

ORDINARY COUNCIL MEETING

CONFIRMED MINUTES

9:00am Wednesday
16/06/2021

Nabawa Council Chambers

JUNE 2021

SHIRE OF CHAPMAN VALLEY

Maurice Battilana

CHIEF EXECUTIVE OFFICER



SHIRE OF

Chapman Valley

Love the rural life!

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

DISCLAIMER



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

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

A handwritten signature in black ink, appearing to read "M. Battilana", is positioned above the name and title of the Chief Executive Officer.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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ORDER OF BUSINESS

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The President, Cr Farrell welcomed Elected Members and Staff and declared the meeting open at 9.00am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

3.1 Attendees

Elected Members	In	Out
Cr Anthony Farrell (President)	9.00am	12.28pm
Cr Kirrilee Warr (Deputy President)	9.00am	12.28pm
Cr Peter Humphrey	9.00am	12.28pm
Cr Darrell Forth	9.00am	12.28pm
Cr Beverley Davidson	9.00am	12.28pm
Cr Nicole Batten	9.00am	12.28pm
Cr Trevor Royce	9.00am	12.28pm

Officers	In	Out
Maurice Battilana, Chief Executive Officer	9.00am	12.28pm
Simon Lancaster, Deputy Chief Executive Officer	9.00am	10.51am
Dianne Raymond, Manager Finance & Corporate Services	9.00am	10.51am
Beau Raymond (Minute Taker)	9.00am	10.51am

Visitors	In	Out
Nil		

3.2 Apologies

Elected Members
Nil

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

Nil

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

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

MOVED: Cr. Davidson

SECONDED: Cr. Forth

Council resolves to approve councilor Warr's leave of absence for the August 2021 Ordinary Council Meeting.

Voting F7/A0

CARRIED

Minute Reference: 06/21-01

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
Nil			

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions
Nil

7.2 Presentations
Nil

7.3 Deputations
Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

MOVED: Cr. Warr

SECONDED: Cr. Forth

8.1 Ordinary Meeting of Council held on Wednesday 19th May 2021

The Minutes of the Ordinary Meeting of Council held Wednesday 19th May 2021 be confirmed as true and accurate.

Voting F7/A0

CARRIED

Minute Reference: 06/21-02

9.0 ITEMS TO BE DEALT WITH EN BLOC

MOVED: Cr. Forth

SECONDED: Cr. Batten

Council resolves to move the following items En bloc:

10.1.1, 10.1.2, 10.2.1

Voting F7/A0

CARRIED

Minute Reference: 06/21-03

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

10.1 AGENDA ITEMS

10.1.1 Potential Disposal – Lots 26 & 27 Chapman Valley Road Nabawa

10.1.2 Proposed Subdivision, Howatharra

10.1.1

Potential Disposal - Lots 26 & 27 Chapman Valley Road, Nabawa

PROPONENT:	Shire of Chapman Valley
SITE:	Lots 26 & 27 Chapman Valley Road, Nabawa
FILE REFERENCE:	103.02, A1336 & A1337
PREVIOUS REFERENCE:	Nil
DATE:	8 June 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Received correspondence		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire has received an enquiry from the landowners of 3273 (Lot 25) Chapman Valley Road, Nabawa enquiring whether Council would consider selling the adjoining Shire owned Lots 26 & 27. This report recommends that Council proceed with the calling of tenders inviting purchase of Lots 26 & 27 Chapman Valley Road, Nabawa.

Figure 10.1.1(a) – Lots 26 & 27 Chapman Valley Road, Nabawa



COMMENT

Lots 26 & 27 Chapman Valley Road are vacant, residential zoned lots in the Nabawa townsite located opposite the Shire office. Lot 26 is 808m² in area and Lot 27 is 1,034m² in area and has a secondary frontage to River Road at the rear of the property.

The adjoining landowners to the north have enquired about the possibility of purchasing Lots 26 & 27. Their intention would be to amalgamate the properties into their Lot 25 to enable the subsequent development of an outbuilding, swimming pool and landscaped garden (the current residence's large footprint upon Lot 25 precludes this).

A copy of the neighbouring landowner's correspondence has been provided as **separate Attachment 10.1.1**.

Given that Lots 26 & 27 are zoned 'Residential' the landowner of Lot 25 (should they be successful in their purchase of Lot 26 & 27) would be required to amalgamate their 3 lots to meet with the requirements of Section 6.6 of the Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings that does not support outbuildings upon vacant residential land.

The Shire has obtained a quote from a locally based surveyor advising that the cost of amalgamating Lots 25, 26 & 27 would be \$3,401 (GST exclusive) this includes the various \$1,201 statutory fees imposed by the Department of Planning, Lands & Heritage/Landgate.

In the event that the landowner of Lot 25 was the successful purchaser of Lots 26 & 27, the Shire could in consultation with the purchaser, delay the transfer of the land so that rather than the Shire sell Lots 26 & 27 to the purchaser, both parties could jointly lodge the amalgamation application (at the purchaser's expense), and final conveyancing incorporate the transfer of ownership with the amalgamation of the titles and the exchange of the purchase funds. This process would thereby only incur 1 settlement agent action (i.e. the amalgamation of the 3 lots and the assignment of 1 'super' lot to the purchaser) rather than 2 settlement agent actions (i.e. the transfer of Lots 26 & 27 to the purchaser, and the purchaser then undertaking subsequent amalgamation of the titles) which would be at a reduced cost to the purchaser and resolve the issue of an application for a shed being delayed pending finalisation of the amalgamation.

Figure 10.1.1(b) – Lot dimensions for Lots 26 & 27 Chapman Valley Road, Nabawa



In the event that Council considers that's Lots 26 & 27 are surplus to its requirements and wishes to dispose of these assets, then Section 3.58 of the *Local Government Act 1995* dictates that Council has the following 3 options:

- highest bidder at public auction; or
- public tender; or
- private treaty.

Shire staff have provided comment in relation to each of these options as follows.

Option 1 - Sale by Public Auction

The Shire has not sought to dispose of land through public auction in recent times, as advice from real estate agents has been that disposal through public auction option does not appear to work well in rural townsite locations such as Nabawa.

Nonetheless should Council wish to pursue this option Shire staff have obtained a quote from a local real estate agent to undertake the running of a public auction for both Lots 26 & 27 and this would cost \$7,000-\$7,500 (inclusive of \$1,000 marketing through photography, signage, online advertising & social media; \$1,000-\$1,500 auctioneer's fee & travel; \$5,000 real estate agent selling fee).

The Shire would also incur further costs through the use of a settlement agent to transfer the land to the new owner(s) and attend to conveyancing, and this would be an incurred cost for all 3 options.

Given the likely sale price of the land (in comparison to the cost of holding an auction) and the uncertainty whether this would be the most effective means of selling the land, the option of holding an auction is not recommended by Shire staff in this instance.

It is also noted that under this method Council must sell to the highest bidder and there may be scenarios whereby Council might instead wish to consider the individual merits of received bids.

Option 2 - Sale by Public Tender

The sale of the land through public tender is the option recommended by Shire staff in this instance.

The Shire can under this option undertake the minimum statutory notification requirements or it can also seek to raise awareness of the public tender through additional measures (e.g. placement of sign on-site, extended tender period, notifications on its social media, placement of a notice in both state and local newspapers etc.).

This option is also favoured as it would not attract a real estate agent's selling fee or require the undertaking of a market valuation by a licensed valuer.

It is also noted that under this method Council retains the ability to accept a tender that in its opinion is the most acceptable tender whether or not it is the highest tender (e.g. Council might consider it more prudent to support the amalgamation of the 2 lots with the adjoining property to prevent further habitable buildings being built in this area of the Nabawa townsite that may have potential flood impacts).

The most recent example of Council disposing of land via the means of public tender was when it resolved to dispose of a vacant property in the Nanson townsite at its 20 April 2006 meeting.

Option 3 - Sale by Private Treaty:

Council can also consider under Sections 3.58 (3)-(4) of the *Local Government Act 1995* a sale by private treaty.

This can involve either:

- 3(a) Council accepting the received offer from the interested party (provided as **separate Attachment 10.1.1**) and subsequently giving public notice of the proposed disposition and inviting via public notice (counter) submissions to be made to the local government for a period not less than 2 weeks. The most recent example of Council disposing of land via this means was when it resolved to dispose of a property in the Nabawa townsite to the lessee at its 19 August 2009 meeting.

-
- or
- 3(b) Council engaging a real estate agent to market the lots and upon receipt of an offer(s) subsequently giving public notice of the proposed disposition and inviting via public notice (counter) submissions to be made to the local government for a period not less than 2 weeks. The most recent example of Council disposing of land via this means was when it resolved to dispose of a property in the Yuna townsite at its 20 March 2019 meeting (with subsequent public notice of sale occurring on 12 July 2019 upon receipt of an offer).

Whilst Option 3(b) can through the engagement of a real estate agent potentially generate the greatest level of exposure for the sale of the asset it would also attract a selling agent fee of \$5,000 (based upon sourced quote) and also potentially advertising fees.

Both Options 3(a) and 3(b) will also incur the cost to Council of obtaining a prior valuation from a licensed valuer, and the cost of this work has increased significantly in recent years (cost likely to be \$3,000 based upon recent valuation works) due to almost all licensed valuers previously operating in Geraldton no longer being based in this region.

Given the likely sale price of the land, in comparison to the cost of engaging a licensed valuer for Option 3(a) and a licensed valuer + real estate agent for Option 3(b), these options are not recommended by Shire staff in this instance.

STATUTORY ENVIRONMENT

Lot 26 (Volume 323 Folio 95A) & Lot 27 (Volume 323 Folio 96A) Chapman Valley Road, Nabawa (Deposited Plan 38898) have been owned by the Shire of Chapman Valley since 10 February 1970

Lot 26 & 27 are zoned 'Residential R10' under the Shire of Chapman Valley Local Planning Scheme No.3.

Section 3.58 of the *Local Government Act 1995* establishes the means by which Council must dispose of property.

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
(a) *the highest bidder at public auction; or*
(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
(a) *it gives local public notice of the proposed disposition —*
(i) *describing the property concerned; and*
(ii) *giving details of the proposed disposition; and*
(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
and
(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
(a) *the names of all other parties concerned; and*
(b) *the consideration to be received by the local government for the disposition; and*
(c) *the market value of the disposition —*
(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

- (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Regulation 30 under the *Local Government (Functions & General) Regulation 1996* also notes the following:

“30 Dispositions of property excluded from Act s.3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or*
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions;*
 - or*
 - (c) *the land is disposed of to —*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*
 - or*
 - (d) *it is the leasing of land to an employee of the local government for use as the employee’s residence; or*
 - (e) *it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or*
 - (f) *it is the leasing of land to a person registered under the Health Practitioner Regulation National Law (Western Australia) in the medical profession to be used for carrying on his or her medical practice; or*
 - (g) *it is the leasing of residential property to a person.*
- (2a) *A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —*
 - (a) *put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or*
 - (b) *the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or*
 - (c) *the subject of State wide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —*
 - (i) *the names of all other parties concerned; and*
 - (ii) *the consideration to be received by the local government for the disposition; and*
 - (iii) *the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.*

- (2b) Details (see section 3.58(4) of the Act) of a disposition of property under sub regulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if –
 - (a) its market value is less than \$20 000; or
 - (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.”

POLICY/PROCEDURE IMPLICATIONS

Section 6.6 of the Shire of Chapman Valley Local Planning Policy 1.4 – Outbuildings states that:

“The development of an Outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently).”

FINANCIAL IMPLICATIONS

In the event that Council considers that Lots 26 & 27 Chapman Valley Road, Nabawa should be disposed of, it is recommended that the 2021/2022 Budget be drafted to indicate that the funds derived from the sale of either (or both) properties be assigned to the Land Development Reserve. This will enable the income sourced from the sale of vacant Shire residential land to be utilised for future land development or acquisition projects (e.g. portion Lot 1 Richards Road).

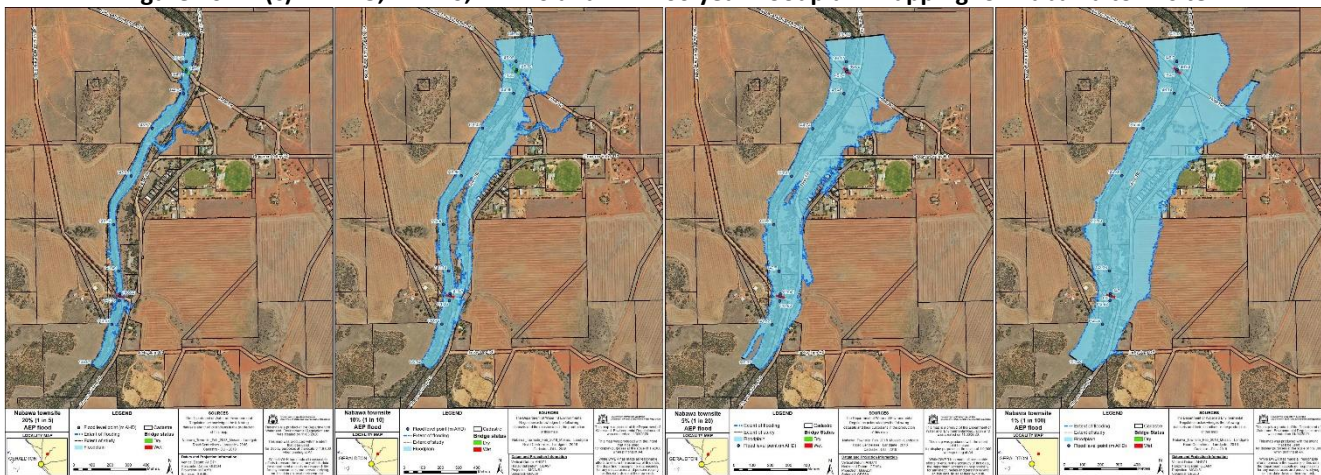
Long Term Financial Plan (LTFP):

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is considered that the disposal of assets deemed surplus to requirements both reduces maintenance and liability to Council but assists in meeting a required Level of Service in the most cost effective manner for present and future community.

STRATEGIC IMPLICATIONS

The Department of Water & Environmental Regulation’s ‘Chapman River Flood Study – Nabawa and Nanson Townsites’ (2020) identifies that Lots 26 & 27 Chapman Valley Road, Nabawa would be susceptible to flooding by a 1 in 10 year (and above) flood event.

Figure 10.1.1(c) – 1 in 5, 1 in 10, 1 in 20 and 1 in 100 year floodplain mapping for Nabawa townsite



Measures such as the raising of finished floor levels for any residences built upon the lots (potentially either through placement of fill and/or stumped house design) to the heights recommended by the Department of Water & Environmental Regulation could be imposed at time of development application to address this issue.

Council might, however, consider it more prudent to support the amalgamation of the 2 lots with the adjoining property to prevent further habitable buildings being built in this area of the Nabawa townsite, noting there are other vacant

residential lots available for people who might be seeking them on the elevated land on Green Drive that are not subject to flood impacts.

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 it is considered that this Council initiative would accord with the following:

Ref	Objective	Strategy	Action
Community and Lifestyle			
1.1	Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises
Governance and Accountability			
5.2	Be accountable and transparent in managing resources	Asset Management	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire
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

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

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Forth

SECONDED: Cr. Batten

Council resolve to dispose of Lot 26 & 27 Chapman Valley Road, Nabawa via a formal tender process pursuant to Section 3.58(2)(b) of the *Local Government Act 1995* and clause 30(2a)(b) of the *Local Government (Functions and General) Regulations 1996*.

Council En Bloc Resolution
Voting F7/A0
CARRIED
Minute Reference: 06/21-03

10.1.2

Proposed Subdivision, Howatharra

PROPONENT:	HTD Surveyors for W, J & M Farrow
SITE:	1010 (Lot 506) Nanson-Howatharra Road, Howatharra
FILE REFERENCE:	A333
PREVIOUS REFERENCE:	09/10-10 & 11/10-18
DATE:	8 June 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Subdivision Application		√

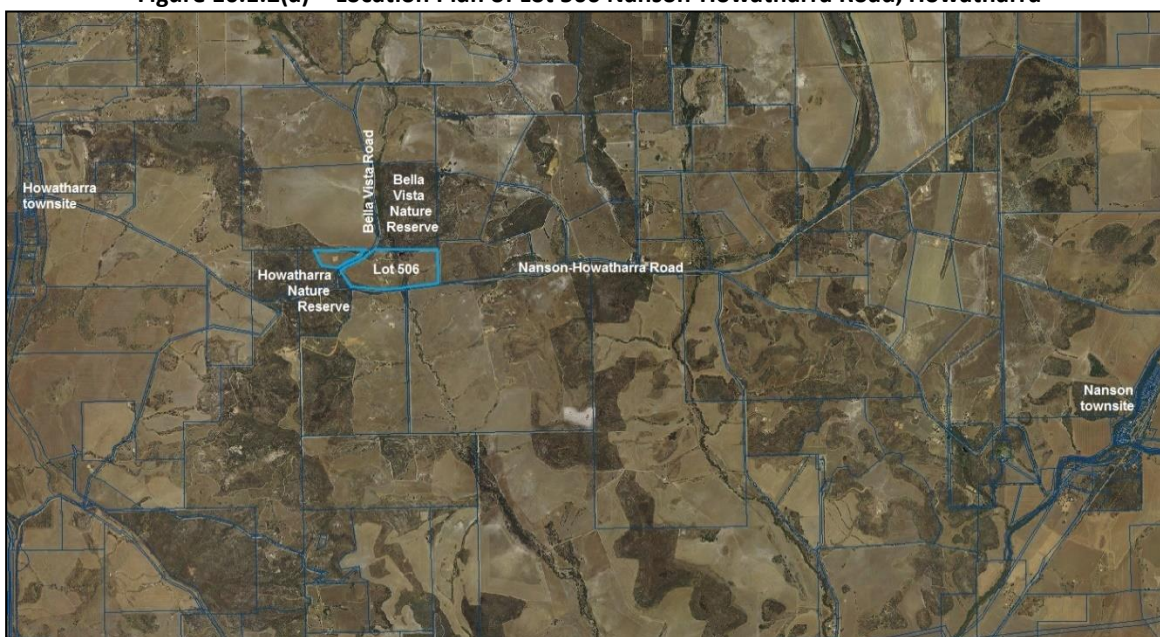
DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking comment on an application to subdivide 1010 (Lot 506) Nanson-Howatharra Road, Howatharra into 2 lots. This report recommends that Council conditionally support the application.

Figure 10.1.2(a) – Location Plan of Lot 506 Nanson-Howatharra Road, Howatharra



COMMENT

Lot 506 is a 50.6937ha property with an 1.004km frontage along its southern boundary to the sealed Nanson-Howatharra Road and a 452.5m frontage onto the unsealed Bella Vista Road that runs through the property. The property slopes downward from the 185m contour at its western boundary to the 140m contour at the centre of the property before rising again to the 160m contour on its eastern boundary. Lot 506 is largely cleared excepting for a corridor of remnant vegetation

running north-south along a tributary line running through the centre of the property and an area in the south-western corner.

Lot 506 abuts the 42.4859ha Howatharra Nature Reserve to the west, and the 68.9245ha Bella Vista Nature Reserve to the north.

Figure 10.1.2(b) – Aerial photograph of Lot 506 Nanson-Howatharra Road, Howatharra



The landowner is seeking to subdivide Lot 506 into 2 lots as follows:

- the 8.5ha area at the western end of Lot 506 that is physically separated from the remainder of the property by Bella Vista Road, and this lot would contain an existing residence; &
- the balance 42.2ha area that is east of Bella Vista Road, that would contain the other residence and existing outbuildings.

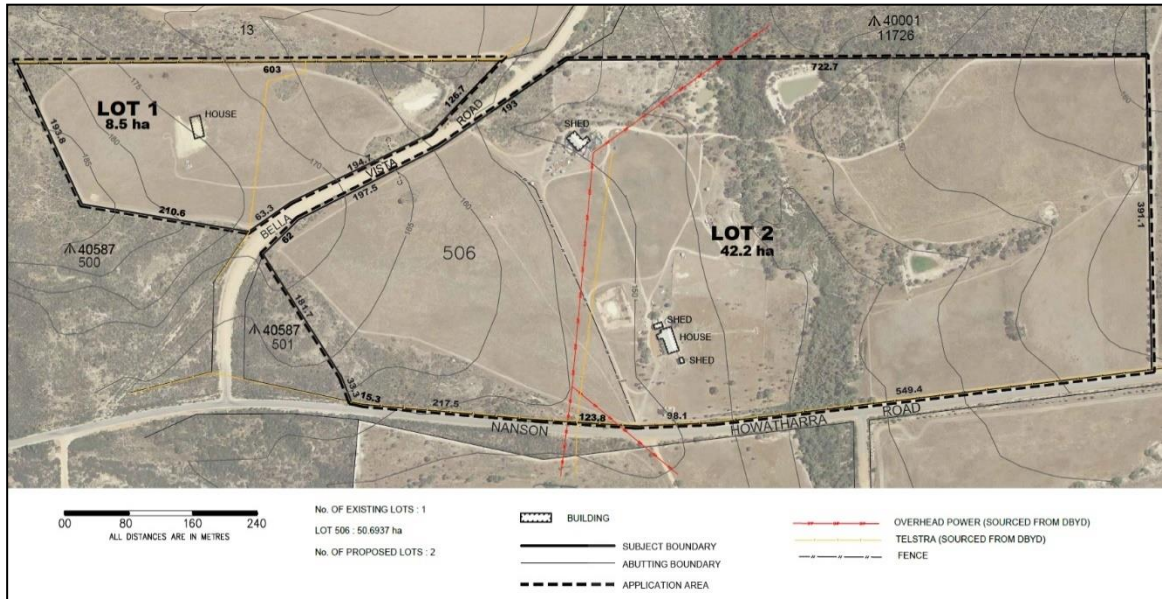
The proposed subdivision plan is provided in **Figure 10.1.2(c)** and also within **separate Attachment 10.1.2** along with the applicant's supporting correspondence.

Shire staff raise no objection to the subdivision application based upon the following:

- the subdivision presents no environmental impacts.
- the proposed subdivision boundary is based upon the existing on-ground Bella Vista Road alignment and would not require the removal of remnant vegetation.
- the subdivision presents no heritage impacts.
- the subdivision will assist the family in estate planning and separation of assets with regards to the 2 residences.
- the creation of 1 additional lot will not create additional vehicle movements upon the local road network given there are already 2 existing residences.
- the subdivision proposes no additional vehicle access points.
- the subdivision is consistent with the requirements for a Homestead Lot as contained in the WAPC Development Control Policy 3.4 – Subdivision of Rural Land.
- the subdivision, subject to ongoing adherence to standard bushfire requirements, presents no additional bushfire hazard risk, given there are already 2 existing residences.

- both lots have capacity to maintain water supply through existing dams and roof catchments.
- both lots have capacity to maintain power supply through existing power connection arrangements (grid connection for proposed Lot 2 and solar power/off-grid for proposed Lot 1).

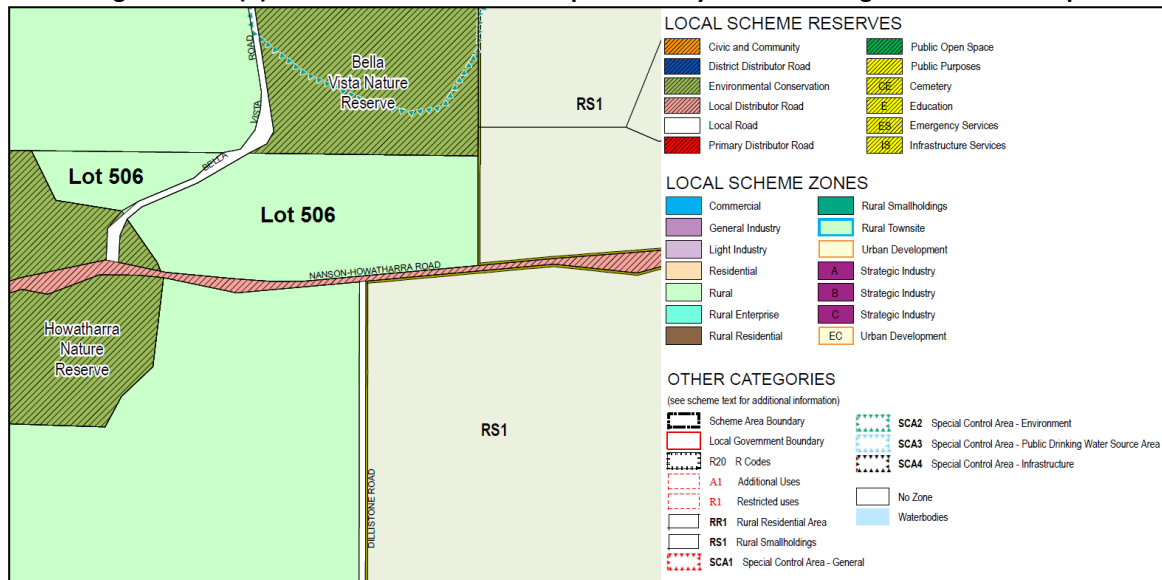
Figure 10.1.2(c) – Lot 506 Nanson-Howatharra Road Subdivision Plan



STATUTORY ENVIRONMENT

1010 (Lot 506) Nanson-Howatharra Road, Howatharra is zoned ‘Rural’ under Shire of Chapman Valley Local Planning Scheme No.3 (‘the Scheme’).

Figure 10.1.2(d) – extract from Shire of Chapman Valley Local Planning Scheme No.3 Map



The objectives for the ‘Rural’ zone are listed in Table 1 of the Scheme as being:

- *To provide for the maintenance or enhancement of specific local rural character.*

- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses to the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."*

Section 1.6 'Aims of the Scheme' lists the following considered to be of relevance to this application:

- "(a) Provide for a variety of lifestyle opportunities;*
- (b) Provide for a appropriate diversification of agricultural and other economic activities;*
- (c) Preserve agriculturally productive land and protect such land from ad hoc fragmentation or incompatible development;*
- (d) Protect, preserve and enhance the environment, natural and cultural heritage, and landscape and streetscape values."*

POLICY/PROCEDURE IMPLICATIONS

The WAPC have the following policies relevant to this application:

- Statement of Planning Policy 2.5 - Rural Planning ('SPP2.5');
- Statement of Planning Policy 3.7 - Planning in Bushfire Prone Areas ('SPP3.7'); &
- Development Control Policy 3.4 - Subdivision of Rural Land ('DCP 3.4').

State Planning Policies are prepared and adopted by the WAPC under statutory procedures set out in part 3 of the *Planning and Development Act 2005*. The WAPC and Local Governments should have due regard to the provisions of State Planning Policies when preparing or amending Local Planning Schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of State Planning Policies when determining appeals.

Statement of Planning Policy 2.5 has the following objectives

- "(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- (e) avoid and minimise land use conflicts;*
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and*
- (g) protect and sustainably manage environmental, landscape and water resource assets."*

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy No.1 State Planning Framework. Development Control Policy 3.4 is used by the WAPC as the basis for determining applications for the subdivision of rural land.

DCP3.4 has a general presumption against the subdivision of rural land, however, the application is considered to meet the requirements of the following WAPC Policy provisions:

- "5 General policy provisions*

It is the opinion of the WAPC that rural land uses are the highest and best use for rural zoned land. Where an alternative use is proposed, such as residential, the use must be planned in a strategy or scheme and zoned accordingly.

When determining subdivision proposals on rural land, the following measures will be applied:

- (a) the creation of new or smaller lots will be by exception;*
- (b) proposals will be considered against strategies and schemes;*
- (c) adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and*
- (d) proposals will be assessed against any relevant State planning policies and/or operational policies.*

6 Circumstances under which rural subdivision may be considered

In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances:

- (a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- (b) to protect and actively conserve places of cultural and natural heritage;*
- (c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- (d) in the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
- (e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.*

Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision of rural land may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits. These forms of subdivision, which may result in additional dwelling entitlements, are considered to provide incentives for rural subdivision. As such the remainder of this policy outlines the applicable standards for rural subdivision.”

“6.6 Homestead lots

The creation of Homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:

- (a) the land is in the DC 3.4 Homestead lot policy area;*
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*
- (c) there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) the homestead lot has access to a constructed public road;*
- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- (g) a homestead lot has not been excised from the farm in the past;*

-
- (h) *the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
 - (i) *the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

Where there are a number of existing approved dwellings on a rural lot, more than one homestead lot may be considered as a one-off application.”

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

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

STRATEGIC IMPLICATIONS

Lot 506 Nanson-Howatharra Road, Howatharra is located within Precinct No.3 – Chapman Valley of the Shire of Chapman Valley Local Planning Strategy (2008) the vision for which is:

“A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources.”

Figure 7 of the Local Planning Strategy identifies Lot 506 as ‘Proposed Rural Smallholdings (20-40ha)’.

The 50.6937ha Lot 506 could ordinarily be subdivided into 2 equally sized lots that would comply with the 20ha minimum lot size under this strategic direction. However, this form of subdivision would not have regard for the existing land use pattern and built form and the application as lodged instead proposes a subdivision layout of unequal sized lots but is one that displays regard for the existing on-ground alignment of Bella Vista Rod and avoids creating a lot that straddles an existing road.

The Geraldton Region Plan was released in 1999 by the WAPC to provide a framework for the future management, protection and coordination of regional planning. The Region Plan incorporates the Greater Geraldton Structure Plan that was updated in 2011 by the WAPC to account for a number of strategic planning directions. Lot 506 is identified as ‘Future Rural Living’ upon the Greater Geraldton Structure Plan.

Lot 506 is located within the study area for the WAPC’s Moresby Range Management Strategy (2009). The Strategy identifies that the south-eastern portion of Lot 506 forms part of the Moresby Range foot slopes, and that Lot 506 is not within a visually sensitive area. The proposed subdivision will not lead to change or intensification of the use of the land, given it is merely seeking to create separate titles for 2 existing residences.

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

The WAPC is not obliged to undertake any public consultation in its assessment of subdivision applications, but has referred the application to the Shire of Chapman Valley, Department of Biodiversity Conservation & Attractions, Department of Fire & Emergency Services, Department of Mines Industry Regulation & Safety, Water Corporation and Western Power inviting comment.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Forth

SECONDED: Cr. Batten

Council advise the Western Australian Planning Commission that it supports the subdivision of Lot 506 Nanson-Howatharra Road, Howatharra (WAPC 160763) as shown upon Drawing No.36620AS2-1-0 (WAPC date stamped 5/5/21) subject to the following conditions:

- 1 A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificates of title of proposed Lots 1 & 2, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. Additional planning and building requirements may apply to development on this land."*
- 2 A notification, pursuant to Section 70A of the *Transfer of Lands Act 1893*, is to be placed on the certificates of title of proposed Lot 1. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"A network electricity supply is not available to this lot. If power is required in the future the owner will have to make their own arrangements with the electricity service provider for a suitable connection."*

Council En Bloc Resolution
Voting F7/A0
CARRIED
Minute Reference: 06/21-03

10.2

Manager of Finance & Corporate Services

10.2 AGENDA ITEMS

- 10.2.1** Financial Management Report for May 2021
- 10.2.2** Elected Members 2021/2022 Budget Request
- 10.2.3** Budget Variation – TC Seroja Expenditure & Revenue

10.2.1

Financial Management Report for May 2021

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	16 June 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	May 2021 Financial Management Reports		✓
10.2.1(b)	Confidential List of May 2021		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The financial position at the end of May 2021 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 May 2021

Long Term Financial Plan (LTFP):

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Not applicable

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr. Forth

SECONDED: Cr. Batten

Council receives the financial management report supplied under separate cover for the months of May 2021 comprising the following:

Statement of Financial Activities with notes

Note 1 – Net Current Assets

Note 2 – Cash & Financial Assets

Note 3 – Receivables

Note 4 – Other Current Assets

Note 5 – Payables

Note 6 – Rate Revenue

Note 7 – Disposal of Assets

Note 8 – Capital Acquisitions

Note 9 – Borrowings

Note 10 – Lease Liabilities

Note 11 – Cash Reserves

Note 12 – Other Current Liabilities

Note 13 – Operating Grants and Contributions
Note 14 – Non Operating Grants and Contributions
Note 15 - Trust Funds
Note 16 - Explanation of Material Variances

Additional Information

Budget by Program
Summary of Payments
Bank Reconciliation
Credit Card Statement

Council En Bloc Resolution
Voting F7/A0
CARRIED
Minute Reference: 06/21-03

10.2.2

Elected Member 2021/2022 Budget Request

PROPONENT:	Elected Members
SITE:	Shire of Chapman Valley
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	Nil
DATE:	16 June 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	Elected Members Budget Requests		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Councillors are invited to submit any budget requests for the forthcoming draft budget during April each year. Also, users of Shire owned/controlled facilities were encouraged to put items forward for the Building & Disability Services Committee to consider, which have subsequently been recommended to Council at the March 2021 OCM for budget consideration.

COMMENT

Elected Members budget requests have been received from two Councillors; Cr Warr and Cr Humphrey which are provided under separate cover Attachment 10.2.2(a) of which a table of the original request has been inserted below (numbered for reference only and not to be considered as being in any order of priority). Costings for budget submissions were requested via email 19 May 2021 with one response as attached. Other than the historical cost from information to hand for the previous fixed wireless infrastructure to Coronation Beach Wi-Fi project expenditure of \$35,098 staff have not had the opportunity to obtain any costings for the elected members requests with some items being submitted without costings.

Description of Budget Request		Elected Member Estimated Costs
Elected Member	Description of Budget Request	
Cr Warr	Node One Fixed Wireless Internet connection to Yuna Multipurpose Community Centre	\$5,000
	- note Coronation Fixed Wireless cost \$35+k plus monthly plans	
	Repairs to Naraling Hall in readiness for 100 Years (2022)	No cost provided
	2x KVA Gen Set	\$20,000

Cr Humphrey	Weed Management proposal	No cost provided
	<p>Problem Residents on small land holdings within Chapman Valley need to be made aware of the threat weeds pose to livestock and biodiversity . Recently issues such as; decreased utilisation of park and bridal paths due to weeds, Stock poisonings from golden crown beard Residents and Shire slashing blocks of golden crown beard and walkaway burr after the plant has set seed (increasing weed burden problem) have been observed and this is perhaps due to a lack of knowledge</p>	
	<p>Causes Some residents are unaware of the threats and need to be made aware and advised on best management strategies. Parks, verges and bridal paths need to set an example for residents.</p>	
	<p>Budget submission/Solutions</p> <ul style="list-style-type: none"> • Seek advice from an Agronomist to develop a weeds management strategy for both residents and shire controlled areas, including details on; <ol style="list-style-type: none"> 1. Identification of pest plants (including: Golden crown beard, Walkaway burr, Afghan thistle, fleabane and paddy melons... to name a few...) 2. Pictures of plant pests 3. Plant pest biology 4. Management and control options (How, when, why, what) • Develop a pamphlet on plant pests, management and control (using advice from agronomist) to be sent out in rates notice. • Shire to outline landholder's responsibilities for weed management. • Shire to outline/recognise shire responsibilities for weeds management. • Ensure if chemical control is deemed appropriate; residents are advised on danger and are advised on a suitable place to purchase small quantities of chemicals (Hopefully agronomist linked to agribusiness company). • Once weeds are controlled, initiate seeding program. Seeding program developed by Agronomist . 	

STATUTORY ENVIRONMENT

Council adopts the Annual Budget in accordance with the Local Government Act and associated Regulations at which time all items listed in the Draft Budget are considered.

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 2021/2022 Draft Budget allocations will be set as per the Council Resolution; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2021/2022 Budget. All elected members items will have an effect on the 2021/2022 Draft Budget with some capital expenditure items, staff have not had the opportunity to obtain estimate costs for any of the items.

Long Term Financial Plan (LTFP):

Nil

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

The Budget process includes Committee meetings (e.g. Buildings, Infrastructure Roads) and consultation with Elected Members and users of Shire owned/controlled facilities with staff to establish a Draft Budget for Council consideration. The budget process also needs to consider the Integrated Planning & Reporting (IPR) documents to ensure the draft presented identifies existing items and any alteration to the long-term planning for the Shire.

RISK ASSESSMENT

The risk rating varies from Minor to Major dependent on the estimated costs for each item

Measures of Consequence

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

VOTING REQUIREMENTS

Simple Majority

(Note: There is no Staff Recommendation provided as this is considered a matter for Elected Member deliberation and determination)

STAFF RECOMMENDATION

Council endorse the following items presented for further consideration to be included in the 2021/2022 Draft Budget

--	--	--	--

MOVED: Cr Batten

SECONDED: Cr Warr

Suspend standing orders at 9:03am.

Voting F7/A0

CARRIED

Minute Reference: 06/21-04

Discussion was undertaken on the item.

MOVED: Cr Davidson

SECONDED: Cr Forth

Reinstate standing orders at 9:59am.

Voting F7/A0

CARRIED

Minute Reference: 06/21-05

MOVED: Cr. Warr

SECONDED: Cr. Royce

Council endorse the following items presented for further consideration to be included in the 2021/2022 Draft Budget

Item	Amount	Comments
Invasive Weed/Pest Management Plan/Education/Regional Approach	\$3,000	
Yuna CC – Event Free WiFi (Cap Ex & Op Ex)	\$5,000	Prices to be further investigated
Genset (x1 or x2) Size & Type TBD with purpose-built trailer	\$20,000	Prices to be further investigated
Naraling Hall	\$0	Subject to insurance repairs. 100 Year celebration 2026

Voting F7/A0

CARRIED

Minute Reference: 06/21-06

Reason for deviation from Staff Recommendation: Not relevant as Staff Recommendation was left open to Council determination.

10.2.3

Budget Variation - TC Seroja Expenditure & Revenue

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	603.05
PREVIOUS REFERENCE:	Nil
DATE:	16 June 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3(a)	DRFAWA Advice - Urgent clean-up TC Seroja		✓
10.2.3(b)	DFES Letter to Shire of Chapman Valley		✓
10.2.3(c)	DFES Attachment 1		✓
10.2.3(d)	DFES Fact Sheet		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Unbudgeted expenditure has occurred due to clean up after TC Seroja. This expenditure was obviously not included in the Adopted or Reviewed 20/21 Budget. Though this event was a declared natural disaster, with some eligible expenditure being covered under the declaration it is considered appropriate to formally resolve to endorse the unbudgeted expenditure incurred and income received for eligible items under the Disaster Recovery Funding Arrangement Western Australia (DRFAWA).

COMMENT

The purpose of this report is to seek Council's endorsement for an amendment to the 20/21 Revised Budget to allow for increased revenue and expenditure in relation to TC Seroja. The overall effect on the budget, though at the time of writing the Report is unknown, is expected to be minimal as there will be revenue received for eligible expenditure works under the DRFAWA for this event and most of the ineligible expenditure will be internal plant and labour costs.

Attached is correspondence received from the Department of Fire & Emergency Services regarding eligible clean-up criteria, FAQ, etc.

STATUTORY ENVIRONMENT

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

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

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

** Absolute majority required.*

(1a) *In subsection (1):*

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

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

- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

POLICY/PROCEDURE IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Staff Recommendation is requesting the endorsement of both revenue and expenditure to reflect expenditure and revenue changes to the 2020/2021 Annual Budget, though no specific amounts are available at this stage.

Long Term Financial Plan (LTFP):

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Act 1995 and Local Government (Financial Management) Regulations

As previously mentioned, the actual difference between expenditure incurred and revenue received from DRFAWA is unknown, yet it is expected the majority of the shortfall will be own resource costs (e.g. labour, plant, etc.) as most (if not all) external expenditure obtain externally to the Shire own resource operations will be covered by DRFAWA revenue.

Therefore the risk is forecast as being **Minor** to **Moderate**. With any external contract and services expenditure not covered by DRFAWA being absorbed into the expected end of financial year budget surplus.

It must be understood the building, infrastructure, etc. damage covered by insurance is not included as part of the expenditure variation and the excess the Shire will be obliged to cover will be dealt with as separate line item in the 21/22 Budget.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

VOTING REQUIREMENTS

Absolute Majority

COUNCIL/STAFF RECOMMENDATION

MOVED: Cr. Warr

SECONDED: Cr. Batten

Council endorse the budget variation to accommodate unbudgeted expenditure incurred and DRFAWA revenue received as a result of the effect of Tropical Cyclone Seroja on the Shire of Chapman Valley.

Voting F7/A0

CARRIED

Minute Reference: 06/21-07

10.3

Chief Executive Officer

10.3 **AGENDA ITEMS**

10.3.1 **Western Australian Local Government Association – AGM**

10.3.1

Western Australian Local Government Association - AGM

PROPONENT:	Western Australian Local Government Association (WALGA)
SITE:	Crown Perth
FILE REFERENCE:	404.01
PREVIOUS REFERENCE:	NA
DATE:	16 th June 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	WALGA – Advice of 2021 LG Convention & AGM		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Western Australian Local Government Association (WALGA) has advised of the Local Government Convention and Annual General Meeting (AGM) are to be held at the Crown Perth on Monday, 20 and Tuesday, 21 September, with the Opening Welcome Reception being held on the evening of Sunday, 19 September.

The advice states the Convention and AGM will be an in-person meeting with no mention of limitations on numbers at this stage. However; as we are all fully aware, this may be affected by any future COVID pandemic outbreaks in WA.

COMMENT

The WALGA is yet to provide a formal Notice outlining guidelines and criteria to be followed when considering a submission for motions to be presented to the AGM. This will be provided to Councillors when received. However, the process in previous years has been as follows and I would anticipate will be similar this year i.e.

- *Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.*
- *Due regard should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.*
- *Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?*
- *The likely political impact of the motion should be carefully considered.*
- *Due regard should be given to the educational value to Members – i.e. does awareness need to be raised on the particular matter?*
- *The potential media interest of the subject matter should be considered.*

- *Annual General Meeting motions submitted by Member Local Governments must be accompanied by fully researched and documented supporting comment.*

The WALGA formal Notice is also expected to stipulate the same criteria as previous years i.e.

As per the Corporate Governance Charter, prior to the finalisation of the agenda, the WALGA President and Chief Executive Officer will determine whether motions abide by the following criteria: Motions will be included in the Business Paper agenda where they:

1. *Are consistent with the objects of the Association (refer to clause 3 of the constitution);*
2. *Demonstrate that the issue/s raised will concern or are likely to concern a substantial number of Local Governments in WA.;*
3. *Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;*
4. *Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);*
5. *Are clearly worded and unambiguous in nature;*

Motions will not be included where they are:

6. *Consistent with current Association advocacy/policy positions. (As the matter has previously considered and endorsed by the Association).*

Motions of similar objective:

7. *Will be consolidated as a single item.*

At the time of writing no indication has been received on any proposed Motion(s) to be submitted from the Shire of Chapman Valley to the WALGA AGM. The Shire tends to put item through the Northern Country Zone for WALGA State Council consideration, rather than at the WALGA AGM.

STATUTORY ENVIRONMENT

Not applicable

POLICY/PROCEDURE IMPLICATIONS

Council Corporate Policy (CP006) deals with attendance at events i.e.

POLICY NO	CP-006
POLICY	ATTENDANCE AT EVENTS POLICY
RESPONSIBLE DIRECTORATE	CEO
PREVIOUS POLICY No.	CMP-030
LEGISLATION	Section 5.90A of the Local Government Act 1995
RELEVANT DELEGATIONS	1019

1. OBJECTIVES

- 1.1. *To introduce policy to address section 5.90A. of the Local Government Act 1995 Policy for attendance at events*
- 1.2. *To provide elected members and staff with consistent guidelines to ensure transparency, relevance, and value for money for ratepayers.*
- 1.3. *This Policy does not cover Elected Member Training. Refer to Management Procedure Ref CMP-030: "Elected Meeting of Council 16th June 2021 – Confirmed Minutes*

Member Training & Professional Development”.

2. POLICY STATEMENTS

- 2.1. *In developing the Attendance at Events Policy, council needs to actively consider the purpose of and benefits to the community from council members and CEOs attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council. The Attendance at Events policy is to enable council members to attend events as a representative of council without restricting their ability to participate in council meetings.*
- 2.2. *This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the Chief Executive Officer (CEO).*
- 2.3. *Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.*

3. LEGISLATION

3.1. 5.90A. Policy for attendance at events

In this section — event includes the following —

- a) *a concert;*
 - b) *a conference;*
 - c) *a function;*
 - d) *a sporting event;*
 - e) *an occasion of a kind prescribed for the purposes of this definition.*
- 3.2. *A local government must prepare, and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
- a) *the provision of tickets to events; and*
 - b) *payments in respect of attendance; and*
 - c) *approval of attendance by the local government and criteria for approval; and*
 - d) *any prescribed matter.*

***Absolute majority required.**

3.3. *A local government may amend* the policy.*

**Absolute majority required.*

3.4. *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

3.5. *The CEO must publish an up-to-date version of the policy on the local government’s official website.*

4. PROVISION OF TICKETS TO EVENTS

4.1. Invitation

4.1.1.

All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Chief Executive Officer. Invitations made directly to an Elected Member are to be handed to the Chief Executive Officer for action to be taken in accordance with this Policy.

4.1.2.

Any other invitation or offer of tickets not addressed to an Elected Member or the Chief Executive Officer in general is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

4.1.3.

A list of events and attendees authorised by the local government in advance of the event is recorded in Attachment A.

5. APPROVAL OF ATTENDANCE

5.1 In deciding on attendance at an event, the Council will consider:

- a) who is providing the invitation or ticket to the event,*
- b) the location of the event in relation to the local government (within the district or out of the district),*
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,*
- d) whether the event is sponsored by the local government,*
- e) the benefit of local government representation at the event,*
- f) the number of invitations / tickets received, and*
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.*

5.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

5.3 The CEO is authorised to determine matters relating to staff attending conferences, seminars or training (in addition to those listed at Attachment A) that form part of the ongoing operational requirements of the Shire using the considerations as outlined in 5.2 of this policy.

6. PAYMENTS IN RESPECT OF ATTENDANCE

6.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.

6.2 For any events where a member of the public is required to pay, unless previously approved and listed in Attachment A, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.

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- 6.3 *If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.*
- 6.4 *Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.*

ATTACHMENT A – EVENTS AUTHORISED IN ADVANCE

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Western Australian Local Government Association (WALGA) Annual Conference and AGM	Annual Event	President, Deputy President 2 x Elected Members CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)
Northern Country Zone Conferences	Periodical	President, Deputy President Elected Members CEO DCEO	Elected Members & CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)
State Government Budget announcement, launches and other events	Ongoing	President, Deputy President CEO	Elected Members & CEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
WALGA Road Conference	Annual Event	President, Deputy President 2 x Elected Members CEO Manager Works & Svc	Elected Members & CEO Manager Works & Svc	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Elected Members – Min Ref:##/##-## Staff – CEO discretion (Clause 5.3)
Local Government Professionals Annual Conference	Annual Event	CEO DCEO	CEO DCEO	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)
Synergy Soft IT Annual User Group Conference	Annual Event	CEO Manager Finance & Corporate Services	CEO Manager Finance & Corporate Services	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)
Moore Stephens Annual	Annual	CEO	CEO	Registration,	Staff – CEO discretion (Clause 5.3)

Event Description	Date of event	Approved Attendee/s	Position	Approved contribution	Date of council resolution or CEO authorisation
Budget Finance Conferences	Event	Manager Finance & Corporate Services	Manager Finance & Corporate Services	Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	
Works Supervisors Annual Conference	Annual Event	CEO Manager Works & Svc	CEO Manager Works & Svc	Registration, Accommodation, Travel, Meals and other reasonable cost & living expenses. Note: Alcoholic beverages are not covered.	Staff – CEO discretion (Clause 5.3)

It will be noted in the Policy CP-006 where the endorsed attendees at the WALGA AGM are:

- President,
- Deputy President
- 2 x Elected Members
- CEO
- Staff – CEO discretion

The following Corporate Management Procedure is also relevant:

MANAGEMENT PROCEDURE No.	CMP-035
MANAGEMENT PROCEDURE	WALGA AGM AND NORTHERN COUNTRY ZONE DELEGATES -
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	9.150
RELEVANT DELEGATIONS	1019

OBJECTIVES:

Give authority to Elected Member representatives at both the WALGA AGM and the Northern Country Zone of WALGA to vote on issues at their discretion.

MANAGEMENT PROCEDURE STATEMENT/S:

Delegates elected as representatives to the WALGA AGM and, Northern Country Zone (NCZ) are given the authority to vote on issues in the best interest of the Shire of Chapman Valley, rather than having to bring such issues back to Council first for direction.

If delegates believe a specific item does require a decision of Council and are not prepared to vote on such items until Council has first discussed this specific matter they will abstain from voting on these grounds and put forward a motion that the matter “lay on the table” until each individual Local Government Authority has had the opportunity to consider the item of concern.

The authorisation given to Council representatives will not: -

- *Commit the Local Government Authority to any expenditure; or*
- *Be extended to a situation where such a matter requires a specific decision of Council in accordance with any form of legislation*

WALGA will also request names of two Voting Delegates and two Proxy Voting delegates. It is considered appropriate the President & Deputy President (if both attending) be the Voting Delegates with the two other Elected Members attending being the Proxy Voting delegates. The CEO will only act as a Voting/Proxy Voting Delegate in the event there is not enough Elected Members present to fill these positions

FINANCIAL IMPLICATIONS

Council budgets annual for attendances at the WALGA Conference and AGM in accordance with Policy.

STRATEGIC IMPLICATIONS

Ref	Objective	Strategy
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes

CONSULTATION

Formal notification received from WALGA and a subsequent phone call made to WALGA regarding in-person meeting and attendee numbers.

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

STAFF RECOMMENDATION

Council:

1. Endorse the following priority list of attendees for the 2021 Western Australian Local Government Association's Annual General Meeting and Local Government Convention to be held in Perth in accordance with Corporate Policy CP-006:
 1. President (Voting Delegate);
 2. Deputy President (Voting Delegate);
 3. Cr _____; (Proxy Voting Delegate);
 4. Cr _____; (Proxy Voting Delegate) and
2. The Chief Executive Officer (or his delegate) to attend the Western Australian Local Government Association's Annual General Meeting in accordance with Corporate Policy CP-006 .

MOVED: Cr. Royce

SECONDED: Cr. Forth

Council:

1. Endorse the following priority list of attendees for the 2021 Western Australian Local Government Association's Annual General Meeting and Local Government Convention to be held in Perth in accordance with Corporate Policy CP-006:
 1. President (Voting Delegate);
 2. Deputy President (Voting Delegate);
 3. Cr Humphrey (Proxy Voting Delegate);
 4. Cr Batten (Proxy Voting Delegate) and
2. The Chief Executive Officer (or his delegate) to attend the Western Australian Local Government Association's Annual General Meeting in accordance with Corporate Policy CP-006 .

Voting F7/A0
CARRIED
Minute Reference: 06/21-08

Reason for deviation from Staff Recommendation: Not relevant as Staff Recommendation was left open to Council determination.

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

Beau Raymond left to chambers at 10:38am

Beau Raymond returned to chambers at 10:44am.

Cr Forth	CVAS Meeting, FAB CV Film Event.
Cr Humphrey	BLEMC Meeting.
Cr Warr	Local Recovery Meeting, LMDRF Meeting, Tourism Working Group.
Cr Batten	Local Recovery Meeting, Long Board Surfing Competition.

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Meeting adjourned – 10:51am

Citizenship Ceremony conducted

Meeting reconvened 11.33am

S Lancaster, D Raymond, B Raymond did not return to the meeting when reconvened at 11:33am.

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

MOVED: Cr Forth

SECONDED: Cr Royce

Council close the meeting to the public for the following Agenda Items in accordance with Section 5.23(2)(a) the Local Government Act, 1995, as it is considered these are matters affect an employee:

15.1 – Code Of Conduct for Council Members, Committee Members and Candidates

Voting F7 /A0

CARRIED

Minute Reference: 06/21-09

15.1 Code of Conduct for Council Members, Committee Members and Candidates

PROPONENT:	Elected Members
SITE:	Shire of Chapman Valley
FILE REFERENCE:	411.04
PREVIOUS REFERENCE:	Not Applicable
DATE:	16 th June 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

MOVED: Cr. Farrell

SECONDED: Cr. Batten

COUNCIL RECOMMENDATION

Council agree after viewing and considering all evidence and information regarding the formal complaint, a breach(s) of the Code of Conduct has occurred and will proceed to the next stage of introducing an Improvement Plan to address the issues in accordance with the *Local Government (Model Code of Conduct) Regulations 2021* and the Shire of Chapman Valley's *Code of Conduct for Council Members, Committee Members and Candidates (CP-005)*.

Voting F7/A0

CARRIED

Minute Reference: 06/21-10

MOVED: Cr. Farrell

SECONDED: Cr. Davidson

COUNCIL RECOMMENDATION

Council agree to implement the Improvement Plan provided, with the following changes, with the Plan will be monitored and reviewed for compliance and adherence to its content and actions required by the President, Deputy President and Chief Executive Officer:

1. Amend wording in the Action section of the Improvement Plan to remove reference to *Counselling*.
2. Amend wording in the Action section of the Improvement Plan from "*qualified*" to "*experienced*" person(s).

Voting F7/A0

CARRIED

Minute Reference: 06/21-11

MOVED: Cr. Batten

SECONDED: Cr. Warr

COUNCIL RECOMMENDATION

Council agree to:

1. Undertaking an internal review of the existing *Team Values & Behaviours* linked to the *Code of Conduct for Council Members, Committee Members and Candidates*, with the CEO and Senior Staff.
2. Attend a social function after the internal review of the *Team Values & Behaviours* linked to the *Code of Conduct for Council Members, Committee Members and Candidates*, with all Elected Members and Senior Staff invited.

Voting F7/A0

CARRIED

Minute Reference: 06/21-12

MOVED: Cr. Batten

SECONDED: Cr. Davidson

Council re-open the meeting to the public at 12:28pm.

Voting F7/A0

CARRIED

Minute Reference: 06/21-13

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 12.28pm