

ORDINARY COUNCIL MEETING

AGENDA

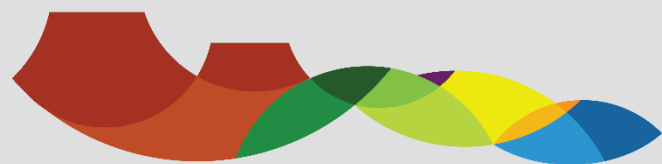
**9:00am Wednesday
18/11/2020**

Nabawa Council Chambers

November 2020

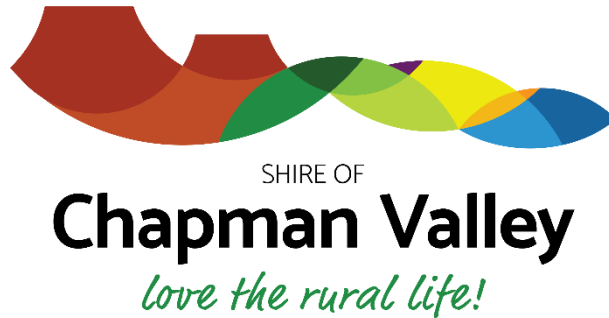
SHIRE OF CHAPMAN VALLEY
Maurice Battilana
CHIEF EXECUTIVE OFFICER

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



SHIRE OF
Chapman Valley
Love the rural life!

DISCLAIMER



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

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

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

A handwritten signature in black ink, appearing to read 'Maurice Battilana', is positioned above the printed name and title.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

Table of Contents

1.0	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS	5
2.0	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	5
3.0	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	5
3.1	Attendees.....	5
3.2	Apologies.....	5
3.3	Previously Approved Leave of Absence (By Resolution of Council).....	5
4.0	PUBLIC QUESTION TIME	5
4.1	Response to Previous Public Questions on Notice	5
4.2	Public Question Time	5
5.0	APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council)	5
6.0	DISCLOSURE OF INTEREST	5
7.0	PETITIONS/DEPUTATIONS/PRESENTATIONS	6
7.1	Petitions	6
7.2	Presentations	6
7.3	Deputations.....	6
8.0	CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS	6
8.1	Ordinary Meeting of Council held on Wednesday 21 st October 2020.....	6
9.0	ITEMS TO BE DEALT WITH EN BLOC.....	6
10.0	OFFICERS REPORTS	6
10.1	Deputy Chief Executive Officer	7
10.1.1	Proposed Outbuilding (Reduced Side Boundary Setback)	8
10.1.2	Dongara-Geraldton-Northampton Route Planning Study.....	18
10.2	Manager of Finance & Corporate Service Services	26
10.2.1	Financial Management Report for October 2020.....	27
10.2.2	Community Group For a Better Chapman Valley Financial Assistance	30
10.2.3	Financial Hardship - Write Off Penalty Interest A137	39
10.2.4	Chapman Valley Primary School P&C Financial Assistance	41
	Chief Executive Officer	48
10.3.1	Draft Local Government (Administration) Amendment Regulations (CEO Recruitment, Performance and Termination)	49
10.3.2	Draft Local Government (Administration) Amendment Regulations – Model Code of Conduct	55

11.0	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	59
12.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING	59
13.0	DELEGATES REPORTS	59
14.0	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	59
15.0	MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC	59
16.0	CLOSURE.....	59

ORDER OF BUSINESS

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

3.1 Attendees

3.2 Apologies

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

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

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

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

11:30am – Tim Glenister (Chair) Mid West Development Commission – Meet & Greet

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 21st October 2020.

That the Minutes of the Ordinary Meeting of Council held Wednesday 21st October 2020 be confirmed as true and accurate.

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

10.1 AGENDA ITEMS

10.1.1 Proposed Outbuilding (Reduced Side Boundary Setback)

10.1.2 Dongara-Geraldton-Northampton Route Planning Study

10.1.1 Proposed Outbuilding (Reduced Side Boundary Setback)

PROPONENT:	Aussie Sheds for D. & C. Bougourd
SITE:	243 (Lot 97) Eliza Shaw Drive, White Peak
FILE REFERENCE:	A1420
PREVIOUS REFERENCE:	Nil
DATE:	6 November 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Application and landowner letter		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application for an outbuilding upon 243 (Lot 97) Eliza Shaw Drive, White Peak that is proposed to be sited 1m from the side property boundary, which is a variation to the 5m setback 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 conditional approval of the application.

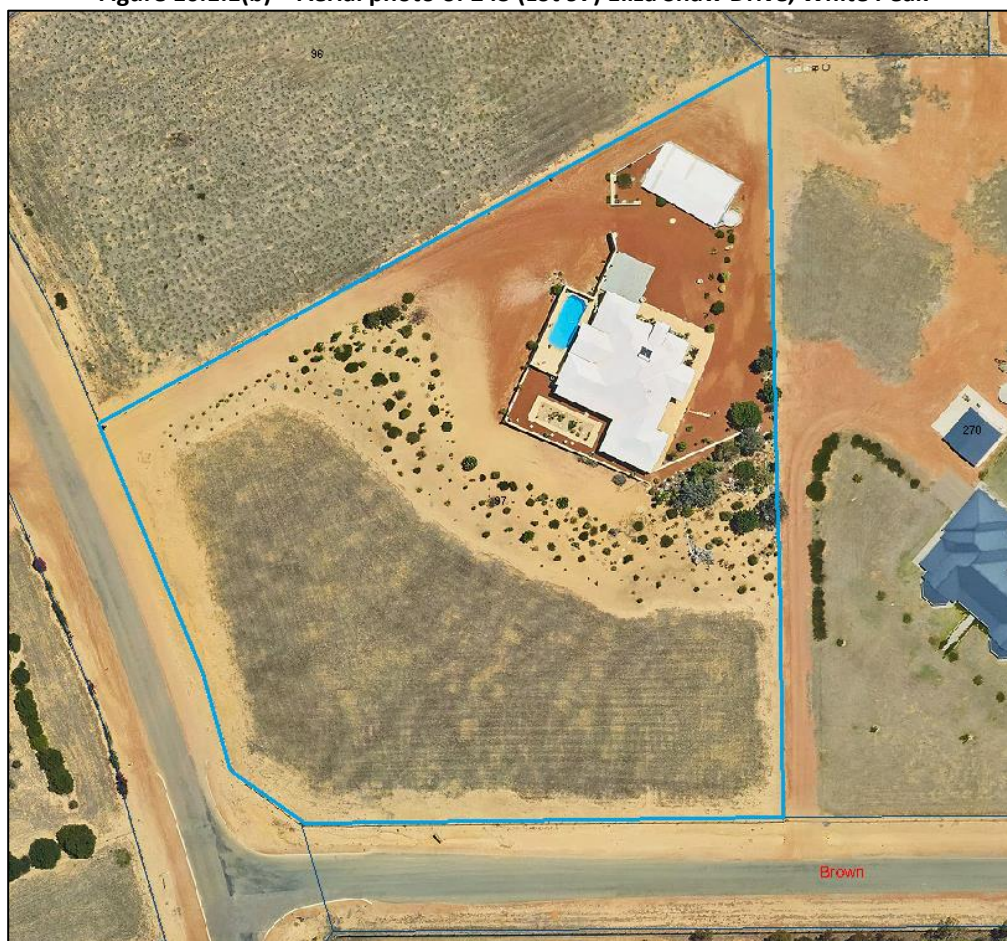
Figure 10.1.1(a) – Location plan for 243 (Lot 97) Eliza Shaw Drive, White Peak



COMMENT

Lot 97 is a 1.1940ha corner property with an 83.32m frontage onto Eliza Shaw Drive along its western boundary, and an 87.72m frontage onto Brown Lane along its southern boundary. The property slopes upwards from approximately the 103m contour along its Eliza Shaw Drive frontage to approximately the 109m contour at its rear/north-eastern corner.

Figure 10.1.1(b) – Aerial photo of 243 (Lot 97) Eliza Shaw Drive, White Peak



The development history for Lot 97 is as follows:

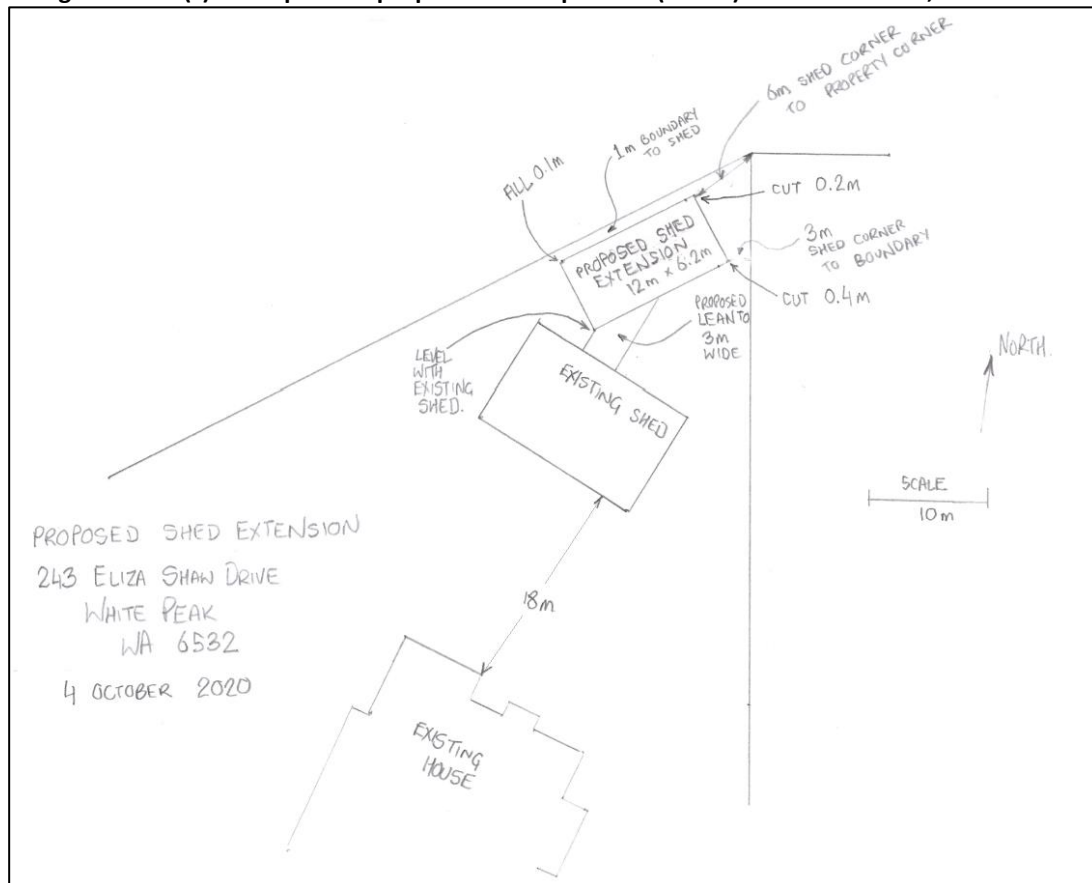
25 November 2004	Lot 97 created from DP41615 as Stage 2 of the Parkfalls Estate;
13 January 2005	Parkfalls Estate developer sold Lot 97;
9 February 2005	Planning approval issued for retaining wall;
22 March 2005	Planning approval issued for 3 bedroom, 2 bathroom residence;
28 September 2005	Planning approval issued for 135m ² outbuilding;
25 November 2005	Planning approval issued for patio
7 March 2006	Planning approval issued for swimming pool;
2 May 2018	Applicant purchased Lot 97;
4 October 2020	Planning application received for outbuilding that exceeded Shire staff delegated authority.

The application is for a 74.4m² enclosed outbuilding proposed to be connected by an approximately 10m² lean-to to the existing 135m² shed to create a total outbuilding area of 219.4m² (209.4m² enclosed/10m² unenclosed). The proposed shed would have a 4m wall height and 4.831m total height and would be clad in 'Classic Cream' colorbond cladding to match the existing shed and residence.

The outbuilding is proposed to be sited 1m from the side/northern property boundary and 3m (increasing to 6m) from the side/eastern property boundary.

The applicant is seeking to site the outbuilding in the proposed location so that they can reverse their boat trailer in a straight line. The outbuilding could be reorientated so that it complied with the 5m boundary setback requirement, however, this would then create difficulties in accessing the shed with a boat trailer.

Figure 10.1.1(c) – Site plan for proposed shed upon 243 (Lot 97) Eliza Shaw Drive, White Peak



The Shire of Chapman Valley Local Planning Scheme No.3 notes that the minimum boundary setback for side and rear boundaries in the 'Rural Residential 1' zone is 5m. As the development is seeking a variation to the Scheme this matter is being presented to Council for its consideration.

A copy of the application (including site, elevation and floor plans) along with site photographs and an explanatory letter from the landowner outlining their reasons for seeking to site the outbuilding in the requested location have been provided as **separate Attachment 10.1.1**.

Consideration of the application's proposed variation to the side boundary setback requirements may be warranted in this instance, based upon the following:

- Lot 97 is an irregularly shaped lot and the angle of the rear corner has presented challenges in meeting the standard boundary setback requirements;
- the existing built form upon Lot 97 which is clustered to the rear corner of the property has presented challenges in siting the outbuilding in accordance with standard requirements, the outbuilding could be located to meet with standard boundary requirements further forward upon the property but this would be at odds with Council's requirement for this zone that outbuildings should be sited to the rear (and not forward) of the residence;

- the proposed total outbuilding area of 219.4m² (209.4m² enclosed and 10m² lean-to) would comply with the 240m² maximum enclosed area and 120m² unenclosed requirement as specified in Council's Outbuildings Policy for the 'Rural Residential' zone;
- the outbuilding's proposed 4m wall height/4.831m gable height would meet with the 4.5m maximum wall height/5.5m maximum total height as specified in Council's Outbuildings Policy for the 'Rural Residential' zone;
- the development's visual impact from the road would be reduced by it being sited behind (and connected to) the existing outbuilding and approximately 130m back from both Eliza Shaw Drive and Brown Lane;
- the development would be clad in matching colorbond to the existing residence and outbuilding upon the property;
- the proposed side boundary setback variation is sought to enable a boat trailer to be reversed directly along the driveway and into the shed, rather than requiring a more difficult angled approach;
- given there are no windows on any of the elevations of the proposed outbuilding the reduced setback would not present a privacy issue for neighbours;
- the construction of an outbuilding to house a boat is considered to be of benefit to the landowner by enabling them to store this item securely and out of the weather, and also provide an improved streetscape value rather than have it stored out in the open;
- the application was advertised to the surrounding landowners inviting comment and no objections were received, this may be considered to demonstrate a general level of acceptance or indifference for the proposed development.

In the event that Council deems that the application should not be supported it might consider the following alternative wording appropriate in its deliberations:

"That Council refuse the application for an outbuilding upon 243 (Lot 97) Eliza Shaw Drive, White Peak for the following reasons:

- 1 The proposed development does not meet with the 5m minimum side/rear boundary setback requirement in the 'Rural Residential' zone as established in Schedule 3 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 Schedule 5 (2) Buildings of the Shire of Chapman Valley Local Planning Scheme No.3.*
- 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' 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."

Figure 10.1.1(d) – View looking east along driveway approach to proposed outbuilding



Figure 10.1.1(e) – View looking east at proposed outbuilding location



Figure 10.1.1(f) – Panorama view of proposed outbuilding location looking north



STATUTORY ENVIRONMENT

243 (Lot 97) Eliza Shaw Drive, 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.”

Clause 33 'Additional site and development requirements' of the Scheme establishes that Schedule 3 of the Scheme sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or state or local planning policies.

Schedule 3 – Additional Site and Development Requirements for Zones contains a table listing matters such as lot area, effective frontage, site coverage, plot ratio, property boundary setbacks, car parking spaces and landscaping. Schedule 3 lists the minimum boundary setback for the 'Rural Residential' zone as being 15m from the front and 5m from the side/rear property boundaries.

Clause 34 'Variations to site and development requirements' of the Scheme notes the following:

- “(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
 - (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that –
- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
 - (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”

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;...
- ...(s) the adequacy of –
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;...
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application...
- ...(zb) any other planning consideration the local government considers appropriate.”

POLICY/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

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

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

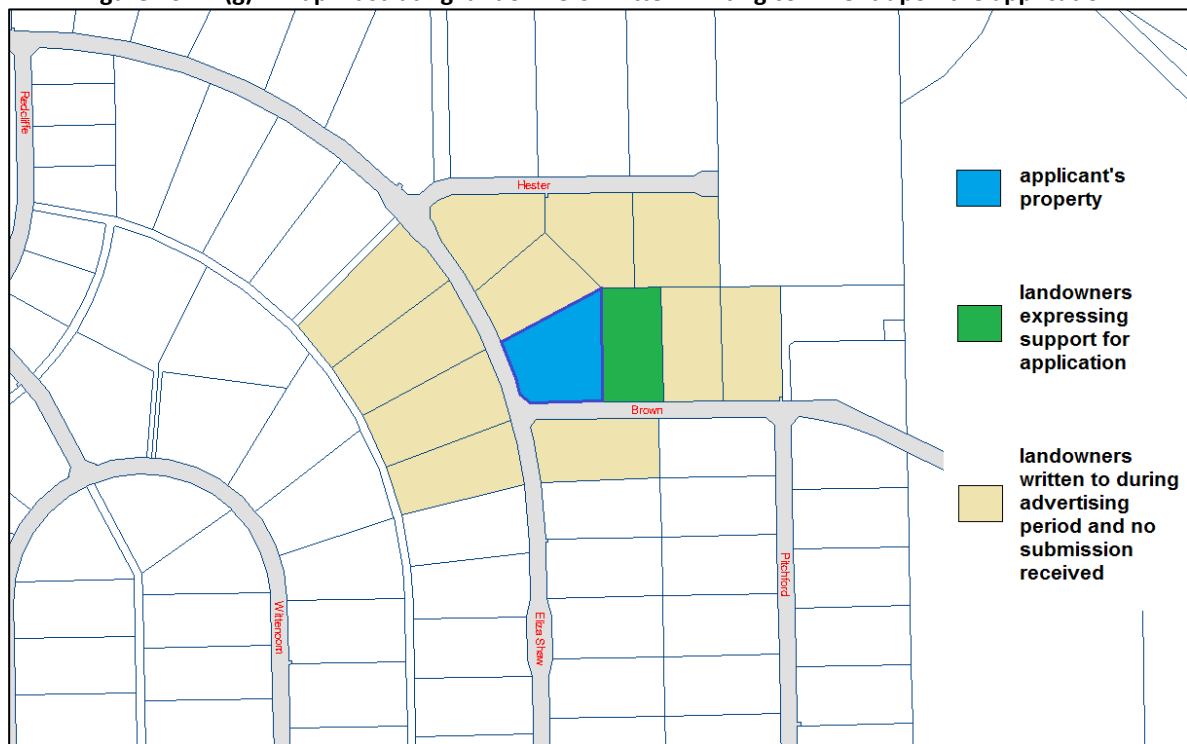
Section 7.0 of Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings requires that:

- “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 12 surrounding landowners on 5 October 2020 providing details of the application and inviting comment upon the proposal prior to 30 October 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 (without further comment) for the application. A map illustrating the location of the surrounding landowners written to inviting comment has been provided as **Figure 10.1.1(g)**.

Figure 10.1.1(g) – map illustrating landowners written inviting comment upon 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

STAFF RECOMMENDATION

That Council grant formal planning approval for the proposed outbuilding (with reduced boundary setback) upon 243 (Lot 97) Eliza Shaw Drive, White Peak subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 18 November 2020 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation, commercial or industrial purposes.
- 4 The walls and roof of the proposed outbuilding are to be of materials, finish and colours that are complementary to the existing outbuilding upon Lot 97 to the approval of the local government.

-
- 5 The proposed outbuilding shall be connected to the existing outbuilding by a lean-to to the approval of the local government.
 - 6 All stormwater must be contained and disposed of on-site to the approval of the local government.
 - 7 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
 - 8 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (b) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

10.1.2

Dongara-Geraldton-Northampton Route Planning Study

PROPONENT:	Main Roads WA
SITE:	Multiple lots in Narra Tarra, Yetna, White Peak, Oakajee & Howatharra localities
FILE REFERENCE:	204.16.07
PREVIOUS REFERENCE:	03/14-3, 09/15-10 & 12/17-4
DATE:	5 November 2020
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Dongara to Northampton Alignment Study map	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Main Roads WA are planning a future road corridor between Dongara, Geraldton and Northampton to address long term freight requirements and alleviate pressure on existing roads, and are inviting comment upon their preferred alignment. This report recommends that Council support the alignment as it relates to the Shire of Chapman Valley.

COMMENT

A link to the relevant information on display on the Main Roads WA website is provided below:

<https://www.mainroads.wa.gov.au/projects-initiatives/projects/regional/dongara/>

In 1976 the State Government released the Geraldton Region Plan which identified a rail corridor linking the Narngulu industrial estate and Geraldton port with a proposed industrial estate and port at Oakajee, the alignment ran east of the Moresby Range and through the Wokatherra Gap.

In 1989 the State Government released the updated Geraldton Region Plan which maintained this proposed rail corridor.

The 1999 the State Government released the updated Geraldton Region Plan which identified the alignment as being a railway, road and services corridor noting that:

"Oakajee Railway, Road and Services Corridor

The alignment of the road, railway and services corridor between Narngulu and Oakajee is shown on the Structure Plan. The alignment is based on preliminary analysis by Westrail in consultation with the Department of Resources Development and local government. This corridor would provide the opportunity to develop a railway and accommodate services which may be required for the Oakajee industrial estate.

The Department of Resources Development is proceeding with investigation into a 250 to 480 metre wide multi-use services corridor to accommodate short, medium and longterm transport and service requirements. The width of the corridor will be determined by the Minister for the Environment. An environmental assessment has been prepared for the corridor and provides for consideration of visual amenity issues such as the siting of power lines." (Western Australian Planning Commission, 1999, Section 9.8.5, page 87)

In 2011 the State Government released the Greater Geraldton Structure Plan update to the Geraldton Region Plan that can be viewed at the following link:

<https://www.dplh.wa.gov.au/information-and-services/district-and-regional-planning/country-planning/mid-west/mid-west-regional-publications/greater-geraldton-structure-plan-2011>

This report identified the indicative alignment for the proposed Oakajee Narngulu Infrastructure Corridor ('ONIC') noting that:

"The current Oakajee Port and Rail rail alignment, the Oakajee-Narngulu Infrastructure Corridor and the Geraldton North South Highway alignments are included in the Greater Geraldton Structure Plan 2011. This reflects the progress in planning key future infrastructure projects since the previous structure plan." (Western Australian Planning Commission, 2011, Section 3.9.1, page 12)

"Some of the infrastructure proposals identified are currently subject to further planning, such as Oakajee port and rail, Oakajee-Narngulu Infrastructure Corridor and the Geraldton North South Highway route. The timelines for the construction of the proposed infrastructure are subject to future demand and are dependant on final approvals being in place. While delivery of infrastructure projects is dependent on the commitment of funding by government, the planning of transport and infrastructure corridors remains important in supporting regional economic development." (Western Australian Planning Commission, 2011, Section 3.9.2, page 12)

In 2014 the Department of Planning released the ONIC Draft Alignment Definition Report that can be viewed at the following link:

<https://www.dplh.wa.gov.au/information-and-services/district-and-regional-planning/country-planning/mid-west/oakajee-narngulu-infrastructure-corridor>

This report undertook more detailed investigations into the ONIC alignment, identifying a corridor required to be at least 230m wide, to accommodate road, rail and services utilities infrastructure.

In 2015 Main Roads WA released the draft Dongara to Northampton Corridor Alignment Selection Study that considered a range of alignment options to enable triple road-trains to travel south from their current termination point at Carnarvon to continue through to north of Perth. This strategic freight objective would require several realignments to bypass Northampton, Geraldton and Dongara and the study was tasked with identifying the final corridor.

Options 4, 5 & 6 related to the northern section between Northampton and Geraldton, and passed through the Shire of Chapman Valley, of these Option 6 was the ONIC alignment as identified in the 2011 Greater Geraldton Structure Plan.

Options 1, 2 & 3 related to the southern section between Geraldton and Dongara and were located within the Shire of Irwin and the City of Greater Geraldton.

Council resolved at its 16 September 2015 meeting as follows:

"That Council make submission to Main Roads WA regarding the Dongara to Northampton Alignment Selection Study as follows:

- 1 Council is supportive of Option 6 (i.e. the Oakajee-Narngulu Infrastructure Corridor alignment between Morrell Road and the North West Coastal Highway).*
- 2 Council urges Main Roads WA and the Department of State Development to adopt the Option 6 section (i.e. the Oakajee-Narngulu Infrastructure Corridor alignment between Morrell Road and the North West Coastal Highway) as Stage 1 for both land acquisition and construction as this will serve to immediately provide, in conjunction with Morrell Road, a short-term Geraldton Outer Bypass.*
- 3 That the land acquisition phase of the corridor project commence upon finalisation of the alignment definition phase, and not be delayed by identifying future road reservations in local government planning schemes as this will unnecessarily prolong the project and pass the financial burden of addressing claim for compensation onto the local government."*

Preliminary feedback from Main Roads WA in 2017 indicated that it favoured Option 4 (an inland option running through Howatharra) and Council discussed this matter again at its 13 December 2017 meeting resolving as follows:

“That Council undertake the following actions:

- 1 Write directly to all landowners within the Shire of Chapman Valley that are directly impacted by, or adjoining, the Dongara to Northampton Corridor Alignment Selection Study alignment favoured by Main Roads WA and the Mid West Development Commission advising them of the study’s current status and the Shire’s alignment preference.*
- 2 Write to the City of Greater Geraldton, Shire of Irwin and Shire of Northampton to advise of the Shire of Chapman Valley’s actions in notifying impacted and adjoining landowners within its local government area, and inviting their consideration to do likewise.*
- 3 Write to the Department of Biodiversity, Conservation and Attractions (formerly Parks & Wildlife) enquiring as to their awareness that the alignment favoured by Main Roads WA and the Mid West Development Commission runs through 2 nature reserves under its management.*
- 4 Erect a sign on Nanson-Howatharra Road on the alignment favoured by Main Roads WA and the Mid West Development Commission advising of the study being undertaken and the lead agencies to contact for further information.*
- 5 Write to the Mid West Development Commission and request that it reconsider its support for the Option 4 alignment, noting that the Commission’s core role as defined by its own objectives is as follows...*
 - “• maximise job creation and improve career opportunities in the region;*
 - develop and broaden the economic base of the region;*
 - identify infrastructure services needed to promote economic and social development within the region;*
 - provide information and advice to promote business development within the region;*
 - seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and*
 - generally take steps to encourage, promote, facilitate and monitor the economic development in the region.**...and that these objectives are best served by supporting Option 6 which promotes economic and social development within the Mid West region, and that support for an inland option which is alleged to provide the most efficient means to travel from one end of the Mid West region to the other, and bypasses Oakajee, is contrary to these Commission objectives.*
- 6 Write to the Minister for Transport, Planning and Lands in thanks for the consideration of the Shire’s concerns in relation to the Dongara to Northampton Corridor Alignment Selection Study and the establishment of a Working Group to consider this study further.”*

As a summary, the Shire of Chapman Valley’s support in relation to Option 6 (i.e. the ONIC) was reached based upon the following:

- would impact on fewer landowners;
- impacted upon a lesser area of remnant vegetation (noting also that Options 4 & 5 would have run through 2 Conservation Nature Reserves);
- would impact upon fewer watercourses and tributaries;
- utilised existing road reserve where possible;
- less expensive to acquire;
- argument that Option 6 would be significantly more expensive to construct had not been provided, indeed the preliminary costings provided to the Shire indicated that Option 6 would be less expensive than Options 4 or 5, and costings relating to freight efficiency in support of Options 4 or 5 had not been provided;
- Option 6 was not significantly longer (possibly 5km at most);
- the majority of the Option 6 alignment between the Wokatherra Gap and the North West Coastal Highway had already been acquired by the State Government for the purposes of the Oakajee Industrial Estate Buffer;
- in the event that widening for additional passing lanes or dual carriageway was required the land either side of the Option 6 alignment was already under State Government ownership for a 10km section of Option 6 (from White Peak Road to Coronation Beach Road);

-
- the acquisition and construction of either Option 4 or 5 would not preclude the need for Option 6 to still be acquired and constructed to provide linkage between the Oakajee Port and Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines and the wider heavy vehicle and rail network;
 - Option 6 could form part of a staged construction of the overall corridor which would have more immediate cost and traffic flow advantages, Options 4 & 5 would not provide any linkage until constructed in their entirety as they are new alignments;
 - Option 6 could resolve heavy vehicle traffic issues within Geraldton in a more timely manner than Options 4 & 5;
 - Acquisition of Option 6 as part of this project had the accompanying benefit of providing greater certainty to potential investment and development in the Oakajee Industrial Estate that is currently isolated from rail, road and service corridors;
 - Option 6 is along a general alignment that has been identified in planning documents since the 1970's and landowners who have purchased in vicinity of the alignment since that time would be expected to have given regard for this, Options 4 & 5 had not been previously suggested;
 - Option 6 provided an improved means for residents of the inland and coastal sections of the Chapman Valley community to interact, Options 4 & 5 did not serve this function;
 - Option 6/ONIC represented the final major piece of state acquisition for the Oakajee Mid West Development Project, with the overall aim being to establish an integrated port and industrial estate at Oakajee; supporting rail and infrastructure corridors to facilitate the development of the resources sector in the Mid West; and ensure the long-term prosperity of the region. Ensuring that the Dongara to Northampton Corridor alignment replicated the ONIC alignment was considered essential for the Oakajee Mid West Development Project. Without certainty and security over access into the Oakajee Port and Industrial Estate then the previous land acquisitions of the Oakajee Industrial Estate and buffer area were isolated and unworkable, and private enterprise would be unable to access the site which could lead to further incidents such as the socially divisive and unsuccessful application for Mining Tenement Miscellaneous Licence (for the purpose of transporting minerals) as previously lodged by Karara Mining Ltd, or provide an obstacle to potential project proponents (such as slurry pipeline or hydrogen proposals);
 - Option 6 would also provide a strategic linkage for the Oakajee Port and Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines to the south-east and north-east of Geraldton, and the wider heavy vehicle and rail network, and without it the Oakajee Industrial Estate was considered unlikely to develop to any significant level in the near future. Further to this, strategic industrial projects that do not require rail or port access could be encouraged to establish at the Oakajee site, rather than be lost to the Mid West region due to the Narngulu Industrial Estate being constrained by its cumulative emissions modelling. It might also be considered that logistics, transport, regional waste, energy and general industrial uses might consider the Oakajee Industrial Estate as a viable location were Option 6/ONIC to be in place and providing suitable road connection;
 - the acquisition of Option 6/ONIC at the earliest possible stage would remove uncertainty for both landowners and private enterprise, as well as potential cost savings to the State Government. The acquisition of Option 6/ONIC would also remove statutory planning (in regards to development application assessment) and financial issues (in defending development decisions) for local government whereby landowners of private land may seek to lodge applications for development upon the alignment;
 - in the event that Main Roads WA deem that the Dongara to Northampton Corridor requires construction of new sections of alignment to the immediate west of the existing North West Coastal Highway between Oakajee and Northampton (rather than widening/upgrade of the existing highway alignment) then this would resolve existing traffic safety concerns at the Howatharra and Isseka townsites for resident's vehicles exiting/entering from their properties by creating a slip-road arrangement upon the existing highway alignment.

On 25 September 2020 the Minister for Transport and Planning announced Main Roads WA's preferred alignment and this was Option 6 for the northern section, this being the alignment supported by the Shires of Chapman Valley and Northampton, and Option 1 for the southern section.

Main Roads WA are now inviting comment from Council upon the preferred corridor for the Dongara-Geraldton-Northampton Route Planning Study prior to 29 January 2021.

Council has previously confined its comment to the northern section of the proposed Dongara-Geraldton-Northampton Route Planning Study recognising that this section lies within the Shire of Chapman Valley over which it has a thorough knowledge of the planning history, transport issues, on-ground constraints and the impacted community.

The staff recommendation to Council therefore maintains this previous position, recommending that Council's comment again be confined to the northern section of the Dongara-Geraldton-Northampton Route Planning Study, and that comment in relation to the southern section would be more appropriately addressed by Main Roads WA in consultation with the Shire of Irwin and City of Greater Geraldton and other relevant parties.

STATUTORY ENVIRONMENT

The preferred corridor for the Dongara-Geraldton-Northampton Route Planning Study is not identified within the Shire of Chapman Valley Local Planning Scheme No.3, excepting the already operating sections of the North West Coastal Highway and Morell Road which are zoned 'Primary Distributor Road'.

It is not recommended that Council initiate any amendments ('rezonings') to its Scheme to recognise the corridor identified by the Dongara-Geraldton-Northampton Route Planning Study as a public purpose zoning, until, at a minimum, a formal commitment has been made by the State Government for the funding and acquisition of the alignment, and more preferably until the alignment has been acquired by the State Government and the zoning map can then correlate to the created cadastral boundaries. The reasoning behind this recommendation being that where privately owned land is zoned for an exclusively public purpose then the effected landowner can make a claim for compensation to the local government under Section 174 of the *Planning and Development Act 2005*.

POLICY/PROCEDURE IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 16.190 'Development adjacent to the proposed Oakajee to Talling Peak and Oakajee to Narngulu Rail Corridors' seeks to prevent incompatible development in vicinity to the ONIC which also forms the section of Main Roads WA's Dongara-Geraldton-Northampton Route Planning Study preferred alignment that runs through the Shire of Chapman Valley.

FINANCIAL IMPLICATIONS

The FAQ section for the Dongara-Geraldton-Northampton Route Planning Study on the Main Roads WA website states that:

"This study is a high-level planning study ONLY. There is currently no funding available for detailed design or construction. Typically, funding for land acquisition only becomes available when a project is funded for construction by government. In exceptional circumstances, Main Roads may consider early acquisition but this will be considered on a case by case basis."

<https://www.mysaytransport.wa.gov.au/dongara-geraldton-northampton/widgets/251226/faqs#69244>

The State Budget that was announced in May 2015 included an allocation of \$10.3 million to commence compulsory land acquisition for the ONIC, this amount was later withdrawn.

The Shire of Chapman Valley has repeatedly expressed the view that whilst the purpose of the Dongara-Geraldton-Northampton Route Planning Study is to identify a preferred corridor that will have wider local, regional and state benefit, that the upshot of the study will be to 'draw a line on a map'. It is therefore essential that impacted landowners should not be left in limbo, and should be treated fairly through an immediately following land acquisition process, which provides a clear understanding as to the acquisition timeframe, the valuation/negotiation process and which state government agency is responsible for the acquisition process (with it remaining unclear for the ONIC section whether Main Roads WA, the Department of Jobs, Tourism, Science & Industry, or the Department of Planning will be responsible for acquisition in part or whole).

Long Term Financial Plan (LTFP):

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting, given that Council is a commenting authority and not a decision making/delivery authority in relation to the Dongara-Geraldton-

Northampton Route Planning Study, it is not considered that this project would have impact upon the Shire's Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Dongara-Geraldton-Northampton Route Planning Study is driven by state freight network requirements and is therefore at a state planning level in that it is looking to enable triple road trains to get from one end of the Mid West region to the other. However, the study does also assist in resolving regional and local planning issues relating to current heavy vehicle traffic travelling through Northampton and Geraldton by creating an outer bypass.

The Dongara-Geraldton-Northampton Route Planning Study also addresses a key Mid West regional planning issue given that a section of Main Roads WA's preferred corridor would create the ONIC.

The ONIC is one component of the broader Oakajee Mid West Development Project which seeks to establish an integrated port and industrial estate at Oakajee; and supporting rail and infrastructure corridors to facilitate the development of the resources sector in the Mid West; and ensure the long-term prosperity of the region.

A road and rail bypass east of the Moresby Range and through the Wokatherra Gap around Geraldton has been identified in a series of State Government planning studies dating back to the 1970's, and the ONIC is also recognised in the following planning documents relevant to the Shire of Chapman Valley:

- Shire of Chapman Valley Local Planning Strategy (2008) prepared by the Shire of Chapman Valley.
- Moresby Range Management Strategy (2009) prepared by the Department of Planning;
- Moresby Range Management Plan (2010) prepared jointly by the Shire of Chapman Valley and City of Greater Geraldton;
- Oakajee Industrial Estate Structure Plan (2011) prepared by Development WA.

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 "need for wider and safer roads" was raised by the community as a key challenge. The Strategic Community Plan also identifies "Bypass through White Peak Road reserve (ONIC) for improved safety and beach access" as a specific priority and aspiration in which the Shire has a role to "act on opportunity" and "advocacy".

CONSULTATION

In 2015 Main Roads WA undertook initial consultation for the Dongara to Northampton Corridor Alignment Selection Study including announcements, public displays and letter mail-outs.

Since that time Main Roads WA have met with Council, Shire of Chapman Valley landowners and the community group that was formed in response to this project at regular intervals.

Main Roads WA are now inviting comment upon the preferred corridor from 25 September 2020 until 29 January 2021

RISK ASSESSMENT

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

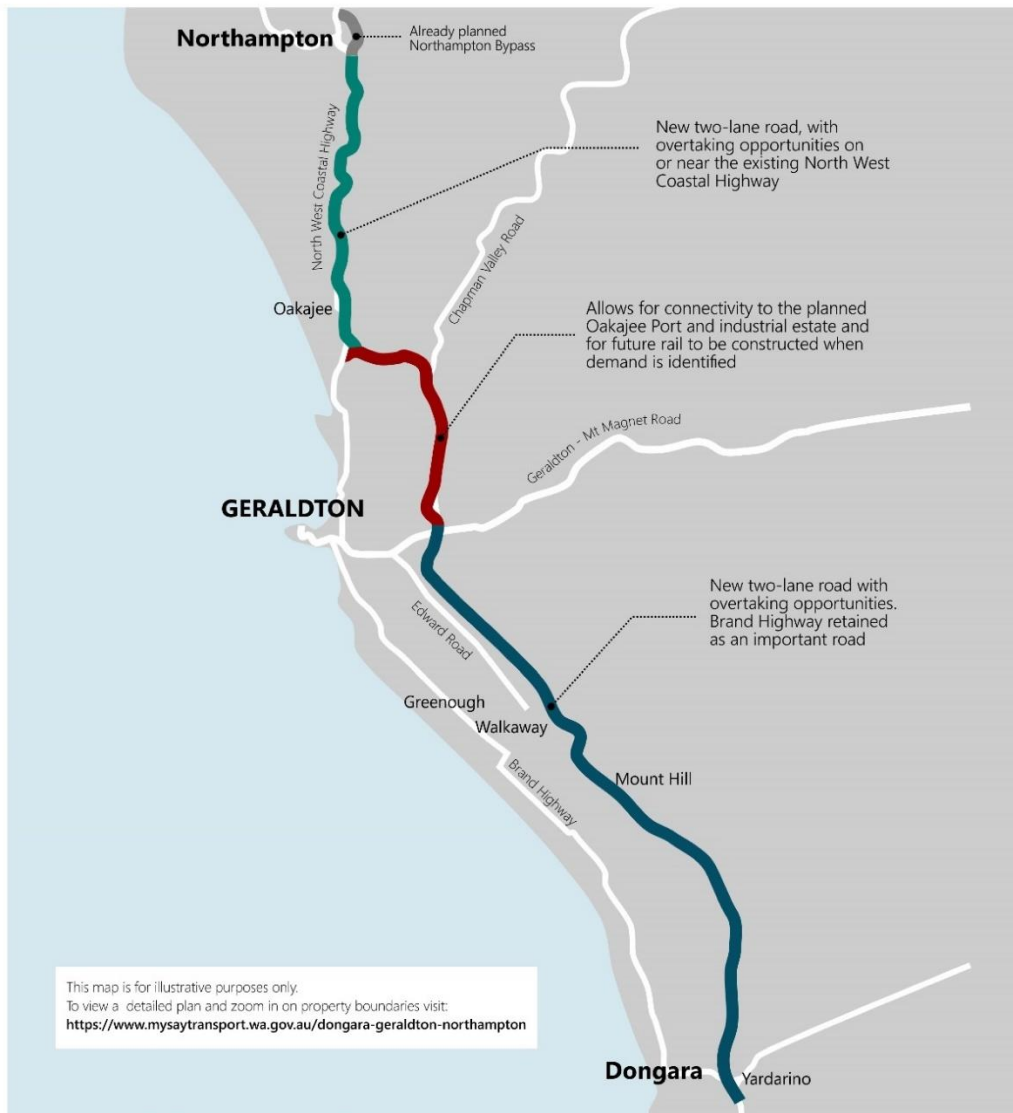
VOTING REQUIREMENTS

Simple majority required

STAFF RECOMMENDATION

That Council:

-
- 1 Advise Main Roads WA that it supports the alignment of the Dongara-Geraldton-Northampton Route Planning Study as it relates to the Shire of Chapman Valley.
 - 2 Request that the State Government upon finalisation of its preferred corridor proceed to the final alignment definition and land acquisition stages so that impacted landowners are provided with certainty on the valuation/negotiation process and associated timeframe.
 - 3 Request that the State Government as part of the land acquisition process for the Dongara-Geraldton-Northampton Route purchase the entire road, rail and services corridor width relating to the Oakajee-Narngulu Infrastructure Corridor section to resolve this matter for landowners.



Dongara to Geraldton

A new inland corridor starting near the Brand Highway / Midlands Road intersection which links up with the current Arthur Road alignment to the south of Geraldton. Further investigations will focus on ways to minimise impacts on existing lifestyle and heritage properties, manage floodplain interactions and consider suitable local road connections.

Central link

The northern link and southern options are linked by proposed new road infrastructure within the already planned Oakajee Narngulu Infrastructure Corridor (ONIC). Further investigations will focus on the road alignment in isolation from planned future rail, without precluding the rail option. This allows flexibility in planning and has no additional impact on landowners within the ONIC.

Geraldton to Northampton

A new road is proposed within a wider corridor near the existing North West Coastal Highway. Minor sections of the existing highway would be retained as local service roads. This corridor avoids major impacts on large farming properties and has the potential to be staged. Further investigations will consider management of services and access to properties. This route allows for Northampton Bypass to be delivered as an independent stage.

10.2

Manager of Finance & Corporate Services

10.2 AGENDA ITEMS

- 10.2.1 Financial Management Report for October 2020**
- 10.2.2 Community Group For a Better Chapman Valley Financial Assistance**
- 10.2.3 Financial Hardship – Write Off Penalty Interest A137**
- 10.2.4 Chapman Valley Primary School P&C Financial Assistance**

10.2.1

Financial Management Report for October 2020

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	12 November 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

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

Nil

FINANCIAL IMPLICATIONS

As presented in the Financial Management Report for October 2020

Long Term Financial Plan (LTFP):

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. Risk rating is considered Level 1 – Insignificant.

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial management report supplied under separate cover for the month of October 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

10.2.2 Community Group For a Better Chapman Valley Financial Assistance

PROPONENT:	Shire of Chapman Valley
SITE:	Whole of Shire of Chapman Valley
FILE REFERENCE:	205.02.10
PREVIOUS REFERENCE:	Nil
DATE:	9 November 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	FABCV Correspondence		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence has been received from the newly formed community group For A Better Chapman Valley (FABCV) requesting financial assistance, refer **attachment 10.2.2 (a)**, in the initial set up and foundations for this not for profit group. Discussions with representatives indicate the intention for this group to be self sufficient in the future with increased membership levels. A list of initial set up costs items for consideration has been emailed from FABCV as below:

Items requested for Assistance		\$ / In-Kind Contribution
1	Financial software - \$25/month To best meet our financial reporting responsibilities, we feel a cloud-based program would be the most effective system.	\$300
2	Zoom subscription for meetings. Zoom has been a fantastic meeting platform but have recently placed a 40 minute time limit on meetings hosted without a subscription. This will be regularly used for Committee meetings.	\$210
3	Seed funds- \$200 Will be used to lever additional funds from other organisations	\$200
4	Insurance Quote from Local Community Insurance Services - Public Liability \$640 - Associations and Liability \$420 - Volunteer Workers \$550	\$1610
5	Post Box annual fee Same charge at all Australia Post outlets	\$140
6	Venue Hire for meetings – Nabawa Hall For General Meetings with larger groups – 4 meetings/year	In-kind
7	Staff assistance with communications/grants We would like help communicating a membership drive, and any events planned.	In-kind
	TOTAL	\$2460

COMMENT

All applications to the Shire for financial assistance should be directed to Council Policy, Procedure and Guidelines Manual. As the FABCV is of a local nature Corporate Management Procedure CMP-064 is relevant to determine financial assistance. There are several avenues for this community group to seek financial assistance under CMP-064 including a cash donation (maximum \$200) which is governed by Delegation 3005 Donations & Grants; a waiver of fees & charges (maximum \$1,000) which is governed by Delegation 3008 Write Off Debts; Community Growth Fund application; interest free & self-supporting loans.

Council currently supports the Chapman Valley Historical Association with Public & Products Liability Insurance premiums of \$754.84 Ex GST for the Nanson museum and volunteers. Insurance policies would be considered an essential for any community group and this agenda item supports financial assistance of this requested line item.

The waiver of fees and charges in terms of venue hire is viable and could be monitored over the next twelve months, with waiver of the annual hire \$586.00, or a waiver of the \$50 per hire fee for local community group member dependent on use.

Currently we do not have a post box available to allocate, yet the annual fee for Post Box use is \$64.00.

Subscriptions for tax reporting software and electronic meeting formats are not considered items possible for financial assistance. The community group should at least be able to self-fund these day to day operational needs to facilitate its own continuance.

All financial assistance must be reported annually in the annual financial statement notes.

STATUTORY ENVIRONMENT

Council has legal process to follow regarding wavering fees and charges:

Local Government Act, 1995 – Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts

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

which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-064 specifies conditions and guidelines for financial assistance to community organisations and individuals in the local community.

CMP-064 Financial Assistance

MANAGEMENT PROCEDURE No.	CMP-064
MANAGEMENT PROCEDURE	FINANCIAL ASSISTANCE

RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	3008

OBJECTIVES:

To set the categories, type and amount of Financial Assistance that shall be provided by the Shire to Community Organisations and individuals in the local community. To provide guidelines for the application, assessment and determination of requests received for financial assistance and to ensure expenditure of all funds are appropriately accounted for and reported on.

MANAGEMENT PROCEDURE STATEMENT/S:

This Procedure provides an overarching framework for the Shire of Chapman Valley to provide Financial Assistance to Community Organisations and individuals within our local Community to enhance community values and aspirations.

In determining the requests for Waiver of Fees and Charges under this Procedure, the approval is governed by the Delegation No 3008 Write Off Debts.

Delegation No 3008 Write Off debts

The exercise of powers and the discharge of duties under section 6.12 of the Local Government Act 1995 to waive or grant concessions (excluding rate concessions) and to write off debts not exceeding \$1000. In cases where the request for Fee Waivers exceed \$1,000 a report needs to be submitted to an Ordinary Council Meeting for Council's consideration and approval.

Strategy

- The Shire receives a number of requests throughout the year for financial assistance from Community Organisations and Individuals. A Procedure for the assessment of the applications ensures:
- Transparency and accountability to the Community;
- Fairness and equity to all applicants;
- Eligibility criteria is applied to each type of Financial Assistance;
- The amount of Financial Assistance available;
- Guidelines are in place to assist applicants in completion and lodgement of forms;
- Applications are assessed by a Delegated Officer;
- Effective reporting mechanisms and administrative procedures advise the Shire of the type and total value of financial assistance provided for the financial year.

Scope

- This Procedure applies to requests for financial assistance towards:
- An activity, event, competition, project or celebration;
- Programs with a charitable or community service oriented purposes;
- Disaster relief funds for humanitarian reasons;
- An organisation's development;
- Provision of services and maintenance of facilities within the Shire;
- The establishment of new facilities or improvements to existing facilities of a capital nature.

Each application for financial assistance is considered on its individual merits. The Shire of Chapman Valley reserves the right to determine eligibility for financial assistance based on information provided in the application.

Recipients of support will be asked to assess their performance in line with this Procedure and requirements set out in Shire Corporate Management Procedures CMP-065 Donations, CMP-066 Waiver of Fees & Charges, CMP-067 Community Growth Fund Grants and CMP 068 Self Supporting Loans.

Failure to satisfactorily complete the performance valuation requirements may disqualify recipients from future funding assistance from the Shire and or require the funds to be returned.

Implications

The implementation of this Procedure is supported by funds allocated through the Shire's annual budget of each financial year. The Shire has demonstrated a long-term commitment to the provision of financial assistance to eligible Community Organisations who operate as a not-for-profit organisation and individual Community members chosen to represent the shire.

Acquittal of Funding

Recipients of financial assistance for the categories of Community Development Grants, Shire Contributions and Interest Free Loans must complete an acquittal process, including provision of requested supporting information, within one (1) month of the completion of the projects, or by the date detailed in the guidelines.

Funding acquittal requirements applicable to the Financial Assistance category will be detailed in the category guidelines and may incorporate:

- A completed Acquittal Form (if applicable);
- Copies of all relevant invoices and receipts;
- Copies of promotional materials and/or other supporting information to show how the Shires funding was acknowledged.

Failure to fully complete and lodge the required acquittal will result in a demand for the return of the funds, and will result in ineligibility for future funding rounds. Until all existing grants or funds are acquitted the organisation is not eligible to apply for an additional grant or funding from the Shire.

An organisation that cannot demonstrate that funds have been expended in accordance with the purpose for which the funds were granted, will be required to return the funds to the Shire within six months of the proposed completion date, and will be subject to an ineligibility period for future grants if funds are judged to have been misused.

Table 1 Financial Assistance Categories

Please note that each category of financial assistance must meet specific eligibility criteria which are provided in the Guidelines accompanying the application form.

TYPE OF FINANCIAL ASSISTANCE	AMOUNT OF ASSISTANCE	DETERMINATION
Sponsorship	\$200 per School, Association or Club per annum	Chief Executive Officer

Donation	Maximum of \$200	Chief Executive Officer
Waiver of Fees and Charges	A maximum of 50% of the applicable fees & charges	\$1,000 or less – Chief Executive Officer Over \$1,000 – Council
Community Development Fund Grants	As determined by CGF Guidelines	Committee Recommendation to Council for decision
Council Contribution	Council consideration	Council
Interest Free Loan	Maximum of \$20,000	Council
Self-Supporting Loans	Council consideration	Council

Dispute Resolution

All disputes in regard to this Procedure will be handled according to the Shire's Complaint Handling Procedures

Application

Responsibility for the implementation of this Procedure rests with the Chief Executive Officer. The Procedure is to be reviewed as part of Council periodical review of all Policies & Procedures.

LEGISLATION	
LGA s5.42 Delegation of some powers and duties to CEO	<p>A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43</p> <p>*Absolute majority required</p> <p>A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation</p>
LGA s6.12 Power to defer, grant discounts, waive or write off debts	<p>Subject to subsection (2) and any other written law, a local government may –</p> <p>When adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money</p> <p>Waive or grant concessions in relation to any amount of money; or</p>

	<p>Write off any amount of money, which is owed to the local government.</p> <p>*Absolute majority required</p> <p>Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges</p> <p>The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government</p> <p>Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power</p>
--	--

DEFINITIONS	
Charitable Organisation	Is a not-for-profit organisation that has a charitable purpose for the sole benefit of the public (e.g. religious groups, aged care homes, homeless shelters, disability services, universities and colleges, animal welfare societies and artistic or cultural groups).
Community Organisation	A group of people that come together to pursue a common cause or interest for the benefit of the Community and may include an Association, Centre, Club, Committee, Group, Incorporated Body or Society.
Council Contribution	An amount of money given to Community Organisations by the Shire in return for acknowledgement of assistance in the operation of Shire facilities.
Donation	A gift given by the Shire, typically for charitable purposes and/or to benefit a cause. A Donation may take various forms, including cash offering, services, new or used goods. It may also consist of emergency, relief or humanitarian aid items.
Fee and Charge	Is a set monetary amount levied by the Shire for the use of Shire owned facilities and resources or the staging of a particular event or activity as adopted by Council.
Grant	Contribution, gift, or subsidy (in cash or kind) bestowed by the Shire (grantor) for specified purposes to an eligible recipient (grantee). Grants are usually conditional upon certain qualifications as to the use, maintenance of specified standards, or a proportional contribution by the grantee or other grantor(s).

In Kind Support	<p>In-kind support can be defined as:</p> <p>Monies / financial assistance which is not a loan, and does not need to be paid back;</p> <p>Administration support;</p> <p>Equipment support;</p> <p>Infrastructure support;</p> <p>Venue hire;</p> <p>Office supplies support;</p> <p>Fees and charges for Icon Events.</p>
Interest Free Loan	Means of borrowing where no interest is charged on repayment to the Shire.
Not-for-Profit Organisation	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect whilst in operation.
Self-Supporting Loans	Means of borrowing where loans are repaid to Shire (See CMP-068)
Schools	Primary or Secondary educational institutions.
Shire Facility	Means all Shire owned and operated facilities and reserves across the Shire that are included as available for hire or use in the Shire's Annual Schedule of Fees and Charges as adopted by Council.
Sponsorship	A cash and/or in-kind fee paid to a person, organisation or group (typically in sports, arts or entertainment) in return for acknowledgement and recognition of the Shire during the Activity or Event.
Legislation	Local Government Act 1995

ADDITIONAL EXPLANATORY NOTES:

Corporate Management Procedures CMP-065 Donations, CMP-066 Waiver of Fees & Charges and CMP-067 Community Growth Fund Grants.

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

Adopted – Council Resolution:**Reviewed/Amended – Council Resolution:****05/15-23; 06/15-18; 03/17-32****FINANCIAL IMPLICATIONS**

There are several areas to the financial implications for financial assistance.

Insurance premiums paid are a cash out the door expense; fees and charges are a loss of revenue; staff assistance reduces staff time on projects within the 2020/2021 budget program.

The adopted Fees & Charges for the 2020/2021 Annual Budget sets the amount of \$50 per use (GST Inclusive) for venue hire of Nabawa Community Centre Local Community Member and the option for Annual Booking Fee of \$586, which allows for 2 uses per week only. There has been an allowance made at other venues to annualise the 2 uses per week to provide some flexibility.

The Fees & Charges also have Bonds applicable for the requested hire use - All Venues Bond (Events without Liquor License) is \$530; All Venues Bond – Long Term Key Bond \$50.

With this in mind the agenda item recommends financial assistance with the following items:

Items requested for Assistance		Value of Financial Assistance
1	Waive fees and charges for venue hire Loss of revenue Nabawa Community Centre 4x Meetings per year \$50 Bond for Venue Hire \$530 and Long Term Key Bond \$50	\$200
2	Waiver of Bond for Venue Hire \$530 and Long Term Key Bond \$50	\$580
3	Payment of insurance for Public & Associated Liabilities	\$1,610
4	Waiver of annual Post Box fee	\$64
5	Staff assistance with communications/grants applications and social media Based on 1/2 hour per fortnight approx. cost \$40 per hour	\$520
TOTAL Value of Financial Assistance		\$2,974

Long Term Financial Plan (LTFP):

No effect on LTFP

STRATEGIC IMPLICATIONS**Strategic Community Plan/Corporate Business Plan:**

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

CONSULTATION

Consultation with FABCV representative, the Manager Finance & Corporate Services, Deputy CEO and Community Development Officer has taken place in person and via email follow up.

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

That Council

- 1 Waive fees and charges for the venue hire of Nabawa Community Centre for 2020/2021
- 2 Waive the bond fee required for the venue hire of Nabawa Community Centre for 2020/2021
- 3 Make payment, upon a tax invoice received for insurance premiums as quoted by Local Communities Insurance Services for 2020/2021
- 4 Waive annual post box fee (if available) for 2020/2021
- 5 Endorse staff assistance as required with a maximum half hour per fortnight to the Creating a Better Chapman Valley community group.

10.2.3 Financial Hardship - Write Off Penalty Interest A137

PROPONENT:	PJ & MF Willis
SITE:	50 Calder Place, Waggrakine
FILE REFERENCE:	A137
PREVIOUS REFERENCE:	NIL
DATE:	9 November 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3(a)	Correspondence A137 Ratepayer M Willis		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence has been received from ratepayer Megan Willis, refer **attachment 10.2.3 (a)**, requesting a reduction in accrued interest for the property at 50 Calder Place, Waggrakine. The property has ongoing rates arrears due to ratepayer health issues, with a sale now imminent ratepayers are requesting some financial assistance with rate relief. Settlement advice has been received for this property with settlement date being due 24 November 2020.

COMMENT

Financial hardship occurs where a person is unable to pay rates notice charges without affecting their ability to meet basic living needs, or the basic living needs of their dependents. The COVID-19 pandemic may result in cases of financial hardship with community members experiencing difficulty in making payments of household accounts. In this particular case a payment arrangement was offered with amounts paid over the last few years, yet not meeting the full required outstanding balance. Although this case is not singularly COVID related; to offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at a difficult time it is viewed appropriate to offer some compromise. This agenda report seeks to offer some financial relief and write off penalty interest raised from March 2020 consistent with the introduction of the COVID hardship policy.

STATUTORY ENVIRONMENT

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

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

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

POLICY/PROCEDURE IMPLICATIONS

No policy affected.

Delegation 3007 allows the Chief Executive Officer to write off penalty and legal fees up to the value of \$100.

FINANCIAL IMPLICATIONS

A minor loss of revenue \$274.27

Long Term Financial Plan (LTFP):

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Nil

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

That Council write off the accrued penalty interest raised from March 2020 until settlement.

10.2.4 Chapman Valley Primary School P&C Financial Assistance

PROPONENT:	Shire of Chapman Valley
SITE:	Whole of Shire of Chapman Valley
FILE REFERENCE:	1108.01
PREVIOUS REFERENCE:	Nil
DATE:	10 November 2020
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.4(a)	CVPS P&C Correspondence		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence has been received from the Chapman Valley P&C requesting financial assistance for the annual Christmas Tree event, refer **attachment 10.2.4 (a)**, due to the reduced capacity to fundraise during 2020.

COMMENT

The commitment to assist community groups is in principal supported by the Shire through the Policies, Procedures and Guidelines currently in place. It should be noted the request for financial assistance was made through email without the required application form. The Chapman Valley Primary School P & C (CVPS P&C) is of a local nature therefore this request can be viewed under the conditions and guidelines of Corporate Management Procedure CMP-065 Donations. Cash donations in Corporate Management Procedure CMP-065 are capped at a maximum of \$200, which is governed by Delegation 3005 Donations & Grants.

Other avenues to access funding are encouraged through the Shire Community Development Officer regularly sending information when available of all grants. Various State Government agencies have grants available throughout the year for expenditure items similar to this request. The CVPS P&C can be proactive into the future when pre planning for the Christmas Tree event. Lotterywest, historically may support a funding request such as this. However, due to the extensive hardship felt by people across WA due to Covid-19, Lotterywest is currently focused on supporting large projects with major funding requirements. Shire staff are committed to assisting local groups with access and completion of grant applications.

It is suggested CVPS P&C board members are directed to the 2021/2020 round of Community Growth Funds for future financial assistance to enhance the opportunity of receiving finance assistance in future. It is to be noted the CVPS P&C have requested funding through the 2018/2019 Community Growth Funds to provide a community child friendly Christmas event of which \$1,839 was ask for, yet not recommended, to purchase a BBQ and hire of a Bouncy Castle.

The general ledger account for Donations has a budget amount of \$1,350 of which each local Primary School receives a Book donation to the value of \$50 in December for end of year events.

All financial assistance must be reported annually in the annual financial statement notes.

STATUTORY ENVIRONMENT

Council has legal process to follow regarding waiving fees and charges:

Local Government Act, 1995 – Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts

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

which is owed to the local government.

** Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

POLICY/PROCEDURE IMPLICATIONS

Corporate Management Procedure CMP-065 specifies conditions and guidelines for financial assistance to community organisations in the local community by way of donation. Delegations Register 3005 Donations and Gifts allows delegated authority to the Chief Executive Officer to make donations up to \$200.

CMP-065 Donations

MANAGEMENT PROCEDURE No.	CMP-065
MANAGEMENT PROCEDURE	DONATIONS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	NA
RELEVANT DELEGATIONS	3005

OBJECTIVES:

These guidelines provide prospective applicants with information about financial assistance from the Shire of Chapman Valley by way of a Donation.

Please read these guidelines carefully before submitting an application. You may direct any questions to the Shire by phoning us on 08 999 205011.

MANAGEMENT PROCEDURE STATEMENT/S:

Restrictions on Funding

Only one application per financial year (July to June) may be lodged.

The Project or Event is to be held within the Shire of Chapman Valley local government boundaries.

The Community Organisation is encouraged to have made application to source additional funding for the Project or Event.

Applications are to be lodged on the Shire's official application form and retrospective applications will not be considered where they are received after the Project or Event.

Donation funding is available to a maximum amount of \$200.00.

Eligibility - Who can apply?

- To be eligible for funding the applicant must meet all of the following criteria:
- Community Organisation within the Shire of Chapman Valley;
- Incorporated Community Organisation;
- Not-for-profit Organisation;
- Operating as a charity using local community volunteers.

Donation Funding

Funding will be considered for Projects or Events that:

- Are open for attendance by the local Community and encourage participation by a Community Organisation (i.e. member of a Sporting Association or Club);
- Enhance Community spirit;
- Provide free entry to the local Community to attend the Project or Event;
- Community Organisations that are run by local community volunteers;
- Require funding for promotion costs of the Project or Event.

Funding will not be provided to or considered for:

- Individual persons;
- State or Federal Government bodies;
- Projects or Events that will financially benefit the Community Organisation (i.e. entry charge)
- Commercial Organisation or Businesses;
- Funding to undertake Commercial activities or assist with Organisational operating costs;
- The purchase, hire or lease of sporting and or recreation equipment;
- Activities that are already covered by an existing agreement with the Shire of Chapman Valley.

Application Timeframes

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

Completing and Lodging your application

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

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

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

What happens when your application is received?

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

Acknowledging the Shire's support

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

ADDITIONAL EXPLANATORY NOTES:

Application Form to be submitted

APPLICANT DETAILS	
Name of Organisation:	
Contact Person:	
Postal Address:	
Phone No:	
Email address:	
Website address:	
ABN Number:	
Is your organisation registered for GST?	<input type="checkbox"/> Yes <input type="checkbox"/> No

PROJECT / EVENT DETAILS	
Type of Project or Event:	

Name of Project or Event:			
Location and Venue:			
Date to be held:			
Events: Is an Event Approval Form attached to this application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No (Reason)	
Is there an entry fee?	<input type="checkbox"/> Yes Adult \$ Child \$		<input type="checkbox"/> No
Will it be run by volunteers?	<input type="checkbox"/> Yes % of No's:		<input type="checkbox"/> No
Is it open to the Local Community and general public?	<input type="checkbox"/> Yes		<input type="checkbox"/> No
What is the amount of Donation assistance requested?	<input type="checkbox"/> \$50.00 <input type="checkbox"/> \$100.00 <input type="checkbox"/> \$150.00 <input type="checkbox"/> \$200.00		
What will the Donation be used for?			

ACKNOWLEDGEMENT OF THE SHIRE OF CHAPMAN VALLEY	
What marketing and media opportunities will there be available before, during and after the Project or Event? (e.g. promotional material, flyers, invites, photos, newspaper articles)	

BANK DETAILS

Account Name:

BSB Number:

Bank & Branch:

Account Number:

Signature of Account Holder:

DECLARATION

I, _____ confirm that all of the information contained within the application form is true and correct and submit it to the Shire of Chapman Valley for consideration.

Signed: _____

Name: _____

Position: _____

Date: _____

SHIRE OFFICE USE ONLY

On review of the application I determine that the application be:

☐ Approved

☐ Declined Reason:

Amount \$:

Budget Expenditure: COA/Job No

Authorised Officer

Signature

Date

ADDITIONAL EXPLANATORY NOTES:

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

Adopted – Council Resolution:	
--------------------------------------	--

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

FINANCIAL IMPLICATIONS

The financial implications for financial assistance are minimal yet confined to the budget endorsement maximum

Long Term Financial Plan (LTFP):

No effect on LTFP

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Consultation with the Chief Executive Officer, Manager Finance & Corporate Services and Community Development Officer

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council donate an amount of \$200 to the Chapman Valley P&C's Nabawa Community Christmas Event in 2020 in accordance with Corporate Management Procedure (CMP-065) due to the direct impacts of Covid-19 on their ability to raise funds for the event in 2020.

10.3

Chief Executive Officer

10.3 AGENDA ITEMS

- 10.3.1 Draft Local Government (Administration) Amendment Regulations (CEO Recruitment, Performance and Termination)**
- 10.3.2 Draft Local Government (Administration) Amendments Regulations - Model Code of Conduct**

10.3.1

Draft Local Government (Administration) Amendment Regulations (CEO Recruitment, Performance and Termination)

PROPONENT:	Department of Local Government (DLG)
SITE:	Local Government Authorities - Statewide
FILE REFERENCE:	404.02
PREVIOUS REFERENCE:	Minute Reference: 09/20-15
DATE:	18 th November 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Dept. Local Government - Draft Local Government (Administration) Amendment Regulations - Model Standards for CEO Recruitment, Performance and Termination		✓
10.3.2(b)	WALGA Info Page - Draft Local Government (Administration) Amendment Regulations - Model Standards for CEO Recruitment, Performance and Termination		✓
10.3.2(c)	LG Professionals WA - Reasons for Opposing CEO Standards about Contract Readvertising		✓

DISCLOSURE OF INTEREST

Maurice Battilana, Chief Executive Officer – Direct Financial Interest as the proposed amendment deals with the recruitment, performance and termination of a local government CEO.

BACKGROUND

The Department of Local Government (DLG) has released the *Draft Local Government (Administration) Amendment Regulations - Model Standards for CEO Recruitment, Performance and Termination* (copy provided at **Attachment 10.3.1(a)**).

The DLG initially requested comments on the Draft Amendment Regulations by the 13th November 2020, which was consider unrealistic by most as the Draft Amendment Regulation document was not actually release until the 26th October 2020.

The Western Australian Local Government Association (WALGA) has successfully obtained an extension for comments until the 6th December 2020. Below is an email received from WALGA:

Dear Chief Executive Officer

WALGA has been successful in advocating for an extension to the consultation period for the Draft Local Government (Administration) Amendment Regulations (No.2) 2020, to prescribe the Model Standards for CEO recruitment and performance. The Department of Local Government, Sport & Cultural Industries has advised that the consultation period has been extended to Sunday 6 December 2020.

WALGA is looking to obtain sector feedback and prepare an item for Zone consideration during the November round of Zone meetings. The first Zone meeting is on Friday 20 November 2020, to enable an item to be prepared, feedback on this matter is requested by Friday 13 November 2020. I understand that this is still difficult for many Local Governments to respond to.

It is also expected that the Department will circulate draft Local Government (Model Code of Conduct) Regulations 2020 in the near future and that the consultation timeline will be the same.

I have attached an updated Info Page on the Model Standards for CEO recruitment and performance

Any queries please let me know.

Kind regards

Tony

*Tony Brown | Executive Manager Governance & Organisational Services | WALGA
(p) (08) 9213 2051 | (mob) 0439 914 349 | (f) (08) 9213 2077 | (e) tbrown@walga.asn.au*

Though WALGA is seeking feedback to them via the Zones by the 13th November 2020, which is prior to the next Ordinary Council Meeting scheduled for the 18th November 2020, it is considered appropriate for Council to deal with this matter at this meeting to support the position presented by WALGA, which complements Council's current position.

The WALGA Info Page and LG Professionals Comments on this matter are provided at **Attachments 10.3.1(b)** and **Attachment 10.3.2(c)** respectively for Council information.

Council has dealt with this part of the overall review of the Local Government Act as part of the resolution at the September 2020 OCM i.e.

Council

1. *Endorse the responses to recommendations of Local Government Review Panel's Final Report for new Local Government Act for WA as provided at Attachment 10.3.2(d) and lodge these with to both the Western Australian Local Government Association (WALGA) and the Northern Country Zone of WALGA with the following amendments*
 - *Revise table headings to read: WALGA Staff Recommendation*
 - *Remove the words 'ludicrous and ridiculous' from the comments section*
 - *Amend errors in colour coding*
2. *Request the WALGA approach the State Government to insist the local government sector-wide recommendations from the Inquiry Panel Report into the City of Perth be presented to all local government authorities for responses and submissions in accordance with the State/Local Government Partnership Agreement. This consultation should occur before the State Government undertakes any further consideration of these recommendation. Consultation with the local government industry on these recommendations must be over a period which ensures appropriate and adequate time is given to the industry to respond.*

Part 1 of the above resolution included a section dealing with the Chief Executive Officer recruitment, , performance and termination with the following comments accompanying the submission i.e.

Recommendation: CEO contracts should be no more than five years and after two terms the local government must readvertise the position

Council Position: Cannot see the value of this recommendation. It is already difficult to attract CEO's to the industry and this is only going to make it harder.

This should remain at the discretion of the individual LGA and not enshrined in legislation."

Recommendation: The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or screening of applicants.

Council Position: The DLGSCI should have nothing at all to do with the recruitment of a CEO. This must remain the responsibility of the LGA. This recommendation is clearly stating the State Government does not trust the LGA to recruit their CEO."

COMMENT

As Reported to the September 2020 OCM the following has occurred which is an addition to the Local Government Act Review process, so there has been a distinct overlap between the Act Review process and these matters which have run in parallel:

- Inquiry Panel Report into the City of Perth:
- Local Government Review Panel – Final Report for new Local Government Act for WA

Since then the following has also been released:

- Select Committee into Local Government report

The City of Perth Inquiry had 341 Recommendations broken up into two areas:

- i. Specific to the City of Perth and the City of Perth Act (215 Recommendations)
- ii. Generic across the whole local government industry in Western Australia (126 Recommendations)

Council is yet to deal with the 126 Recommendations associated with the City of Perth Inquiry.

STATUTORY ENVIRONMENT

Local Government Act, 1995 & associated Regulations.

POLICY/PROCEDURE IMPLICATIONS

There is no current Policies and Management Procedures affect. Amending Shire policies and management procedures will be a separate exercise if/when legislative changes are actually introduced.

FINANCIAL IMPLICATIONS

As previously reported, the financial Implications associated with superfluous, overburdening legislation has not been formally measured or analysed. However it is envisaged there will be additional administrative cost if the CEO recruitment, performance management and termination process are legislated as is being advocated as these functions will probably need to be outsourced.

Long Term Financial Plan (LTFP):

The Shire's LTFP must consider the operational costs of the organisation, which then must consider the costs to ensure compliance with legislative requirements and the implementation of legislation as it is being determined by the executive arm of government (i.e. *Best Practice*).

The administrative burdens placed on the organisation has been significant over past 20 to 30 years. These administrative burdens are invariably directly associated with the legislative (and executive arm of governments interpretations) burdens place on local governments during this period. Adding to this the Financial Assistance Grants, which are designed to make funds available to local government to provide services to its constituents, has not kept pace with the legislative impositions place on local government.

STRATEGIC IMPLICATIONS

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

As previously mentioned, the DLG initially offers an unrealistic timeframe for comments on the Draft Amendment Regulation, yet WALGA has managed to have this extended to the 6th December 2020.

RISK ASSESSMENT

As reported to the 16th September 2020 OCM the total additional administrative burdens being placed on local government across all the proposed legislative amendments I would consider the risk being **Major** in this instance if these burdens cannot be removed (or at least diminished) i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council support to position taken by the Western Australian Local Government Association (WALGA) on the *Draft Local Government (Administration) Amendment Regulations - Model Standards for CEO Recruitment, Performance and Termination* and advise WALGA, the Department of Local Government, Sport & Cultural Industries, Minister for Local Government, Shadow Minister for Local Government and local Legislative Assembly and Legislative Council parliamentarians accordingly i.e.

1. Requirement to re-advertise CEO positions after 10 years of continuous service

Section 5.39(2)(b) of the Local Government Act already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after 10 years is likely to prove unworkable or counterproductive in any case as:

- ~ Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants;
- ~ May result in CEOs actively seeking alternative employment as the 10 year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government;
- ~ Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed.

2. Independent panel member

Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). Council supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.

3. Transparency and procedural fairness – Schedule 2

The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. Similar commentary featured in the Report of the Inquiry into the City of Perth, however the Draft Regulations fail to address these issues.

The selection panel is 'established' under cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a committee of Council under Sec. 5.8 of the Act. Cl. 9(4) of Schedule 2 includes a reference to the selection panel

acting in accordance with the principles of s.5.40 of the Act. Similarly, cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual panel members.

If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply. The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.

4. Council decision making authority

Schedule 2, Cl. 9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl. 9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl. 10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec. 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.

10.3.2 Draft Local Government (Administration) Amendment Regulations – Model Code of Conduct

PROPONENT:	Department of Local Government, Sport and Cultural Industries (DLGSCI)
SITE:	Local Government Authorities - Statewide
FILE REFERENCE:	404.02
PREVIOUS REFERENCE:	Minute Reference: 09/20-15
DATE:	18 th November 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Dept. Local Government - Local Government (Model Code Of Conduct) Regulations 2020 – Explanatory Notes		✓
10.3.2(b)	Dept. Local Government – Draft Local Government (Model Code Of Conduct) Regulations 2020		✓
10.3.2(c)	WALGA Info Page - Local Government (Model Code Of Conduct) Regulations 2020		✓
10.3.2(d)	Current Code of Conduct (CP-005)		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Department of Local Government, Sport and Cultural Industries (DLGSCI) has released the *Draft Local Government (Model Code Of Conduct) Regulations 2020* (copy provided at **Attachment 10.3.2(a)**).

The DLGSCI is requesting comments on the Draft Amendment Regulations by the 6th December 2020.

Though the Western Australian Local Government Association (WALGA) is seeking feedback to them via the Zones by the 13th November 2020, which is prior to the next Ordinary Council Meeting scheduled for the 18th November 2020, it was still considered appropriate for Council to deal with this matter at this meeting and make comments to the DLGSCI.

Council has dealt with one minor aspect of the Code of Conduct as part of the overall review of the Local Government Act with the following resolution at the September 2020 OCM i.e.

Council

1. Endorse the responses to recommendations of Local Government Review Panel's Final Report for new Local Government Act for WA as provided at Attachment 10.3.2(d) and lodge these with to both the Western Australian Local Government Association (WALGA) and the Northern Country Zone of WALGA with the following amendments
 - Revise table headings to read: WALGA Staff Recommendation
 - Remove the words 'ludicrous and ridiculous' from the comments section
 - Amend errors in colour coding

-
2. *Request the WALGA approach the State Government to insist the local government sector-wide recommendations from the Inquiry Panel Report into the City of Perth be presented to all local government authorities for responses and submissions in accordance with the State/Local Government Partnership Agreement. This consultation should occur before the State Government undertakes any further consideration of these recommendation. Consultation with the local government industry on these recommendations must be over a period which ensures appropriate and adequate time is given to the industry to respond.*

Voting F6/A0

CARRIED

Minute Reference: 09/20-15

Part 1 of the above resolution included the comment below dealing with one minor aspect of the Code Conduct, which was included the submission made by Council i.e.

Recommendation 25(d): A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.

Council Position: Item (d) is not supported as this will make it difficult to complete set projects if a caretaker period restricts this as part of the Code of Conduct. This needs more detail before it can be supported.

COMMENT

As reported to the 16th September 2020 OCM the following has occurred which is an addition to the Local Government Act Review process, so there has been a distinct overlap between the Act Review process and these matters which have run in parallel:

- Inquiry Panel Report into the City of Perth:
- Local Government Review Panel – Final Report for new Local Government Act for WA

Since then the following has also been released:

- Select Committee into Local Government report

The City of Perth Inquiry had 341 Recommendations broken up into two areas:

- iii. Specific to the City of Perth and the City of Perth Act (215 Recommendations)
- iv. Generic across the whole local government industry in Western Australia (126 Recommendations)

Council is yet to deal with the 126 Recommendations associated with the City of Perth Inquiry.

In regards to the Model Code of Conduct presented by the DLGSCI the following comment of concern was stated in the WALGA Info Page on the Model Code of Conduct:

“Among concerns previously noted is the requirement for Local Governments to determine behavioural breach allegations specified in Division 3 of the Draft Regulations. The administrative process for dealing with breach allegations is unspecified and the option to use external consultants so that impartial and procedurally fair outcomes can be achieved will prove costly, particularly where numerous allegations arise. It is also open for ‘any person’ to make a complaint which may in extreme circumstances lead to a proliferation of complaints.”

Below are some of comments I bring to Council's attention:

1. New section 5.104 of the Local Government Act will require local governments to adopt the model code of conduct within three months of these Regulations coming into operation and to be placed on the local government authority website. This is not an issue; however, is something which needs to be flagged for action.
2. In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented. Therefore can the Shire retain its existing Addendum to the current Code of Conduct, which deals with behaviours.
3. The Model includes reference to social media, which I believe is important as this can be a significant issue. Unfortunately the social media posts from the community (i.e. not Elected Members) cannot be controlled under the Code so will no doubt continue.
4. The Model sets the task of dealing with complaints with the local government, which is not an issue other than it may be necessary to seek some external assistance with this task. This is probably a service WALGA may be able to provide as part of the local government's annual subscription or on an as needs basis.
5. Local government authorities cannot deal with complaints against a candidate, which I believe is appropriate and is something the WA Electoral Commission should deal with (or some other qualified third party) which will no doubt be an additional costs to conducting an election.
6. The Model deals with non-disclosure of Confidential documents or information. This is considered appropriate, yet it may be necessary to determine if our current procedures for providing confidential matters in an electronic format is going to be suitable. Staff will investigate this procedure.

Overall I do not have any real concerns with the Model Code of Conduct being presented for comment.

STATUTORY ENVIRONMENT

Local Government Act, 1995 & associated Regulations.

POLICY/PROCEDURE IMPLICATIONS

The Shire currently has a Code of Conduct (CP-005) provided at **Attachment 10.3.2(d)**. The proposed Model Code of Conduct will replace this.

FINANCIAL IMPLICATIONS

I do see believe there may be some additional administrative resources required to administer and implement the Model Code of Conduct, yet these shouldn't be significant. It would; however, be prudent to ask the question of the DLGSCI if a resource cost analysis has been undertaken.

Long Term Financial Plan (LTFP):

The Shire's LTFP must consider the operational costs of the organisation, which then must consider the costs to ensure compliance with legislative requirements and the implementation of legislation as it is being determined by the executive arm of government (i.e. *Best Practice*).

The administrative burdens placed on the organisation has been significant over past 20 to 30 years. These administrative burdens are invariably directly associated with the legislative (and executive arm of governments interpretations) burdens place on local governments during this period. Adding to this the Financial Assistance Grants, which are designed to make funds available to local government to provide services to its constituents, has not kept pace with the legislative impositions place on local government.

However; I do not see the introduction of the Model Code of Conduct having any significant affect on the Shire's LTFP.

STRATEGIC IMPLICATIONS

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

As previously mentioned, the DLGSCI is seeking comments by the 6th December 2020. Whilst WALGA is requesting comments (via the Zones) by the 13th November 2020

RISK ASSESSMENT

Though the Model Code of Conduct risk in isolation can be considered **Minor**, as reported to the 16th September 2020 OCM the **total additional administrative burdens** being placed on local government across all the proposed legislative amendments I would consider the risk being **Major** in this instance if these burdens cannot be removed (or at least diminished) i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council support the *Draft Local Government (Model Code Of Conduct) Regulations 2020* as presented by the Department of Local Government, Sport and Cultural Industries (DLGSCI) with the following comments to be presented to the DLGSCI supporting concerns raised by the Western Australian Local Government Association:

- The administrative process for dealing with breach allegations is unspecified and the option to use external consultants so that impartial and procedurally fair outcomes can be achieved will prove costly, particularly where numerous allegations arise. It is also open for 'any person' to make a complaint which may in extreme circumstances lead to a proliferation of complaints.

Has there been any analysis of additional resources required by a local government authority to administer the Model Code of Conduct?

-
- 11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
 - 12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**
 - 13.0 DELEGATES REPORTS**
 - 14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
 - 15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC**
 - 16.0 CLOSURE**