapman Valley being part of the evaluation and appointment panel.

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 risks.

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

DFES has been in consultation with all three participating LGAs on the Bushfire Risk Management Planning Program and Grant Agreement.

The Shire of Chapman Valley CEO has been in regular contact with Mr. Craig Smith, Superintendent, Operations Command, Midwest and Gascoyne for DFES and the CEOs from the other two participating LGAs on the Project, Grant Agreement (specifically the vehicle supply aspect of the Project).

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 it is suggested it could range between Minor and Catastrophic.

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
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
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VOTING REQUIREMENTS

Absolute Majority (5 affirmative votes).

MOVED: Cr. Humphrey

SECONDED: Cr. Royce

Request to suspend standing orders at 10.00am.

Voting F7/A0

CARRIED

Minute Reference: 10/20-07

MOVED: Cr. Forth

SECONDED: Cr. Davidson

Request to resume standing orders at 10.20am.

Voting F7/A0

CARRIED

Minute Reference: 10/20-08

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Forth

SECONDED: Cr. Davidson

Council endorse the following amendments to the 2020/2021 Adopted Budget:

1. Include expenditure and revenue for the Bushfire Risk Management Planning Program as stated in the Grant Agreement, including any expenditure and revenue variation which may occur during the project;
2. Defer trade of the Deputy Chief Executive Officer's 2016 Ford Ranger Vehicle and lease this vehicle to the Bushfire Risk Management Planning Program at an amount agreed to between the Chief Executive Officer and other parties to the Agreement. The understanding being the Shire of Chapman Valley would retain ownership of the existing Ford Ranger vehicle at the end of the project.
3. If the lease of the existing Shire owned 2016 Ford Ranger vehicle to the Bushfire Risk Management Planning Program mentioned in item (2) above is agreed to by all parties then staff proceed with the acquisition of a new vehicle for the Deputy Chief Executive Officer as budgeted, without the trade option in 2020/2021.

If; however, agreement cannot be reached to lease the existing Shire owned 2016 Ford Ranger vehicle to the Bushfire Risk Management Planning Program mentioned in item (2) above then staff proceed to changeover this vehicle as originally budgeted.

Voting F7/A0
BY ABSOLUTE MAJORITY
Minute Reference: 10/20-09

10.2.3 Local Road & Community Infrastructure Projects

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	309.02
PREVIOUS REFERENCE:	SCM 07/20-03
DATE:	21 st October 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3(a)	LRCIP Works Approved Schedule		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council discussed the Local Road & Community Infrastructure Project (LRCIP) Work Schedule at the two Draft 2020/21 Budget Workshops and endorsed the Works Schedule as part of the adoption of the whole 2020/21 Budget presented to a Special Meeting of Council held on the 31st July 2020.

A copy of the approved Work Schedule is provided at **Attachment 10.2.3(a)**.

COMMENT

It has become evident there will be minor over and under expenditure on individual projects listed in the approved Works Schedule. The purpose of this Agenda Report is to seek Council approval to delegate authority to the Chief Executive Officer to adjust the budgeted funding allocation to individual projects under the conditions:

1. Prior approval received from the grant provider (Department of Infrastructure, Transport, Regional Development and Communications);
2. The Parkfalls Shoulder Extension Project to be used as the primary adjustment project to accommodate over and under expenditure as well as the situation of third party grants linked to specific projects being unsuccessful; and
3. The overall LRCIP Budget grant amount not be exceeded

Council has agreed (informally) for the Parkfalls Shoulder Extension Project to be used as the expenditure adjustment project in the event third party grants linked to specific projects being unsuccessful; however, it is unclear whether this extended to those projects not linked to grants. Hence the reason this matter has been brought to Council for consideration to provide greater certainty.

STATUTORY ENVIRONMENT

Council has a legally binding Grant Agreement with the Department of Infrastructure, Transport, Regional Development and Communications which incorporated an approved Work Schedule listing all the projects Council has endorsed as part of the 2020/21 Adopted Budget.

As the adopted budget deals with the LRCIP Projects listed under specific Chart of Accounts (COA) and Programs there may be the need to move funds across COAs and Programs, which will need a Council resolution (carried by an Absolute Majority).

POLICY/PROCEDURE IMPLICATIONS

Other than the requirement to comply with procurement legislation and the Shire of Chapman Valley Purchasing Policy (CP-024) no other existing Policy/Procedure is affected.

FINANCIAL IMPLICATIONS

There will be no adverse effect on the overall expenditure allocated in the 20/21 Budget associated with the LRCIP Projects, only the possibility of funds being moved between projects and the Parkfalls Shoulder Extension project being used to accommodate any variations.

Long Term Financial Plan (LTFP):

Ni effect on the LTFP.

STRATEGIC IMPLICATIONS

It is important to ensure all LRCIP projects are completed within the set timeframe of 30th June 2021 and to accommodate any variations to individual projects as actual cost occur. Bearing in mind the budget allocation amounts were estimates only.

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Contact will continue to be made with the Department of Infrastructure, Transport, Regional Development and Communications to ensure any project variations are endorsed by them before implementing changes.

RISK ASSESSMENT

As the overall total expenditure will not exceed the LRCIP grant funds the only risk envisaged is compliance with the Grant Agreement the Shire has with the Department of Infrastructure, Transport, Regional Development and Communications. Therefore the risk in this instance is considered to be *insignificant* i.e.

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

VOTING REQUIREMENTS

Absolute Majority (5 affirmative votes).

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Forth

SECONDED: Cr. Davidson

Council delegate authority to the Chief Executive Officer to adjust the budgeted funding allocation to individual Local Road & Community Infrastructure Project projects under the following conditions:

1. Prior approval being received from the grant provider (Department of Infrastructure, Transport, Regional Development and Communications);
2. The Parkfalls Shoulder Extension Project to be used as the adjustment project to accommodate over and under expenditure as well as the situation of third party grants linked to specific projects being unsuccessful; and
3. The overall Local Road & Community Infrastructure Project Budget grant allocation amount not being exceeded.

Voting F7/A0
BY ABSOLUTE MAJORITY
Minute Reference: 10/20-10

10.2.4 Office Equipment Capital Expenditure Budget Variation

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	Minute Reference: SCM 07/20-03
DATE:	21 st October 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved at the Special Council Meeting 31st July 2020 to adopt revenue and expenditure as detailed in the 2020/2021 Annual Budget, of which is included operating costs to lease an upgraded version of the current Konica Minolta printer, copier, scanner.

COMMENT

Local businesses have requested on an upgraded Konica Minolta to match our needs and in line with procurement policy it is felt value for money is better spent on an outright purchase. Current 2020/21 budget figures include lease rental and monthly service costs totaling \$11,000. The monthly service costs for printing would be retained as the new agreement remains 1 cent per black copy and 11 cents per colour copy, yet the lease rental would no longer apply reducing this amount by \$4,100. An additional cost in the 2020/21 annual budget for capital expenditure of \$5,200 is required for outright purchase and it is recommended this is derived from the Office & Equipment Reserve funds which currently holds \$39,756.

COA/Job No.	COA / Job Description	Adopted Budget	Proposed Revised Budget	Effect on Budget	Comments
105420.02	Printing & Stationary Expense	21,000	16,900	(4,100)	Reduction in budget allocation for lease payments
103640.99	Office Furniture & Equipment (NCA)	0	9,300	9,300	Additional Budget required for outright capital purchase
Total Effect on Expenditure Budget				5,200.00	

103710.99	Transfer from Office Equipment Reserve	0	(5,200)	(5,200)	Additional Budget required for outright capital purchase derived from reserve funds
Total Effect on Overall Budget				0.00	

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 with the increase in capital expenditure being derived from the Office & Equipment Reserve Fund therefore no further burden on the 2020/2021 Annual Budget.

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

As the additional expenditure is not being derived from general municipal funds 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 (5 affirmative votes).

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Forth

SECONDED: Cr. Royce

That Council:

1. Council endorse the 2020/2021 budget variation for capital expenditure for outright purchase of printer/copier/scanner by increasing the total capital budget by \$9,300; and
2. The additional \$5,200 be derived from the Shire Office & Equipment Reserve.

**Voting F7/A0
BY ABSOLUTE MAJORITY
Minute Reference: 10/20-11**

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 Batten	Regional Innovation Summit
Cr Farrell	Regional Road Group, Renewable Hydrogen EOI Oakajee Launch, Dongara-Geraldton-Northampton Transport Corridor Meeting
Cr Forth	For a Better Chapman Valley, Tourism Community Group Meeting Business Workshop
Cr Humphrey	WALGA Annual General Meeting
Cr Warr	For a Better Chapman Valley Community Group Meeting

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 10:52am.