

ORDINARY COUNCIL MEETING

CONFIRMED MINUTES

9:00am Wednesday
18/08/2021

YUNA MULTIPURPOSE
COMMUNITY CENTRE

AUGUST 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.

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	11:44am
Cr Peter Humphrey	9:00am	11:44am
Cr Darrell Forth	9:00am	11:44am
Cr Beverley Davidson	9:00am	11:44am
Cr Nicole Batten	9:00am	11:44am
Cr Trevor Royce	9:00am	11:44am

Officers	In	Out
Maurice Battilana, Chief Executive Officer	9:00am	11:44am
Simon Lancaster, Deputy Chief Executive Officer	9:00am	10:41am
Beau Raymond (Minute Taker)	9:00am	10:41am

Visitors	In	Out
Nil		

3.2 Apologies

Elected Members
Nil

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

Elected Members
Cr Warr – August 2021 OCM (Minute Ref: 06/21-01)
Cr Davidson – September 2021 OCM (Minute Ref: 07/21-01)

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

Nil

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

Nil

6.0 DISCLOSURE OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B:

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or

(b) a proposed change to the zoning or use of land that adjoins the person’s land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”

Regulation 34C (Impartiality):

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.2	Cr Royce	Financial	Farming program uses a portion of this land.
10.1.2	Cr Forth	Proximity	Adjoining landholder

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 Batten

SECONDED: Cr Davidson

8.1 Ordinary Meeting of Council held on Wednesday 21st July 2021

The Minutes of the Ordinary Meeting of Council held Wednesday 21st July 2021 be confirmed as true and accurate.

8.2 Special Meeting of Council held on Thursday 29th July 2021

The Minutes of the Special Meeting of Council held Thursday 29th July 2021 be confirmed as true and accurate.

Voting F6/A0

CARRIED

Minute Reference: 08/21-01

9.0 ITEMS TO BE DEALT WITH EN BLOC

MOVED: Cr. Batten

SECONDED: Cr Davidson

Council resolves to move the following items En bloc:

10.1.3 & 10.1.4

Voting F6/A0

CARRIED

Minute Reference: 08/21-02

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

10.1 AGENDA ITEMS

- 10.1.1 Proposed Building Envelope Relocation**
- 10.1.2 Former Geraldton-Northampton railway alignment**
- 10.1.3 Grazing Lease Extensions**
- 10.1.4 Grazing Lease Extensions**

10.1.1 Proposed Building Envelope Relocation

PROPONENT:	Teakle & Lalor for G. Blair
SITE:	43 (Lot 27) Royce Place, White Peak
FILE REFERENCE:	A1020
PREVIOUS REFERENCE:	05/04-19 & 06/04-09
DATE:	3 August 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Application & Site Photographs		√
10.1.1(b)	Previous State Administrative Tribunal Determination		√
10.1.1(c)	Received Submission		√

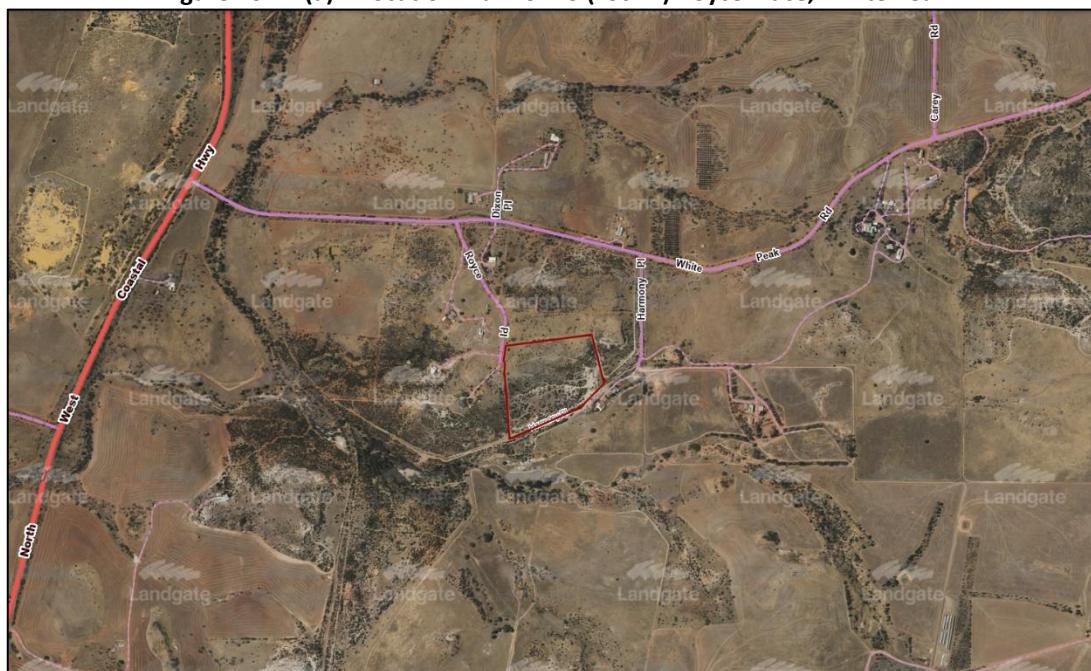
DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to relocate the building envelope upon 43 (Lot 27) Royce Place, White Peak. The application has been advertised for comment and no objections were received, and this report recommends approval.

Figure 10.1.1(a) – Location Plan for 43 (Lot 27) Royce Place, White Peak



COMMENT

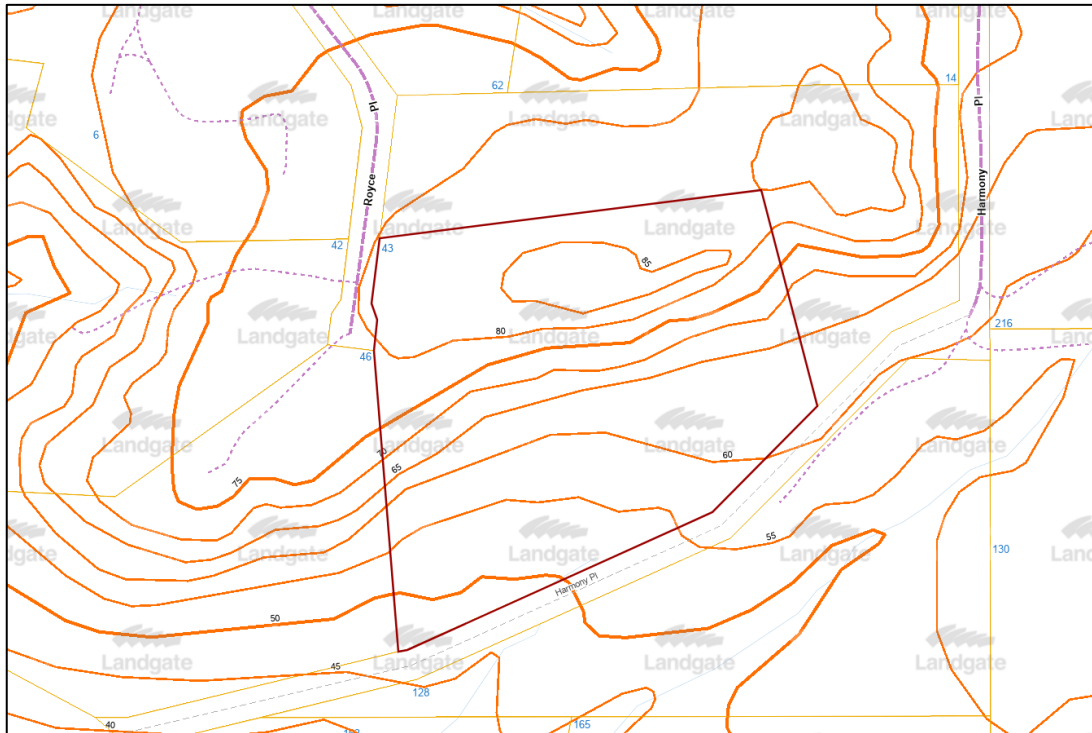
Lot 27 is a 5.9228ha property located at the south-eastern end of the Royce Place cul-de-sac.

The approximately 1.8ha northern portion of Lot 27 is situated on a plateau at the 85-80m contour range across a horizontal distance of approximately 75m. The central ridge section of the lot drops away steeply from the 80-65m contour across a horizontal distance of approximately 40m, whilst the approximately 2.5ha southern portion of the property more gradually slopes from the 65-50m contour across a horizontal distance of approximately 100m.

Figure 10.1.1(b) – Aerial photograph of 43 (Lot 27) Royce Place, White Peak



Figure 10.1.1(c) – Contour map of 43 (Lot 27) Royce Place, White Peak



A copy of the submitted application has been provided as **separate Attachment 10.1.1(a)** along with site photographs taken from multiple angles and locations upon the property to illustrate this proposal.

As some background to this matter the building envelope for Lot 27 was first established in 1998 at time of subdivision towards the north-western corner of the property. In 2004 an application was received from the then landowner seeking to relocate the building envelope to a new location closer to the north-eastern corner of Lot 27 and increase the size of the building envelope. This proposed new building envelope location was refused by Council at its May 2004 meeting as it would have allowed for the construction of a residence on the edge of the ridgeline thereby overlooking the residence to the south upon Lot 2949 Harmony Place.

Council then resolved at its June 2004 meeting to approve a revised new building envelope location east of the original building envelope that was smaller and setback from the ridgeline to ensure it did not overlook the residence on Lot 2949.

The then landowner appealed against this Council decision and this matter was heard by the State Administrative Tribunal, who in November 2004 approved a new building envelope that was smaller than that requested by the then landowner and required it to be setback from the ridgeline. **Figure 10.1.1(d)** is provided below to illustrate this further.

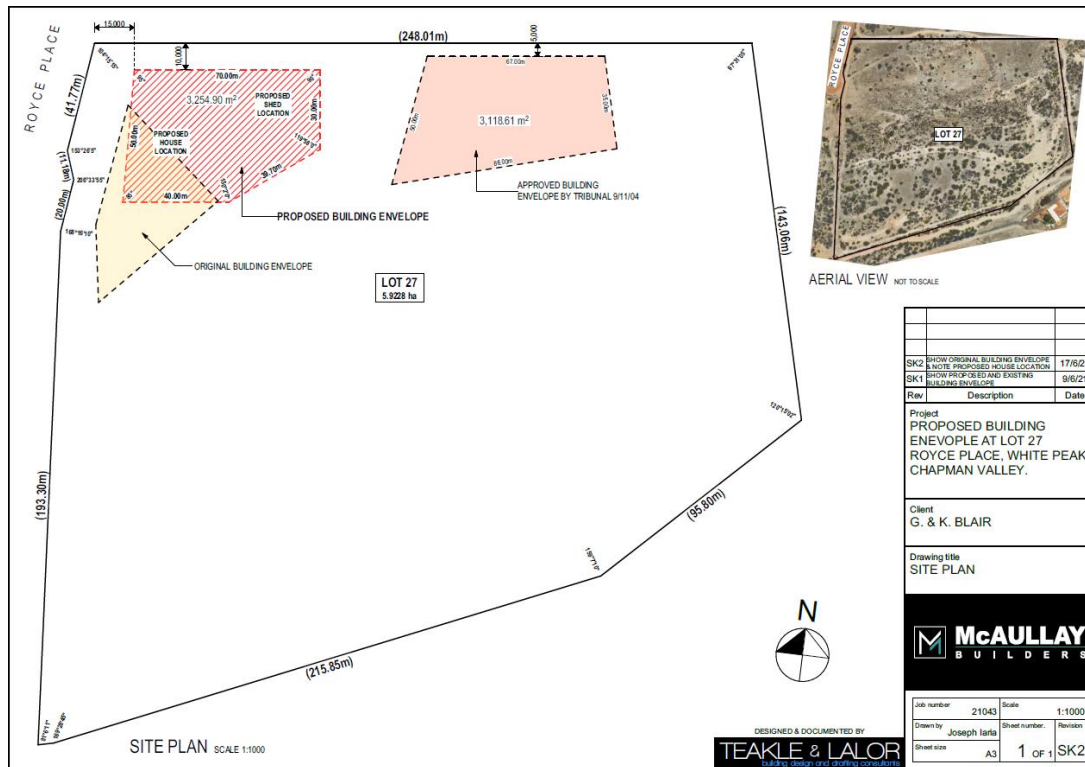
A copy of the previous State Administrative Tribunal determinations have been provided as **separate Attachment 10.1.1(b)**.

Figure 10.1.1(d) – 2004 State Administrative Tribunal approved Building Envelope - marked in yellow
(also illustrates original triangular 1998 Building Envelope located to the west
and the 2004 then landowner sought Building Envelope located around and including the SAT Building Envelope)



The new landowner of Lot 27 Royce Place is now seeking to relocate the building envelope back towards the north-western corner of the property to a location similar to that originally applied to the property by the subdivider in 1998. **Figure 10.1.1(e)** is provided to illustrate this further.

Figure 10.1.1(e) – Proposed Building Envelope sought by new landowner in 2021
(also illustrates original triangular 1998 Building Envelope located to the south-west
and previous SAT approved 2004 Building Envelope)



Some key dates in the development history for the property are as follows:

17 September 1996	Scheme Amendment No.9 to Shire of Chapman Valley Town Planning Scheme No.1 was gazetted rezoning the land from 'General Farming' to 'Special Rural';
16 October 1998	Western Australian Planning Commission approved survey plan that created the Royce Place subdivision. Subdivider submitted accompanying Subdivision Guide Plan that designated a building envelope for each lot, including a building envelope in the north-western corner of Lot 27;
18 May 2004	Council refused an application to relocate the building envelope to a new north-east location upon Lot 27;
15 June 2004	Council supported a revised location for the building envelope in the north-eastern corner situated further back/north from the top of the ridgeline to better ensure there was no overlooking of the residence on the lot to the south at the base of the ridge;
9 November 2004	State Administrative Tribunal (SAT) approved a relocated building envelope towards the north-eastern corner of Lot 27 that was smaller than the applicant's requested building envelope and setback further from the top of the ridgeline;
24 December 2004	SAT reaffirmed its decision;
12 March 2021	Previous owner/appellant sold Lot 27 to current owner/applicant.
22 June 2021	Applicant submitted proposal to relocate building envelope to north-western corner of Lot 27;
26 June 2021 – 23 July 2021	Application advertised for comment.

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

- the proposed location for the building envelope is a return to the general area upon Lot 27 first identified at time of subdivision as the most appropriate area for the siting of a residence;
- the proposed location of the building envelope would provide an improved privacy outcome for the adjoining landowner to the south-east by being setback a greater distance from the top edge of the ridgeline;
- the proposed location of the building envelope would provide an improved visual landscape outcome as it would be setback further from the ridgeline and in a less visually prominent location as viewed from the North West Coastal Highway and the rural residential properties further south in White Peak;
- the proposed location of the building envelope would site the residence closer to existing services;
- the surrounding landowners have been invited to comment upon the proposed building envelope location and no objecting submissions were received, and the supporting submission was received from the resident located

closest to the proposed building envelope who might therefore be considered the party whose comment would bear most significance/weighting;

- there is the ability for Council to impose conditions relating to building materials, colours and landscaping as part of its determination in relation to this matter;
- the stipulation of a building envelope will ensure that future developments upon the property i.e. future residence and outbuilding(s) are clustered to reduce their visual impact;
- the proposed location of the building envelope might be considered to provide an improved bushfire management outcome by setting future buildings further back from the top of the ridgeline where bushfires being driven up the steep vegetated slope by prevailing south-westerly winds might present concern (noting that Lot 27 is already entirely located within an area identified by the Department of Fire & Emergency Services' State Map of Bushfire Prone Areas so relocating the building envelope does not have an impact in this regard, and a Bushfire Attack Level Assessment is therefore required to be prepared by a bushfire consultant and submitted by the applicant at time of planning/building permit application for a residence upon Lot 27);
- the sought building envelope location is in a previously cleared section of Lot 27 and this application therefore does not present a negative impact on remnant vegetation.

STATUTORY ENVIRONMENT

43 (Lot 27) Royce Place, White Peak is zoned 'Rural Smallholding 3' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

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

The Scheme also notes the following relevant to this application:

"37 Appearance of land and buildings

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

"40 Building envelopes

- (1) Where a building envelope is identified on a structure or fire management plan, all development shall be contained within the designated envelope area.*
- (2) No development of any structures shall occur within any area/s identified as 'Development Exclusion Area', 'Re-vegetation Area', 'Remnant Vegetation' or similar on the structure or fire management plan;*
- (3) Notwithstanding the requirements of Clause 62 of the deemed provisions, where a building envelope exists on a particular lot an application for development approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*
- (4) In considering an application to relax the requirements of subclause (2) and (3), the local government shall, in addition to the general matters set out in Clause 67 of the deemed provisions, give particular consideration to:*

- (a) *unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations; and*
- (b) *unnecessary clearing of remnant native vegetation; and*
- (c) *visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill; and*
- (d) *suitability for landscape screening using effective screening vegetation; and*
- (e) *compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Scheme and relevant local planning policy.”*

“Schedule 5 - Rural Smallholding

(1) Structure Plan

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

(2) Buildings

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

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

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development...*
- ...(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(w) the history of the site where the development is to be located;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

The Royce Place Subdivision Guide Plan dating back to time of rezoning and subdivision in 1998 is considered to form a Structure Plan as per Part 9 Regulation 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY/PROCEDURE IMPLICATIONS

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

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

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

Policy 5.1 also sets the following Policy Statement:

- “6.1 In considering an application to relax the development standards pursuant to Section 40 of its Local Planning Scheme, the Local Government will give particular consideration to:*
 - 6.1.a justification for the proposed amendment.*
 - 6.1.b the secondary nature of the development should the application be to site a building/s outside of the envelope (e.g. horse stables, bore sheds).*
 - 6.1.c unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range.*
 - 6.1.d unnecessary clearing of remnant native vegetation.*
 - 6.1.e visual obtrusiveness and/or impact on an adjoining property by way overlooking, noise, odour or light spill.*
 - 6.1.f suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose.*
 - 6.1.g use of materials and colours to assist in softening any perceived visual impact.*
 - 6.1.h compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.*
- 6.2 Building envelopes are generally imposed at the time of rezoning or subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.”*

FINANCIAL IMPLICATIONS

Nil

Long Term Financial Plan (LTFP):

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

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy identifies Lot 27 as being located within Precinct No.7-South West. The Strategy lists the following precinct objectives of relevance in the assessment of this application:

- “7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning.”*

“7.3.2 Protect and enhance the visual amenity in areas of visual prominence.”

Lot 27 falls within the study boundary of the Moresby Range Management Strategy (WAPC, 2009) and is identified by Strategy Map 6 as being within a visually sensitive area and Strategy Map 7 as being alongside a travel route corridor and having natural landscape significance. Sections 4.5.1 and 4.5.2 of the Strategy make recommendations of relevance in the assessment of this application:

“Recommendations: land use and development planning

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

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

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

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

The manual generally recommends that vegetation should be retained and development avoided on skylines as seen from important viewing locations and sensitive roads. The siting of the building envelopes on the original 1998 Royce Place Subdivision Guide Plan, and in this received 2021 application, give regard for these principles.

The manual notes that development should be sited with care to ensure that individual components that have the potential to draw attention, such as reflective roofs and windows, are not visible. The manual also notes that the forms, colours and textures of a development do not need to be identical to those found in nature, but they need to appear compatible to the extent that any contrasts do not draw attention. Council has the ability to impose conditions to ensure subsequent development addresses these criteria to reduce visual impact.

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

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

The Shire wrote to the 9 surrounding landowners (including all 5 landowners on Royce Place) on 25 June 2021 providing details of the application and inviting comment upon the proposal prior to 23 July 2021. The Shire also placed an advisory sign on-site and a copy of the application and explanatory material upon its Shire website during the advertising period.

At the conclusion of the advertising period 1 submission had been received, this being from the neighbouring landowner to the west (and closest resident) expressing support for the application.

A copy of the received submission has been provided in **separate Attachment 10.1.1(c)**.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

MOVED: Cr Davidson

SECONDED: Cr Forth

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council approve the relocation of the building envelope upon 43 (Lot 27) Royce Place, White Peak as contained in **Attachment 10.1.1(a)** subject to compliance with the following conditions:

- 1 Development upon the property is required to use colours and materials complementary to the natural landscape features, and be to a (non-reflective) finish, to the approval of the local government.

-
- 2 The future residence is required to be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas.

Advice Note:

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

**Voting F6/A0
CARRIED
Minute Reference: 08/21-03**

10.1.2 Former Geraldton-Northampton railway alignment

PROPONENT:	Heritage Council of WA
SITE:	Former Geraldton-Northampton railway alignment
FILE REFERENCE:	806.00 & 204.12.01
PREVIOUS REFERENCE:	3/99-25 & 06/01-4
DATE:	5 August 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Department of Planning, Lands & Heritage correspondence and proposed State Heritage Register Entry – former Geraldton-Northampton railway alignment		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Department of Planning, Lands & Heritage (DPLH) have written to Council advising that it considers the former Geraldton-Northampton railway alignment has cultural heritage significance and should be entered onto the State Register of Heritage Places. This report recommends that Council oppose this registration and request the DPLH undertake further discussion with relevant parties.

COMMENT

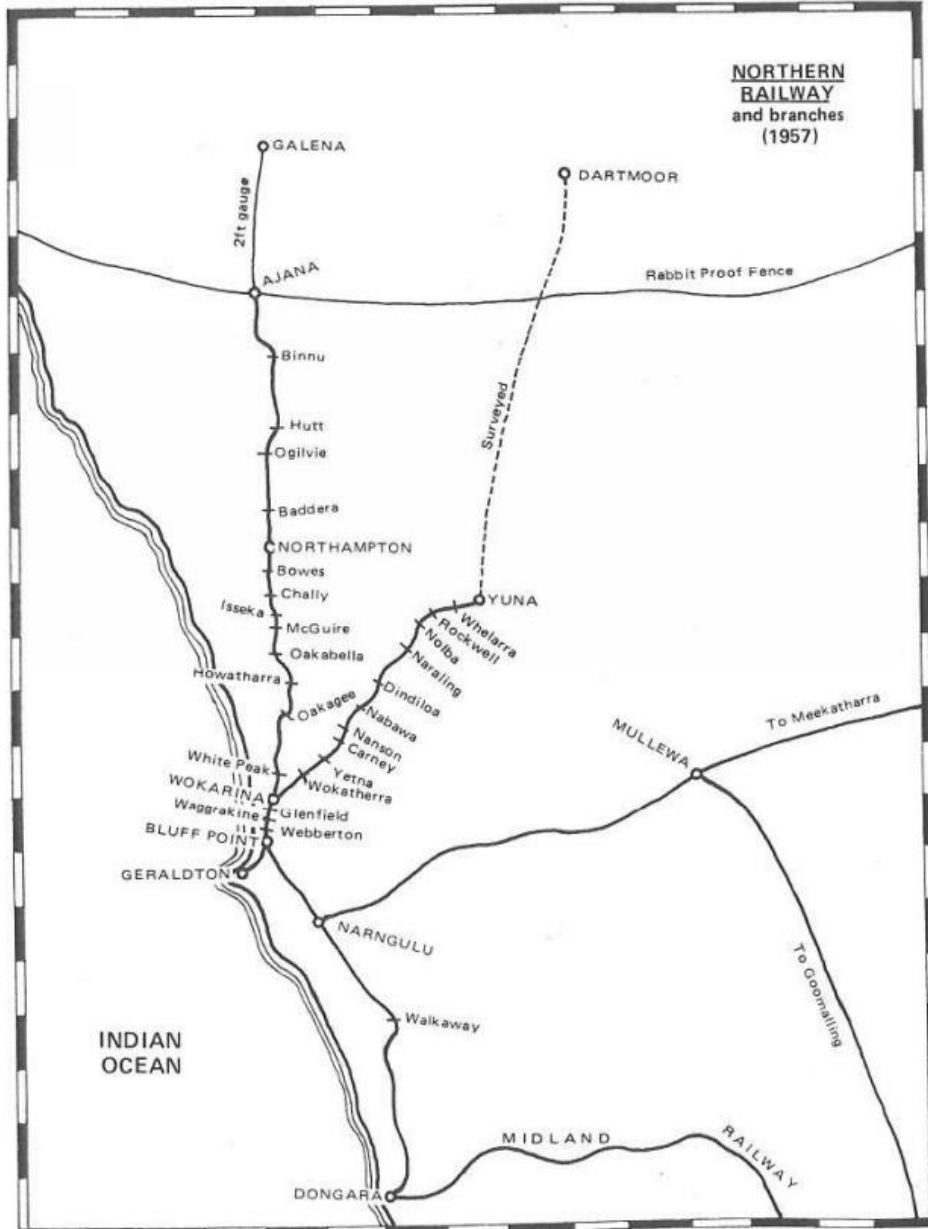
The DPLH wrote to the Shire on 23 July 2021 advising that it considered that the former Geraldton-Northampton railway alignment, commencing at the Geraldton Port at its southern end and terminating at Gwalla Station in the Northampton townsite at its northern end, has cultural heritage significance and should be entered onto the State Register of Heritage Places.

The DPLH have advised that submissions in relation to this matter must be received by 6 September 2021.

A copy of the DPLH's correspondence and its supporting information including maps has been provided as **separate Attachment 10.1.2**.

Construction of the Geraldton-Northampton railway commenced in 1874 as the State Government's first railway and was opened in 1879 to service the Northampton mining industry and to expand export during this period of the state's development. The cost of the railway was almost triple the original estimate and by time of its completion the price of lead had fallen and the mining industry collapsed, with the pastoral (sheep) and agricultural (wheat) industries emerging as the primary economic drivers, although the mining industry did experience a resurgence in the 1910's-1920's when the price of lead regained (leading to the decision to extend the line northward to Ajana). The railway instead relied on general freight and passengers and due to the steep grades, pronounced curves and numerous (10-15) stopping places on-route the train journey typically took 3 hours to travel the 50km distance. The railway was realigned in several locations during the early 20th century to rectify problems experienced with the line. Following an investigation into non-paying railways, the Geraldton-Ajana railway closed in 1957 and dismantling of the rails began in 1961 with the majority being sold overseas as scrap metal.

Figure 10.1.2 – Railway alignments at time of closure in 1957



Whilst the former Geraldton-Northampton railway does have a level of historic interest it is considered that the registering of the entire 50km length is excessive and a blunt legislative instrument that will result in future bureaucracy and unnecessary delays and higher costs for all parties be they adjoining landowners, or local governments and state government departments.

Rather than adopt the approach of writing to parties and providing 48 days notice that a 50km stretch of land is being considered for entry onto the State Register of Heritage Places it is suggested that it would have been appropriate for the DPLH to instead pursue a collaborative approach and convene meetings involving key parties who will ultimately have to administer any registration such as the Shire of Chapman Valley, City of Greater Geraldton, Shire of Northampton, Development WA and Main Roads WA to discuss this matter further. It is also suggested that rather than seek to register the entire 50km length that the DPLH instead reexamine individual sites along the former Geraldton-Northampton railway that might be considered to have cultural heritage significance rather than the entire alignment.

There is no urgency in relation to this matter and the clock should effectively be stopped by DPLH to allow for an improved consultation and outcome.

The registering of the entire 50km length of the former Geraldton-Northampton railway alignment is opposed based on the following:

- placement of the alignment on the State Register of Heritage Places will mean that any development or subdivision application that may affect the site must be referred to the DPLH for comment, and this will include development and subdivision by private landowners adjacent to the site. What this will entail is that any application within vicinity of the former Geraldton-Northampton rail alignment will be subject to an introduced level of Perth-centralised bureaucracy that will result in cost and delays for local government and applicants alike. The full impact of this can only be truly understood when it is considered that the former rail corridor is not just a 50km length that runs through farming land but also the Geraldton urban area, the White Peak rural residential area, the Howatharra and Isseka townsites and the southern extent of the Northampton townsite;
- the rail alignment is contained within Crown Reserve for almost its entire 50km length (excepting an approximately 600m length in Bluff Point across 2 lots owned by the Catholic Church and the State Government through Development WA, and a 500m length in White Peak across a lot owned by the State Government through Development WA) and is not therefore under threat through private subdivision or development that might warrant/hasten placement on a State Register;
- the registration will introduce an unwelcome and unnecessary additional level of bureaucracy and delay to the troubled and long-overdue Northampton Bypass and Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor projects, which intersect with the former Geraldton-Northampton rail alignment at 2 locations, north of White Peak Road and south-east of the Northampton townsite;
- the placement of the alignment on the State Register will mean that any development within the entire 50km corridor must be referred to the DPLH for comment, and this will include the most mundane and trivial of works including roadworks, street furniture, signage etc. in the Geraldton CBD, ongoing leases of portions of the alignment in rural areas for long-standing cropping and grazing uses and farm access tracks improvements crossing the alignment;
- the Shire of Chapman Valley Heritage Inventory as adopted by Council (nor the City of Greater Geraldton or Shire of Northampton Heritage Inventories) does not recognise or make recommendation that the entire rail alignment should be registered at a state level, all 3 local government documents do recognise individual railway sites but do not consider it appropriate that the entire corridor be listed upon the State Register;
- the DPLH documentation provided in support of the registration is out of date and incomplete with the most recent site information dating back to visits in 2014, and some from 2005, further the documentation acknowledges that not all of the former railway alignment was visited;
- the registration documentation and curtilage omits some key sites along the former railway alignment such as the second Geraldton Railway Station and the Bluff Point Gatekeeper's Quarters, this underlines that the registration process would be better served by a collaborative approach with local government and other key agencies and landowners to identify individual railway heritage sites of merit rather than the entire 50km corridor;
- portions of the alignment comprise the committed land package of the Yamatji Nation Indigenous Land Use Agreement and it is not considered appropriate that this land should be encumbered by administration and referral requirements imposed subsequent to the Agreement's signing.

STATUTORY ENVIRONMENT

Section 45 of the now repealed *Heritage of Western Australia Act 1990* required every local government to compile a Municipal Inventory of places within its district which in its opinion are, or may become, of cultural heritage significance. The Shire of Chapman Valley Municipal Inventory of Heritage Places was prepared in 1995. Council resolved in 2010 to initiate the review of its Municipal Inventory, guided by a Steering Committee comprising Councillors, staff and community representatives. Following lengthy consultation, research and individual site visitation Council adopted the revised Shire of Chapman Valley Municipal Inventory of Heritage Places at its 17 October 2012 meeting.

The *Heritage Act 2018* replaced the 1990 legislation and required that local governments update their Municipal Inventories into Local Heritage Surveys. The Shire of Chapman Valley commenced its review of the current Municipal Inventory in 2021 and it is anticipated it will take approximately 12 months to complete the statutory process.

The *Planning and Development (Local Planning Schemes) Regulations 2015* also introduced the requirement that local governments "must establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation". Upon conclusion of the Municipal Inventory review/Local Heritage Survey preparation process the Shire will be in position to prepare its Heritage List.

Part 5 Division 1 of the *Heritage Act 2018* defines a proposal as follows:

“proposal means —

- (a) an application for development approval; or*
- (b) a proposal, project, plan, programme, policy, public work, operation or undertaking for or relating to the development of any land owned, occupied or managed by a public authority; or*
- (c) any other proposal by a public authority to exercise any of its powers in a way that would or might significantly affect the physical character of any land; or*
- (d) a submission or application relating to the development of land of a kind prescribed to be a proposal for the purposes of Division 2;”*

Part 5 Division 2 – Referral of proposals of the *Heritage Act 2018* states:

“Subdivision 1 — Proposals that must be referred

72 Proposals to which Subdivision applies

- (1) This Subdivision applies to a proposal that, if implemented, would, or would be likely to, affect —*
 - (a) a registered place; or*
 - (b) a place that is the subject of a heritage agreement to which the Council is a party; or*
 - (c) a place that is the subject of a protection order, if the terms of the order give the Council discretion to authorise works that the order would otherwise prohibit.*
- (2) For the purposes of subsection (1), a proposal may affect a place even if it is not directly related to that place.”*

“73 Referral of certain proposals to Council

- (1) A decision-maker considering a proposal to which this Subdivision applies must refer the proposal to the Council for its advice.*
- (2) The decision-maker must refer the proposal under subsection (1) as soon as practicable after it becomes aware of the proposal.”*

“75 Decision on referred proposal

- (1) In respect of a referred proposal, a decision-maker must not make a decision that would, or would be likely to, adversely affect to a significant extent a place mentioned in section 72(1) (even though the decision is not directly related to that place) unless —*
 - (a) the decision-maker has used its best endeavours to ensure that each person involved in the implementation of the proposal will take all measures to minimise any adverse effect that they can reasonably take; and*
 - (b) the decision-maker has complied with section 73; and*
 - (c) the decision-maker has either received advice on the referred proposal from the Council under section 74 or waited the prescribed period to receive advice; and*
 - (d) subject to subsection (2), the decision made is consistent with advice received from the Council.*
- (2) Subsection (1)(d) does not apply if the decision-maker finds that there is no feasible and prudent alternative to the decision made.”*

Note: References in the above extract from the *Heritage Act 2018* to ‘Council’ are to the Heritage Council of WA and not a local government Council.

Entry of a place upon the State Register of Heritage Places is reserved for places of State cultural heritage significance and is the highest recognition afforded at the State level. There are 6 sites on the State Register within the Shire of Chapman Valley, these being:

- Coffee Pot and Waggrakine Well - Coffee Pot Drive, Waggrakine;
- Cuddy Changing Station - North West Coastal Highway, Howatharra;
- Church of Our Lady Fatima - Chapman Valley Road, Nanson;
- Our Lady Fatima Convent - Chapman Valley Road, Nanson;
- Road Board Office - East Terrace, Nanson; &

-
- Narra Tarra Homestead - East Chapman Road, Narratarra.

POLICY/PROCEDURE IMPLICATIONS

Nil

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

In 1995 the Mid West Trails Group (which comprised representatives from the City of Geraldton, Shire of Greenough, Shire of Chapman Valley and Shire of Northampton) undertook a Feasibility Study into the creation of trails along the former Geraldton-Northampton and Geraldton-Yuna rail alignments. The Feasibility Study was completed in 1999 and tabled at the 23 March 1999 Council meeting.

Following on from this the Mid West Trails Group prepared the Oakabella to McGuire Trail Planning Study in 2001 that related to a section of the former Geraldton-Northampton railway alignment in the Shire of Northampton and this was tabled at the 20 June 2001 Council meeting.

The long-term strategic goal of the 'Rails to Trails' project was for the creation of a walking/hiking/riding trail along the former Geraldton-Northampton railway alignment that would become a recreational and tourism asset for the Mid West region. There would be opportunities to showcase the trail through promotional material and events e.g. mountain bike race, competitive marathon, hike for charity etc. Landowners along the trail may be encouraged to develop tourism related businesses such as farm stay chalets or nature based camping that might cater for hikers/riders along the trail along with other tourism related ventures e.g. galleries, eating places, function facilities, experiential uses etc. The trail would also provide opportunity for placement of interpretive along its length promoting Aboriginal heritage, European heritage, railway heritage, flora, fauna, scenic viewpoints etc.

The identification of this project as a long-term strategic goal recognised that whilst the former Geraldton-Northampton railway alignment is already under public ownership as Crown Reserve, it would take a significant capital cost to fence and construct the track and an ongoing maintenance cost.

It was also recognised that during the planning stage there will be a significant level of landowner consultation required as much of the alignment appears on-ground to form part of farmers' paddocks and has been farmed as such for many years. This would require not only the alignment to be re-surveyed for certain sections, but extensive consultation work to be done to allay landowners' fears about what issues the trail may present to them in terms of fire risk, litter, theft, invasive species etc. brought about by the creation and use of the trail.

It was also noted that some sections of the former alignment were in close proximity to farmer's residences and sheds and to address concerns over security, privacy and amenity it may be reasonable to consider realigning the trail in certain areas so that it meandered off the former rail alignment for short durations to provide improved separation.

The former rail alignment will also be impacted by the alignment of the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor in the vicinity of the Wokatherra Gap and there would be opportunity for the recreational trail to be constructed along an alternative alignment further east to allow for a safer (grade separated) crossing at this point and to enable the trail for a section of its length to instead run along the base of Moresby Range's western face. This alternative alignment would provide a more pleasant and scenic trail and would provide opportunity to link via a spur trail heading eastwards into the adjacent Department of Biodiversity, Conservation & Attractions' Moresby Range Conservation Park that is proposed to include day-use recreational and nature based camping aspects.

The Rails to Trails project, being such a large undertaking, would not be achievable without tri-party local government partnerships and funding assistance from Federal and State governments.

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

Part 3 Division 2 Section 42 – Entry in register of the *Heritage Act 2018* states that:

“42 Entry in register

- (1) As soon as practicable after receiving a direction under section 41(1)(a) in relation to a place, the Council must make an entry in the register in relation to the place in accordance with section 36(2).*
- (2) The Council must —*
 - (a) publish in the Gazette a notice in relation to the entry in the register setting out a land description of the place and any other prescribed particulars; and*
 - (b) give notice in accordance with section 163 of the entry in the register to —*
 - (i) each owner of the place; and*
 - (ii) each person prescribed for the purposes of this subsection;**and*
 - (c) give statutory notification of the entry in the register; and*
 - (d) notify the Valuer-General of the entry in the register.*
- (3) The Council may publish, in accordance with the regulations, an advertisement in relation to the entry in the register.”*

“163 Notices and statutory notification

- (1) Unless this Act provides otherwise, notice may be given to a person —*
 - (a) by giving the person notice in writing; or*
 - (b) if permitted under the regulations, by giving the person notice by means of an electronic communication (as defined in the Electronic Transactions Act 2011 section 5(1)); or*
 - (c) if permitted under the regulations, by publishing an advertisement in accordance with the regulations; or*
 - (d) in another prescribed way.*
- (2) Notice must be given within the period, if any, specified in the regulations.*
- (3) A requirement under this Act to give statutory notification of an event is satisfied, subject to and in accordance with regulations, by taking steps to have the event registered, recorded or noted by the Registrar of Titles, the Registrar of Deeds and Transfers, or another person or agency, as appropriate to the case, under —*
 - (a) the Mining Act 1978; or*
 - (b) the Registration of Deeds Act 1856; or*
 - (c) the Transfer of Land Act 1893; or*
 - (d) any other written law dealing with the registration of interests in or affecting land.”*

Shire of Chapman Valley staff have contacted counterparts at the City of Greater Geraldton and Shire of Northampton and it is understood that the other local governments along the former Geraldton-Northampton railway alignment share its concerns and will be making recommendation to their respective Councils to also object to the proposed listing on the State Heritage Register in its current form.

The Shire has also contacted Development WA who own the Oakajee Industrial Estate Buffer and Main Roads WA who are responsible for portion of the former Geraldton-Northampton railway alignment and are the lead agency for the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor to advise of its concerns with this proposal.

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

Cr Royce declared a Financial Interest and Cr Forth declared a Proximity Interest in the item.

Both Cr Royce & Cr Forth requested permission to return to the meeting to participate in the debate on this item then departed the meeting at 9:09am

MOVED: Cr Humphrey

SECONDED: Cr Davidson

Council resolve to allow Cr Royce & Cr Forth to return for debate and participate in the debate on this item.

Voting F4/A0

CARRIED

Minute Reference: 08/21-04

MOVED: Cr Humphrey

SECONDED: Cr Forth

Suspend standing orders at 9:11am.

Voting F4/A0

CARRIED

Minute Reference: 08/21-05

Discussion was undertaken on the item.

MOVED: Cr Batten

SECONDED: Cr Davidson

Reinstate standing orders at 9:20am.

Voting F4/A0

CARRIED

Minute Reference: 08/21-06

Cr Royce & Cr Forth left the meeting at 9:20am before the matter was voted on.

MOVED: Cr Batten

SECONDED: Cr Davidson

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council:

- 1 Advise the Department of Planning, Lands & Heritage that it objects to the proposed registration of the former Geraldton-Northampton railway alignment in its entirety upon the State Register of Heritage Places.
- 2 Advise the City of Greater Geraldton, Shire of Northampton, Development WA and Main Roads WA of Council's objection.

-
- 3 Request that the Department of Planning, Lands & Heritage arrange a meeting with representatives of the Shire of Chapman Valley, City of Greater Geraldton, Shire of Northampton, Development WA and Main Roads WA to discuss this matter further and invite the Department to bring for discussion at this meeting individual sites along the former Geraldton-Northampton railway alignment that might be considered to have cultural heritage significance rather than the entire alignment.

Voting F4/A0

CARRIED

Minute Reference: 08/21-07

Cr Royce & Cr Forth returned to the meeting at 9:21am

10.1.3 Grazing Lease Extensions

PROPONENT:	T. Cooper
SITE:	Reserve 8769 Nabawa-Yetna Road, Nabawa
FILE REFERENCE:	A327
PREVIOUS REFERENCE:	05/01-13, 2/11-7 & 06/16-20
DATE:	6 August 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3	Draft lease document		√

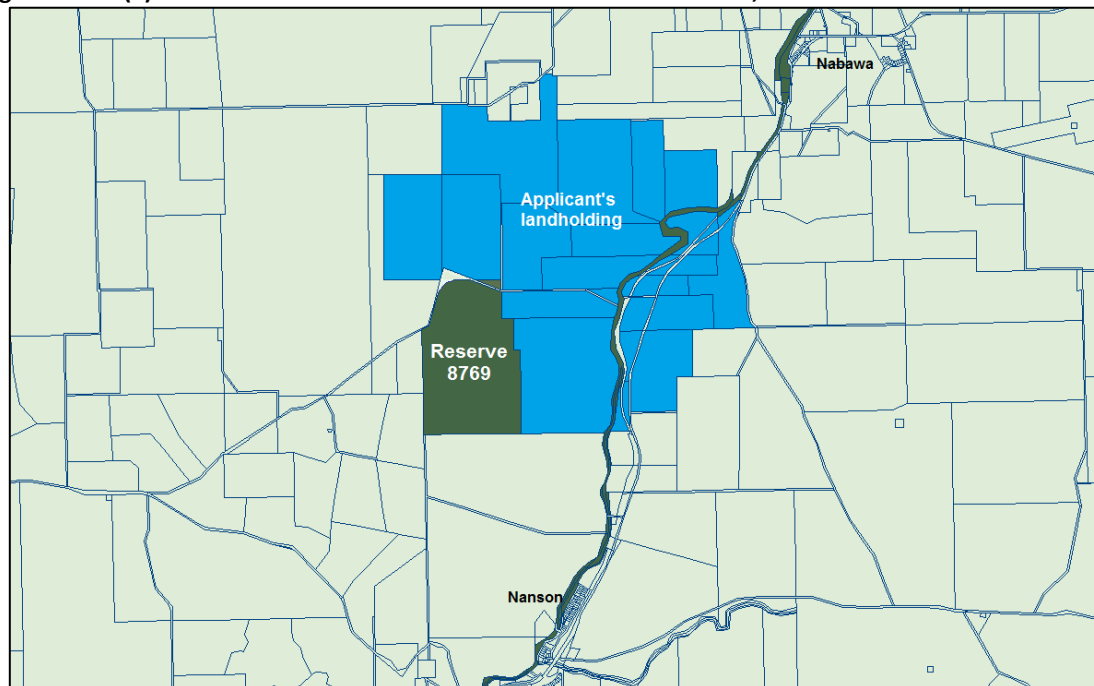
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The lessee of Reserve 8769 Nabawa-Yetna Road, Nabawa is seeking to continue their grazing lease agreement with Council. This report makes recommendation that a new agreement be entered into with the lessee for a further 5 years (expiry date 30 June 2026). It is also recommended that Council advise the lessee and the Departments of Planning, Lands & Heritage (DPLH) that Council has no objection to the Department disposing of Reserve 8769 to the lessee through its amalgamation into their adjoining landholding should the lessee wish to purchase the property.

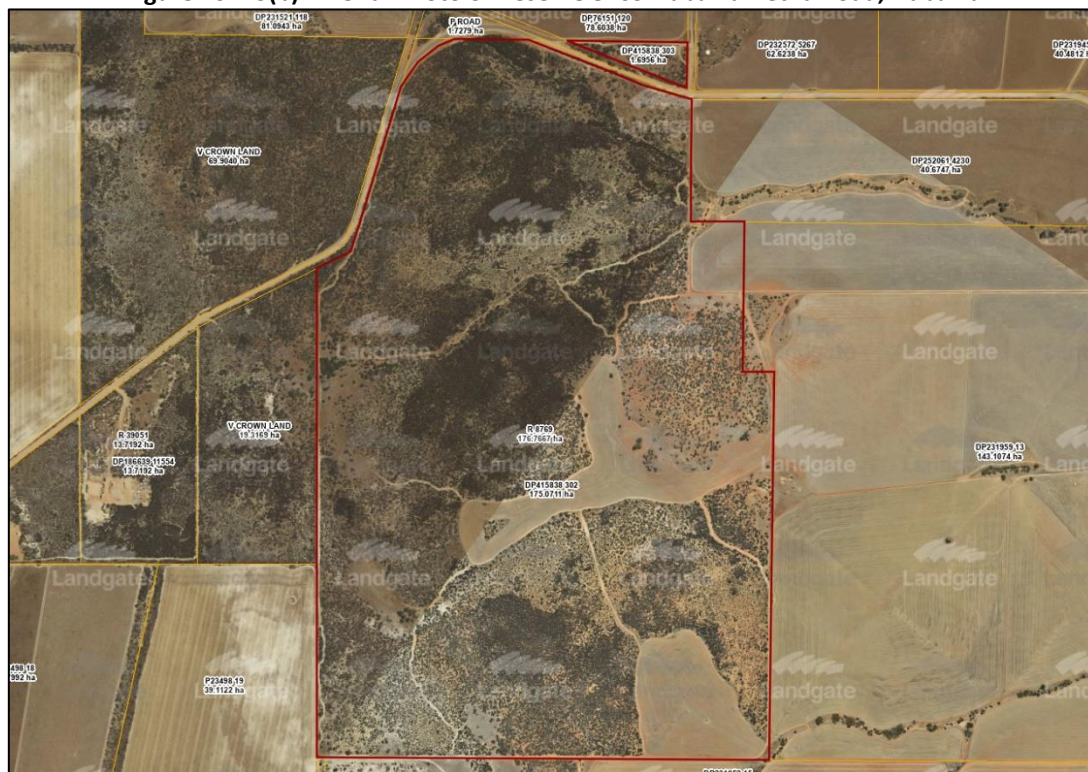
Figure 10.1.3(a) – Location Plan for Reserve 8769 Nabawa-Yetna Road, Nabawa and lessee’s landholding



COMMENT

Reserve 8769 is a vacant 176.7667ha property located 2km north of the Nanson townsite, and 4km south-west of the Nabawa townsite. Reserve 8769 was created in 1903 with a management order issued to the Shire of Chapman Valley since 1916 and a reserve purpose of 'Grazing'.

Figure 10.1.3(b) – Aerial Photo of Reserve 8769 Nabawa-Yetna Road, Nabawa



Reserve 8769 has been leased to the current lessee/adjoining landowner for the purposes of grazing since 1987 and no complaints have been received by the Shire in regards to the use and management of the land in this time. The current lease agreement expired on 30 June 2021 and the lessee has advised the Shire that they wish to enter into a new lease.

It is noted that in 2013 the lessee ceded free of cost from their landholding, a 1.7279ha area located immediately north of Reserve 8769, for the purposes of realigning a dangerous bend of the Nabawa-Yetna Road.

No objection is raised to the renewal of the lease, however, it is suggested that, as per the current lease agreement, the Shire retain the ability to terminate the agreement at any time, subject to 3 months' notice should it require the land for some unforeseen purpose.

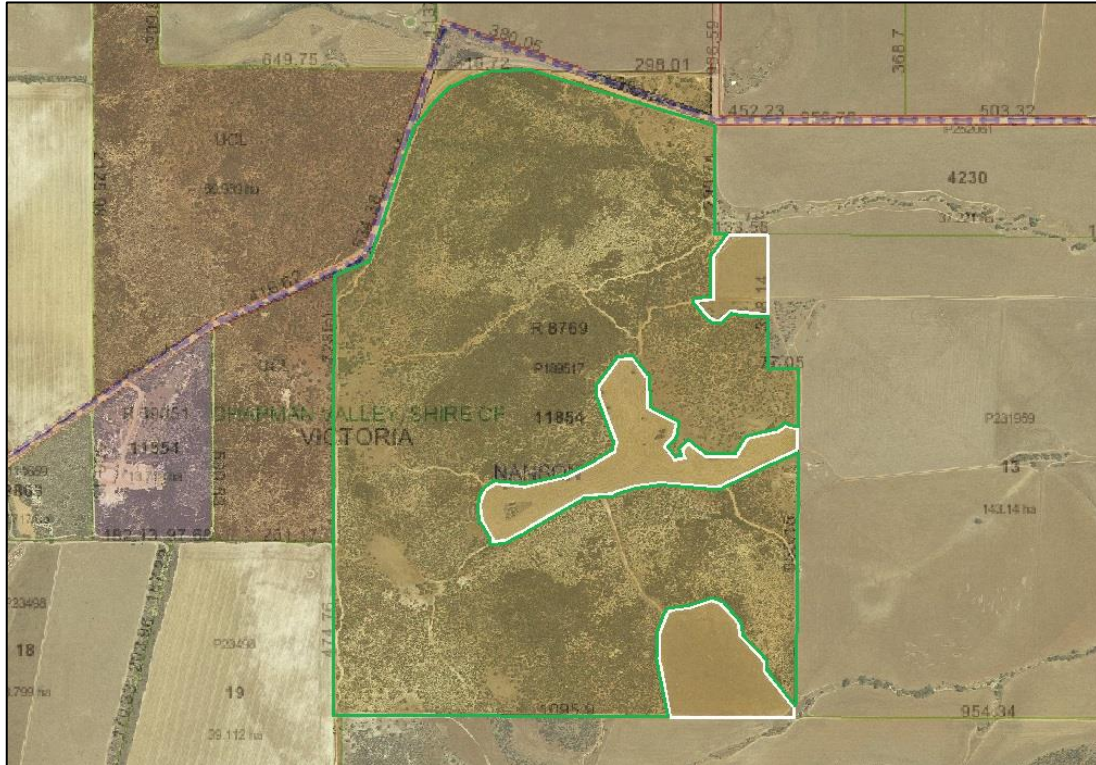
A draft lease agreement for Reserve 8769 has been provided as **separate Attachment 10.1.3** for Council's consideration that has been based upon the clauses contained within the previous lease agreements.

Given that the Shire does not have an identified requirement for Reserve 8769, Council may also wish to advise the DPLH that the Shire has no objection to the land being offered to the lessee for purchase and amalgamation into their landholding.

In the event that Council considers that Reserve 8769 is surplus to requirements, and the lessee wishes to purchase the land, and the DPLH are in agreeance to the disposal of the land, the DPLH will request the Valuer General to set a valuation for the land, and will require the purchaser to accept this valuation price plus any incurred conveyancing expenses, and this money is retained by the State Government and not passed onto the Local Government.

The lessee has previously indicated that they would not be interested in purchasing the land, considering that the likely valuation figure would be more than the agricultural production value of the land given the majority of it is vegetated and undulating and only a small area is cleared and used for grazing/cropping purposes. However, Council may wish to raise this matter for discussion as there would be some long-term financial benefit to Council in removing an unrequired asset and management responsibility and the sourcing of the DPLH's valuation figure, rather than it being based upon conjecture, might assist in discussion.

Figure 10.1.3(c) – Portion of Reserve 8769 used by lessee for agricultural purposes marked in white, remainder in green



STATUTORY ENVIRONMENT

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

Reserve 8796 is zoned 'Public Open Space' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being:

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

Were the property to be sold to the adjoining landowner the land could be rezoned to 'Rural' through an omnibus Scheme Amendment prepared by the Shire.

In the absence of an alternative Shire use of the land, the entering into a temporary lease with power to terminate is considered an appropriate action for Reserve 8769.

POLICY/PROCEDURE IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council has generally maintained a supportive position to leasing Crown Reserves, where they are not identified for its own immediate requirement, as otherwise the Shire would be required to undertake maintenance upon them (e.g. firebreaks, slashing/mowing, weed control, fencing and general maintenance) which would require mobilising of staff, equipment and financial resources. It has been previously considered by Council that these resources could be better utilised elsewhere and that leasing the property is a more appropriate means of management. Although the reserves have only been leased at relatively low rates it has been considered that these leases have reduced costs to Council.

Council most recently resolved at its 15 June 2016 meeting:

“That Council resolve to:

- 1 Issue a formal licence to Trevor Cooper, under Section 3.54 of the Local Government Act 1995, for the use of Crown Reserve 8769 Nabawa-Yetna Road, Nabawa for the expressed purpose of grazing. This licence will be valid for a period of five (5) years at an annual fee of \$150 (GST ex).”

It is recommended that the new lease agreements contain an increase in the annual fee to \$200 (GST ex).

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 continuation of the lease would have impact in relation to the Long Term Financial Plan, however, the disposal of assets deemed surplus to requirements both reduces maintenance and liability to Council and assists in meeting a required Level of Service in the most cost effective manner for present and future community.

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 and the leasing of Reserve 8769 assists in meeting the following objectives of the Strategic Community Plan.

Objective	Strategy	Action
Preserve the Natural Environment and address environmental risks as they arise.	Manage the impact of waste, water, weed and vermin control on the environment	Continue to review resource allocation to control declared weeds on Shire owned/controlled land.
Be accountable and transparent in managing resources	Asset Management	Review Asset Management Plan regularly and maintain integration with other Strategic Plans within the Shire

CONSULTATION

The current lessee has advised that they would like to continue the lease agreement.

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

MOVED: Cr Batten

SECONDED: Cr Davidson

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council pursuant to Section 3.54 of the *Local Government Act 1995* resolve to:

- 1 Issue an agreement to licence use of Crown Reserve 8769 Nabawa-Yetna Road, Nabawa for the purpose of cropping/grazing to Trevor Cooper with an expiry date of 30 June 2026 at an annual fee of \$200 (GST ex).
- 2 Retain within the agreement clause enabling either party to terminate the licence subject to 3 months notice in writing.
- 3 Advise the lessee/adjoining landowner and the Department of Planning, Lands & Heritage that Council has no objection to the Department disposing of Reserve 8769 to the lessee/adjoining landowner through its sale or amalgamation into their adjoining landholding should the lessee wish to purchase the property.

Council En Bloc Resolution
Voting F6/A0
CARRIED
Minute Reference: 08/21-02

10.1.4 Grazing Lease Extensions

PROPONENT:	E. O'Donnell
SITE:	Reserve 27944 O'Donnell Road, Nabawa & Reserve 43025 Chapman Valley Road, Nabawa
FILE REFERENCE:	A1981 & A2030
PREVIOUS REFERENCE:	11/00-4&5, 02/11-7, 02/16-10 & 05/16-4
DATE:	3 August 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

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

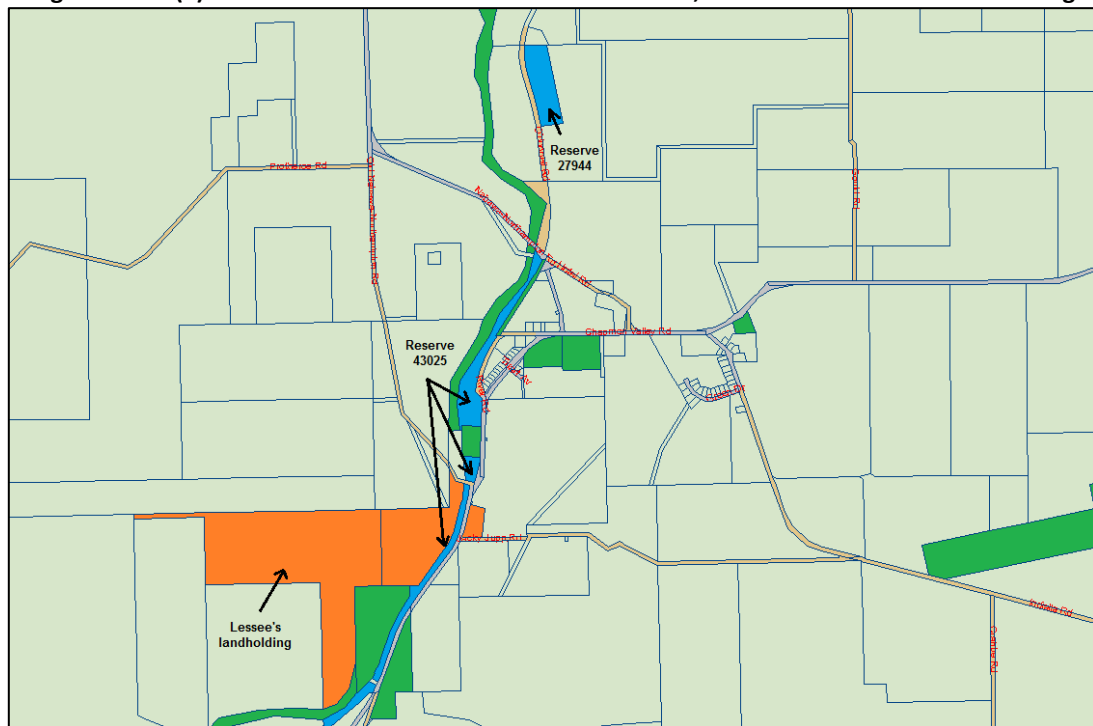
DISCLOSURE OF INTEREST

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

BACKGROUND

The lessee of Reserve 27944 O'Donnell Road, Nabawa and Reserve 43025 Chapman Valley Road, Nabawa is seeking to continue their grazing lease agreements with Council. This report makes recommendation that new agreements be entered into with the lessee for a further 5 years with a common expiry date of 30 June 2026. It is also recommended that the previous clauses contained within each of the agreements enabling Council to terminate the lease with 3 months written notice be again included, in the event that Council identifies an alternative use for the land that it wishes to pursue.

Figure 10.1.4(a) – Location Plan for Reserves 27944 & 43025, Nabawa and lessee's landholding



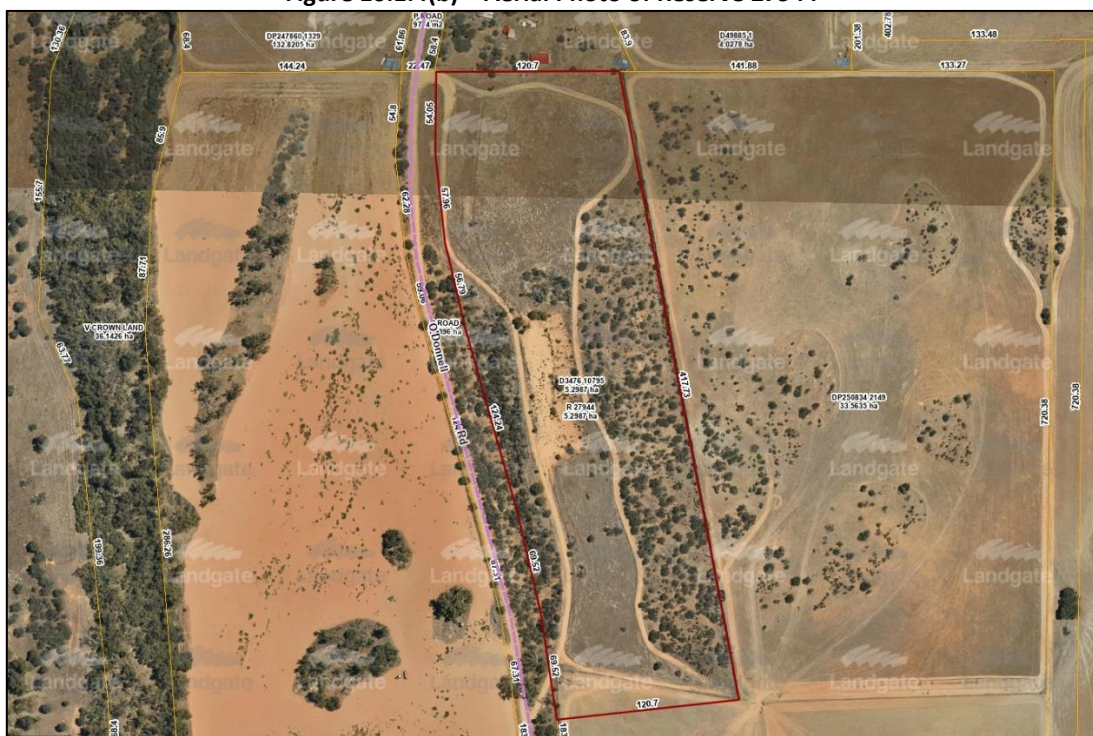
COMMENT

Reserve 27944 is a vacant 5.2987ha property located 1km north of the Nabawa townsite. The reserve was created in 1966 for the purpose of ‘Gravel’ and has a management order issued to the Shire of Chapman Valley dating back to 1975.

Reserve 27944 has been leased to the current lessee’s family since 1988 and prior to this there was an informal grazing lease arrangement with the lessee dating back to the 1960’s firstly with WA Government Railways and then subsequently with the Shire following transfer of management in 1975. The current lease agreement is due to expire on 31 December 2022 and the lessee is seeking the extension of this lease.

The Shire does not have a requirement for Reserve 27944 at this time, however, it is recommended that it be retained as a Crown Reserve in the event that the land is required for sourcing road materials in the future, rather than Council advise the Department of Planning, Lands & Heritage that the Shire has no purpose for the land and it be disposed of onto the private market.

Figure 10.1.4(b) – Aerial Photo of Reserve 27944



Reserve 43025 is a vacant 11.5521ha property located between the Chapman River and Chapman Valley Road, to the west and south-west of the Nabawa townsite that has a management order issued to the Shire of Chapman Valley for the purpose of ‘Recreation’.

Reserve 43025 has been leased to the current lessee’s family since 1994, prior to the lease there was an unofficial arrangement made between the lessee and the Shire for the use and maintenance dating back to the 1970’s. The current lease agreement expired on 30 June 2021 and the lessee has advised the Shire that they wish to enter into a new lease.

Council does not have an immediate requirement for Reserve 43025 at this time, however, the land has been identified as part of a future walking/riding trail linking the townsites of Nabawa and Nanson. It is therefore recommended that any agreement over the land maintain the current clause providing Council with the ability to terminate the lease should it wish to pursue this long term strategic recreational/tourism project.

Figure 10.1.4(c) – Aerial Photo of Reserve 43025



Draft lease agreements for Reserves 27944 & 43025 have been provided as **separate Attachment 10.1.4** for Council's consideration, and these have been based upon the clauses contained within the previous lease agreements.

STATUTORY ENVIRONMENT

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

Reserve 27944 is zoned 'Public Purposes' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being:

"to provide for a range of essential physical and community infrastructure".

Reserve 43025 is zoned 'Public Open Space' under the Shire of Chapman Valley Local Planning Scheme No.3. Table 1 of the Scheme lists the objectives for this zone as being:

- *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*

-
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”*

In the absence of an identified timeframe or budget allocation for an alternative Shire use of the land, the entering into temporary leases with power to terminate is considered an appropriate action for Reserves 27944 & 43025.

POLICY/PROCEDURE IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council has generally maintained a supportive position to leasing Crown Reserves, where they are not identified for its own immediate requirement, as otherwise the Shire would be required to undertake maintenance upon them (e.g. firebreaks, slashing/mowing, weed control, fencing and general maintenance) which would require mobilising of staff, equipment and financial resources. It has been previously considered by Council that these resources could be better utilised elsewhere and that leasing the property is a more appropriate means of management. Although the reserves have only been leased at relatively low rates it has been considered that these leases have reduced costs to Council.

Council most recently resolved at its 17 February 2016 meeting:

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

- 1 Issue a formal licence to Earl O’Donnell for the use of Crown Reserve 27944 O’Donnell Road, Nabawa for the expressed purpose of grazing. This licence will be valid for a period of five (5) years at an annual fee of \$150 (GST ex).*
- 2 Issue a formal licence to Earl O’Donnell for the use of Crown Reserve 43025 Chapman Valley Road, Nabawa for the expressed purpose of grazing. This licence will be valid for a period of five (5) years at an annual fee of \$150 (GST ex).”*

It is recommended that the new lease agreements contain an increase in the annual fee to \$200 (GST ex).

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

In 1995 the Mid West Trails Group (which comprised representatives from the City of Geraldton, Shire of Greenough, Shire of Chapman Valley and Shire of Northampton) undertook a Feasibility Study into the creation of trails along the former Geraldton-Northampton and Geraldton-Yuna rail alignments. The Feasibility Study was completed in 1999 and tabled at the 23 March 1999 Council meeting.

The Shire of Chapman Valley Corporate Business Plan that was adopted by Council at its 19 June 2013 meeting, and reviewed by Council at its 16 March 2016 meeting, listed amongst its ‘Future Priorities for Consideration’ the following:

“Development of a walking and riding trail along the old railway line between the Moresby Range and Yuna to provide a recreational and tourism feature and to highlight the tourism attractions of the Chapman Valley, Nabawa and Nanson”

Reserve 43025 would form part of this walk/riding trail alignment.

The project’s identification in the ‘Future Priority’ section of the Corporate Business Plan, reflected its status as very much a long-term strategic visionary item and was not a project that had been identified for funding, or given a specific timeframe to pursue its development.

The long-term strategic goal was for the creation of a walking/hiking/riding trail along the former Geraldton-Yuna railway alignment. The trail could ultimately be promoted as a recreational and tourism asset for the Shire of Chapman Valley, with the opportunity to showcase it through promotional material and events e.g. mountain bike race, competitive marathon, hike for charity etc. Landowners along the trail may be encouraged to develop farm stay chalet or nature based camping that might cater for hikers/riders along the trail (with it passing in vicinity to several potential

tourism nodes at Nukara, Nanson, Naaguja Farm, Nabawa, Yuna) along with other tourism related ventures e.g. galleries, eating places, function facilities, experiential uses, Monsignor Hawes Trail, Wildflower trails etc.

The identification of this project as a long-term strategic goal recognised that whilst the former Geraldton-Yuna railway alignment is already under public ownership as Crown Reserve, it would take a significant capital cost to fence and construct the track and an ongoing maintenance cost.

It was also recognised that during the planning stage there will be a significant level of landowner consultation required as much of the alignment appears on-ground to form part of farmers' paddocks and has been farmed as such for many years. This would require not only the alignment to be re-surveyed for certain sections, but extensive consultation work to be done to allay landowners' fears about what issues the trail may present to them in terms of fire risk, litter, theft, invasive species etc. brought about by the creation and use of the track.

It was also noted that some sections of the former alignment were in close proximity to farmer's residences and sheds and to address concerns over security, privacy and amenity it may be reasonable to consider realigning the trail in certain areas to provide improved separation.

The project, being such a large undertaking, would not be achievable without external funding assistance (e.g. Department of Sport & Recreation, Lotterywest, Mid West Development Commission amongst others) and through other potential sources if interpretive signage formed part of the trail (e.g. Aboriginal heritage, European heritage, railway heritage, flora, fauna).

The more recent Corporate Business Plan, as adopted by Council at its 17 March 2021 meeting, instead identified working with the Department of Biodiversity, Conservation & Attractions to develop trails in the Moresby Range Conservation Park (which is along the proposed Geraldton-Yuna rail trail alignment but located closer to Geraldton) as a more achievable short-medium term goal for Council to pursue.

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 matter would have impact in relation to the Strategic Community Plan.

CONSULTATION

Council has previously received an enquiry from the landowner of the adjoining 1.7053ha Lot 451 Old Nabawa-Northampton Road as to whether Council would be supportive of their purchasing the 2.5617ha area of Crown Land that is immediately east of their property, which included portion of Reserve 43025. Council resolved at its 18 May 2016 meeting as follows:

"That Council thank the applicant for their enquiry and advise that it does not support the disposal of Reserve 31509 and Part 43025 Chapman Valley Road, Nabawa and their amalgamation into Lot 451 Old Nabawa-Northampton Road for the following reasons:

- 1 Reserve 31509 is used by the Shire and Main Roads WA for the storage of road materials.*
- 2 Reserve 31509 is listed within the Shire of Chapman Valley Heritage Inventory as being important to the heritage of the locality.*
- 3 The Chapman Valley Historical Society are currently preparing a funding application seeking to install interpretative signage at the Nanson Railway Bridge, the Nanson Weighbridge and the Nabawa Weighbridge (which is upon Reserve 31509).*
- 4 The Shire of Chapman Valley Corporate Business Plan 2016-2019 lists the "development of a walking and riding trail along the old railway line between the Moresby Range and Yuna to provide a recreational and tourism feature and to highlight the tourism attractions of the Chapman Valley, Nabawa and Nanson" as a future priority for consideration and the disposal of Reserve 31509 and part 43025 would remove a section of the currently intact (as Crown Reserve) former railway corridor and prevent its future development for trail purposes.*
- 5 Reserve 43025 has a current lease over the land that is not due to expire until 2021.*
- 6 The subject area is considered flood prone and its retention as Crown Land would prevent the establishment of private structures in this area."*

It is considered that both Reserves 27944 and 43205 should be continued to be leased and remain as Crown Land rather than recommended to the Department for Planning, Lands & Heritage for disposal of into private ownership.

Previous leases, and the draft proposed leases, for both Reserves 27944 and 43205 contain clauses enabling the Shire to extinguish the leases with 3 months notices, and these could be triggered in the event that a wider civic or community use was pursued by Council e.g. extraction of road material in the case of Reserve 27944 or the development of a walking/riding trail in the case of Reserve 43205.

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

MOVED: Cr Batten

SECONDED: Cr Davidson

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council pursuant to Section 3.54 of the *Local Government Act 1995* resolve to:

- 1 Issue an agreement to licence use of Crown Reserve 27944 O'Donnell Road, Nabawa for the purpose of grazing to Earl O'Donnell with an expiry date of 30 June 2026 at an annual fee of \$200 (GST ex).
- 2 Issue an agreement to licence use of Crown Reserve 43025 Chapman Valley Road, Nabawa for the purpose of grazing formal licence to Earl O'Donnell with an expiry date of 30 June 2026 at an annual fee of \$200 (GST ex).
- 3 Both agreements shall include clause enabling either party to terminate the licence subject to 3 months notice in writing.

Council En Bloc Resolution

Voting F6/A0

CARRIED

Minute Reference: 08/21-02

10.2

Manager of Finance & Corporate Services

10.2 AGENDA ITEMS

10.2.1 Financial Management Report for July 2021

10.2.1

Financial Management Report for July 2021

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	18 th August 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

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

MOVED: Cr Forth

SECONDED: Cr Farrell

COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council receives the financial management report supplied under separate cover for the months of July 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

**Voting F6/A0
CARRIED
Minute Reference: 08/21-08**

10.3

Chief Executive Officer

10.3 AGENDA ITEMS

10.3.1 Notice of Council Meeting 2022

10.3.2 Purchasing Policy – SCT Seroja Amendment

10.3.1 Notice of Council Meeting 2022

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	401.09
PREVIOUS REFERENCE:	NA
DATE:	18 th August 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is required under the Local Government Act 1995 to at least once a year set and advertise meeting dates, times and venues for Ordinary Council meetings for the next 12 month period.

Council has previously resolved to reach out to the community, with one of the proposals being to move the Ordinary Monthly Council Meeting(s) around the shire. In 2021 Council held two of its OCM away from the Nabawa Administration Building i.e.

- March 2021 OCM – Bill Hemsley Park Community Centre; &
- August 2021 OCM - Yuna Multipurpose Community Centre

It is being recommended Council maintain this activity in 2022.

COMMENT

Council meetings are usually held at Nabawa on the third Wednesday of the month, commencing at 9:00am, with the exception of January when no Ordinary Council Meeting is held.

The meeting date for December has occasionally been brought forward to the second Wednesday of the month to avoid clashes with Christmas/New Year break period. This may be necessary in 2022 as the third Wednesday is the 21st December. Therefore; this meeting can be brought forward to the 14th December 2022 if Council wishes to do so. This would result in a four week period between the November 2022 OCM (16/11/21) and an earlier December 2022 (14/12/2021). It is being recommended to change the December 2022 OCM date.

The other issue which at times has affected the Ordinary Council Meetings being held on the third Wednesday of each month is where the Easter period fall during the year. In 2021 the Easter dates are as follows:

- 15 April – Good Friday
- 18 April – Easter Monday
- 19 April – Easter Tuesday

Therefore, as the 2022 April OCM is scheduled for the 20th April it is not being recommended this date be changed. As Staff will be able to have the April 2022 OCM Agenda Completed the week before the meeting (as usual) and be back in time to attend the meeting.

Below are recommended meeting locations and dates for the 2022 Ordinary Council Meeting (OCM) with the start time for these OCM's remaining at 9:00am:

DATE	MEETING LOCATION
16 February	Nabawa Chambers
16 March	Bill Hemsley Park Community Centre
20 April	Nabawa Chambers
18 May	Nabawa Chambers
15 June	Nabawa Chambers
20 July	Nabawa Chambers
17 August	Yuna Multipurpose Community Centre
21 September	Nabawa Chambers
19 October	Nabawa Chambers
16 November	Nabawa Chambers
14 December	Nabawa Chambers

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 Clause 12 (1) states: Public notice of Council or Committee meetings – s 5.25(G)

At least once each year a local government is to give local public notice:

1. Of the dates, time and place of the ordinary council meetings;
2. The committee meetings that are required under the Act to be open to the members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.

POLICY/PROCEDURE IMPLICATIONS

No Policy or Procedure affected.

FINANCIAL IMPLICATIONS

No additional costs envisaged.

Long Term Financial Plan (LTFP):

No effect on the LTFP is envisaged.

STRATEGIC IMPLICATIONS

It is important for Council to include and engage all sectors of our community and the concept of structuring meeting times, dates and location to reach out to the community is one means of improving this.

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 practice of relocating the Council Meetings has previously been discussed in the past and I believe this has proven to be successful as it portrays a clear indication Council will continue to reach out to the community.

RISK ASSESSMENT

There is a risk of Council being perceived as not engaging the community by insisting OCMs are always held at Nabawa.

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.

MOVED: Cr Batten

SECONDED: Cr Humphrey

COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council Ordinary Meeting time, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations:

DATE	MEETING LOCATION
16 February	Nabawa Chambers
16 March	Bill Hemsley Park Community Centre
20 April	Nabawa Chambers
18 May	Nabawa Chambers
15 June	Nabawa Chambers
20 July	Nabawa Chambers
17 August	Yuna Multipurpose Community Centre
21 September	Nabawa Chambers
19 October	Nabawa Chambers
16 November	Nabawa Chambers
14 December	Nabawa Chambers

Note: All Ordinary Council Meetings are to commence at 9am.

Voting F0/A6

LOST

Minute Reference: 08/21-09

FORESHADOWED COUNCIL RESOLUTION (1)

The Foreshadowed Council Resolution (1) became the Substantive Resolution and was debated.

MOVED: Cr Royce

SECONDED: Cr Forth

Council Ordinary Meeting time, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations:

DATE	MEETING LOCATION
16 February	Nabawa Chambers
16 March	Nabawa Chambers
20 April	Nabawa Chambers
18 May	Nabawa Chambers

15 June	Nabawa Chambers
20 July	Nabawa Chambers
17 August	Nabawa Chambers
21 September	Nabawa Chambers
19 October	Nabawa Chambers
16 November	Nabawa Chambers
14 December	Nabawa Chambers

Note: All Ordinary Council Meetings are to commence at 9am.

**Voting F5/A1
CARRIED
Minute Reference: 08/21-10**

FORESHADOWED COUNCIL RESOLUTION (2)

MOVED: Cr Humphrey

SECONDED: N/A

Council Ordinary Meeting time, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations:

DATE	MEETING LOCATION
16 February	Nabawa Chambers
16 March	Bill Hemsley Park Community Centre
20 April	Nabawa Chambers
18 May	Nabawa Chambers
15 June	Nabawa Chambers
20 July	Nabawa Chambers
17 August	Nabawa Chambers
21 September	Nabawa Chambers
19 October	Nabawa Chambers
16 November	Nabawa Chambers
14 December	Nabawa Chambers

Note: All Ordinary Council Meetings are to commence at 9am.

Foreshadowed Resolution (2) Lapsed due to Resolution 08/21-10 being Carried by Council

Reason for Deviation from Staff Recommendation: Council felt over past years the practice of holding meeting away from Nabawa to encourage residents to attend the Council Meetings was not a success.

10.3.2 Purchasing Policy – SCT Seroja Amendment

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	Not Applicable
DATE:	18 August 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Purchasing Policy (CP-024)		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Obtaining quotes for works associated with damage incurred by Severe Tropical Cyclone (STC) Seroja is proving very difficult and therefore making it basically impossible to comply with the Shire's Purchasing Policy (CP-024).

The purpose of this Agenda Item is to seek Council endorsement of a variation to CP-024 for expenditure specifically related to external contract, goods and services required for repair works associated with damage incurred to Shire assets by STC Seroja.

COMMENT

For expenditure related to STC Seroja it is very difficult to comply with the current policy. Reason being is due to the difficulty in securing contractors, builders, tradesperson to undertake works in a timely manner and to obtain quotes for the required works as stipulated in the Shire's Purchasing Policy.

Apart from building infrastructure staff has had to engage contractors to assist with the clean-up throughout the Shire. Some costs for these works are recoverable from insurance or the Disaster Recovery Funding Arrangements WA (DRFWA), yet the issue with compliance remains a problem.

Councils current purchasing policy states:

3.4.2 Purchasing Practice Purchasing Value Thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

	Amount of Purchase	Purchase Conditions	Recording Conditions
A	Up to \$10,000	Direct purchase from suppliers	Standard Purchase Order
B	\$10,001 - \$25,000	Seek two verbal quotations.	Endorse Purchase Order verbal quotes obtained or sought
C	\$25,001- \$249,999	Seek at least three written quotations containing price and specification of goods and services (with procurement decision based	Written Quotes – Copies attached to Purchase Order or evidence of quotes being sought.

		<i>on all value for money considerations).</i>	
F	<i>\$250,000 and above</i>	<i>Conduct a public tender process or use the WALGA Preferred Suppliers process.</i>	<i>Tender Register Requirements & Filing of Tender Documents</i>
G	<i>Emergency Purchases (Within Budget)</i>	<p><i>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</i></p> <p><i>If there is no existing Panel or contract, then clause Supplier Order of Priority will apply wherever practicable.</i></p> <p><i>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</i></p> <p><i>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.</i></p>	
H	<i>Emergency Purchases (No budget allocation available)</i>	<p><i>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the Local Government Act 1995, the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</i></p> <p><i>The CEO is responsible for ensuring an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</i></p> <p><i>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</i></p>	
I	<i>LGIS Services Section 9.58(6)(b) Local Government Act</i>	<p><i>The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the Local Government Act 1995 and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy.</i></p> <p><i>Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.</i></p>	

3.4.3 Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

- (a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR*
- (b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a); OR*
- (c) A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.*

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then seek quotes or tenders, as applicable.

Section G & H in the Table above refer to immediate emergency response expenditure and not recovery expenditure for repairs resulting from damage incurred by a natural disaster so cannot be used for this purpose. Hence to recommendation to endorse a one-off variation to the Shire’s Purchasing Policy (CP-024) to expedite the necessary repair works resulting from STC Seroja.

STATUTORY ENVIRONMENT

Local Government Act 1995 and the Local Government (Functions and General) Regulations, 1996.

Regulation 11A of the *Local Government (Functions & General) Regulations 1996* requires local governments to prepare or adopt, and to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.

A purchasing policy must make provision in respect of —

- the form of quotations acceptable; and
- the minimum number of oral quotations and written quotations that must be obtained; and
- the recording and retention of written information, or documents, in respect of —
 - (i) all quotations received; and
 - (ii) all purchases made.

One option suggested to allow for expenditure already incurred and moving forward was to suspend the above purchasing policy; however, advice is this cannot legally be undertaken as the legislation requires the policy to be in place and therefore the policy becomes in effect law and there is no provision in the Regulation or other instrument of law to suspend a policy.

Advice received from WALGA is to allow the continued recovery efforts in a timely manner the best option is for Council to amend the Purchasing policy to allow Staff to engage contractors, builders, etc. to undertake works related to STC Seroja without the need to obtain quotes as per the current policy.

It is therefore being recommended the following temporary amendment CP-024 be endorsed:

Amount of Purchase	Model Policy
Up to \$100,000	No quotations required prior to purchase if expenditure is solely related to damage caused by STC Seroja or where the expenditure relates to an insurance claim approved by Local Government Insurance Services or is recoverable from the Disaster Recovery Funding Arrangements WA.
\$100,000 - \$250,000	If expenditure is solely related to damage caused by STC Seroja, quotes be obtained if required under the direction and approval of Local Government Insurance Services or is recoverable from the Disaster Recovery Funding Arrangements WA.

The Shire of Northampton has already adopted a similar position by amending their Purchasing Policy to assist with expediting repairs from STC Seroja.

POLICY/PROCEDURE IMPLICATIONS

Purchasing Policy (CP-024) is provided at **Attachment 10.3.2(a)** for Council information.

FINANCIAL IMPLICATIONS

Some of the costs associated with repair and preplacement works resulting from STC Seroja will be covered by insurance (yet there is an excess amount of \$100,000 payable under the insurance policy, which has been budgeted for in 21/22 from the Building Reserve) and the Disaster Recovery Funding Arrangements WA (DRFAWA).

Long Term Financial Plan (LTFP):

The need to fund the \$100,000 insurance excess amount from the Building Reserve will have an effect on the overall financial status of the LTFP regarding future building capital works.

STRATEGIC IMPLICATIONS

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

There will still be a need to liaise with the Local Government Insurance Scheme (LGIS) to ensure they are comfortable with the recommended policy changes for quotes to undertake repair works for damage incurred by STC Seroja to cover the insurance requirements of LGIS, though my discussions with the Shire of Northampton is this has not been a problems for them.

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

STAFF RECOMMENDATION

Council endorse the following amendment to the Purchasing Policy (CO-024) to accommodate damage incurred by STC Seroja:

Amount of Purchase	Model Policy
Up to \$100,000	No quotations required prior to purchase if expenditure is solely related to damage caused by STC Seroja or where the expenditure relates to an insurance claim approved by Local Government Insurance Services or is recoverable from the Disaster Recovery Funding Arrangements WA.

\$100,000 - \$250,000	If expenditure is solely related to damage caused by STC Seroja, quotes be obtained if required under the direction and approval of Local Government Insurance Services or is recoverable from the Disaster Recovery Funding Arrangements WA.
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MOVED: Cr Humphrey

SECONDED: Cr Forth

COUNCIL RESOLUTION

Council endorse the following amendment to the Purchasing Policy (CO-024) to accommodate damage incurred by STC Seroja:

Amount of Purchase	Model Policy
Up to \$100,000	No quotations required prior to purchase if expenditure is solely related to damage caused by STC Seroja or where the expenditure relates to an insurance claim approved by Local Government Insurance Services or is recoverable from the Disaster Recovery Funding Arrangements WA.
\$100,000 - \$250,000	If expenditure is solely related to damage caused by STC Seroja, quotes be obtained if required under the direction and approval of Local Government Insurance Services or is recoverable from the Disaster Recovery Funding Arrangements WA.

This policy is to be brought back to council in the August 2022 OCM for review.

**Voting F6/A0
CARRIED
Minute Reference: 08/21-11**

Reason for Deviation from Staff Recommendation: Council felt it was necessary for this Policy Variation to be reconsidered in twelve months.

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13.0 DELEGATES REPORTS

Member	Reports
Cr Farrell	Rockwell Pipeline Update
Cr Forth	Chapman Valley Agricultural Society
Cr Batten	Wildflower Lunch Event at Yuna

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

MOVED: Cr Forth

SECONDED: Cr Humphrey

COUNCIL RESOLUTION

Council closes the meeting to the public for Agenda Items 15.1 & 15.2 in accordance with the Local Government Act, 1995 per Section 5.23(2)(c) due to a contract(s) being entered into, or which may be entered into, by the local government and Agenda Item 15.3 in accordance with Section 5.23(2)(a) due a matter affecting an employee or employees and which relate to matters to be discussed at the meeting.

Voting F6/A0

CARRIED

Minute Reference: 08/21-12

15.1 Civil Engineer Consultancy Tender

MOVED: Cr Batten

SECONDED: Cr Forth

COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council endorse Greenfield Technical Services as the Shire's priority preferred suppliers for the provision of civil engineering services to complement the WALGA list of preferred suppliers for this service for a period of three years commencing in September 2021

Voting F6/A0

CARRIED

Minute Reference: 08/21-13

15.2 Disposal of 2 Vacant Lots

MOVED: Cr Forth

SECONDED: Cr Batten

COUNCIL RESOLUTION/STAFF RECOMMENDATION

Council:

- 1 Award Tender 2-21/22 to Nicolaas & Christine Phillipa for the purchase of Lot 26 & 27 Chapman Valley Road, Nabawa.
- 2 Advise the successful tenderers that Council is willing to delay the transfer of the land, should they be seeking to amalgamate Lots 26 & 27 into their adjoining Lot 25, to enable a lot amalgamation application to be lodged and concluded with the Western Australian Planning Commission (at the tenderer's expense), so that final conveyancing incorporates the transfer of ownership with the amalgamation of the titles and the exchange of the purchase funds, thereby incurring a lesser settlement agent cost for the tenderer.

Voting F6/A0

CARRIED

Minute Reference: 08/21-14

Meeting adjourned 10:09am.

Meeting resumed 10:41am.

Simon Lancaster and Beau Raymond departed meeting at 10:41am.

15.3 CEO Recruitment

MOVED: Cr Batten

SECONDED: Cr Davidson

COUNCIL RESOLUTION/RECOMMENDATION 1 (SIMPLE MAJORITY) – RECRUITMENT CONSULTANT

Council endorse the out-of-session appointment of LOGO Appointments as the Recruitment Consultant to assist the Shire with the recruitment process for a replacement Chief Executive Officer.

Voting F6/A0

CARRIED

Minute Reference: 08/21-15

MOVED: Cr Batten

SECONDED: Cr Forth

COUNCIL RESOLUTION/RECOMMENDATION 2 (SIMPLE MAJORITY) - CEO RECRUITMENT PANEL–TERMS OF REFERENCE 2021

Council endorse the “*CEO Recruitment Panel–Terms of Reference 2021*” as per Attachment 15.3(b) to comply with the Standards and relevant Regulations with the following amendments:

1. Clause 3 – Membership of Panel:

~ Remove wording “All Elected Members” and replace with “President, Deputy President and two Elected Members”

2. Replace reference to “Meekatharra” with “Chapman Valley”.

**Voting F4/A2
CARRIED
Minute Reference: 08/21-16**

MOVED: Cr Humphrey

SECONDED: Cr Batten

COUNCIL RESOLUTION/RECOMMENDATION 3 (SIMPLE MAJORITY) - CONFIDENTIALITY AGREEMENT 2021

Council endorse the “Confidentiality Agreement” as per Attachment 15.3(c) to comply with the Standards and relevant regulations with the following amendment:

1. Change the panel members list in the document to reflect the Elected Members identified in Minute Reference 08/21-16.

**Voting F6/A0
CARRIED
Minute Reference: 08/21-17**

MOVED: Cr Batten

SECONDED: Cr Forth

COUNCIL RESOLUTION/RECOMMENDATION 4 (ABSOLUTE MAJORITY) - CEO POSITION DESCRIPTION

Council endorse the revised “CEO Position Description” as per Attachment 15.3(d) to comply with the Standards and relevant regulations.

**Voting F0/A0
CARRIED
Minute Reference: 08/21-18**

MOVED: Cr Batten

SECONDED: Cr Humphrey

COUNCIL RESOLUTION/RECOMMENDATION 5 (ABSOLUTE MAJORITY) - CEO EMPLOYMENT CONTRACT

Council endorse the revised “CEO Employment Contract” as per Attachment 15.3(e) to comply with the Standards and relevant regulations.

**Voting F6/A0
CARRIED
Minute Reference: 08/21-19**

PANEL MEMBERSHIP – TWO ELECTED MEMBERS

The President called for nominations to fill the two Elected Member representatives on the CEO Recruitment Panel. The following nominations were received:

- Cr Batten
- Cr Forth
- Cr Humphrey

-
- Cr Royce

A secret ballot was undertaken with the results being:

- Cr Batten 6 Votes
- Cr Forth 4 Votes
- Cr Humphrey 1 Vote
- Cr Royce 1 Vote

MOVED: Cr Farrell

SECONDED: Cr Batten

COUNCIL RESOLUTION

The following Elected Members be appointed as representatives on the CEO Recruitment Panel:

- Cr Batten; and
- Cr Forth

The following Elected Members be appointed as PROXY representatives on the CEO Recruitment Panel:

- Cr Humphrey; and
- Cr Royce

**Voting F5/A1
CARRIED
Minute Reference: 08/21-20**

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 11:44am.