

ORDINARY COUNCIL MEETING

CONFIRMED MINUTES

9:00am Wednesday
15 December 2021
Council Chambers

DECEMBER 2021

SHIRE OF CHAPMAN VALLEY
Maurice Battilana
CHIEF EXECUTIVE OFFICER

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



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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 Shire President welcomed Elected members & Staff and declared the meeting open at 9.00am

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 SWEARING IN OF ELECTED MEMBERS

Catherine Mary Low - Cr Low was formally sworn in as an Elected Member with the Shire of Chapman Valley.

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

3.1 Attendees

Elected Members	In	Out
Cr Kirrilee Warr (President)	9:00am	10.53am
Cr Darrell Forth (Deputy President)	9:00am	10.53am
Cr Nicole Batten	9:00am	10.53am
Cr Beverley Davidson	9:00am	10.53am
Cr Elizabeth Elliott-Lockhart	9:00am	10.53am
Cr Peter Humphrey	9:00am	10.53am
Cr Trevor Royce	9:00am	10.53am
Cr Catherine Low	9:00am	10.53am

Officers	In	Out
Maurice Battilana, Chief Executive Officer	9:00am	10.53am
Simon Lancaster, Deputy Chief Executive Officer	9:00am	10.53am
Dianne Raymond, Manager Finance & Corporate Services	9:00am	10.53am
Beau Raymond, Minute Taker	9:00am	10.53am

Visitors	In	Out
Nil		

3.2 Apologies

Elected Members
Nil

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

Nil

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

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
10.1.1, 10.3.1	Cr Warr	Financial	Closely associated interest persons being in-laws
11.1	Cr Humphrey	Impartiality	Personal relationships close association with family
10.3.4	Cr Elliott-Lockhart	Impartiality	Tourism & Events Australia Day Award Recipients
10.3.4	Cr Batten	Impartiality	Member of nominated group & reference for nomination
10.3.4	Cr Forth	Impartiality	Member of committee nominated
10.3.4	Cr Warr	Impartiality	Financial member and VP Yuna CWA; nominator or the community person of the year and community organisation
10.3.4	Cr Low	Financial	Possibly associated with contractor(s) for the installation of Wi-Fi telecommunications infrastructure

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 17 November 2021

That the Minutes of the Ordinary Meeting of Council held Wednesday 17 November 2021 be confirmed as true and accurate.

Voting F8/A0

CARRIED

Minute Reference: 12/21-01

9.0 ITEMS TO BE DEALT WITH EN BLOC

MOVED: Cr Batten

SECONDED: Cr Forth

Council resolves to move the following items En Bloc:

10.1.2 & 10.3.2

Voting F8/A0

CARRIED

Minute Reference: 12/21-02

10.0 OFFICERS REPORTS

10.1

Deputy Chief Executive Officer

10.1 AGENDA ITEMS

10.1.1 Proposed Outbuilding

10.1.2 Proposed Water Sports Clinic

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9.10am - Cr Warr declared a proximity interest and left the meeting.

Cr Forth (Deputy President) presided over the meeting.

10.1.1 Proposed Demolition & New Residence

PROPONENT:	TR Homes & Yuna Farming Group Pty Ltd
SITE:	407 (Lot 3862) Balla-Whelarra Road, Yuna
FILE REFERENCE:	A785
PREVIOUS REFERENCE:	Nil
DATE:	2 December 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Application		✓
10.1.1(b)	Shire of Chapman Valley Heritage Inventory entry – Roskams Farmhouse		✓
10.1.1(c)	Site Photographs		✓

DISCLOSURE OF INTEREST

Nil

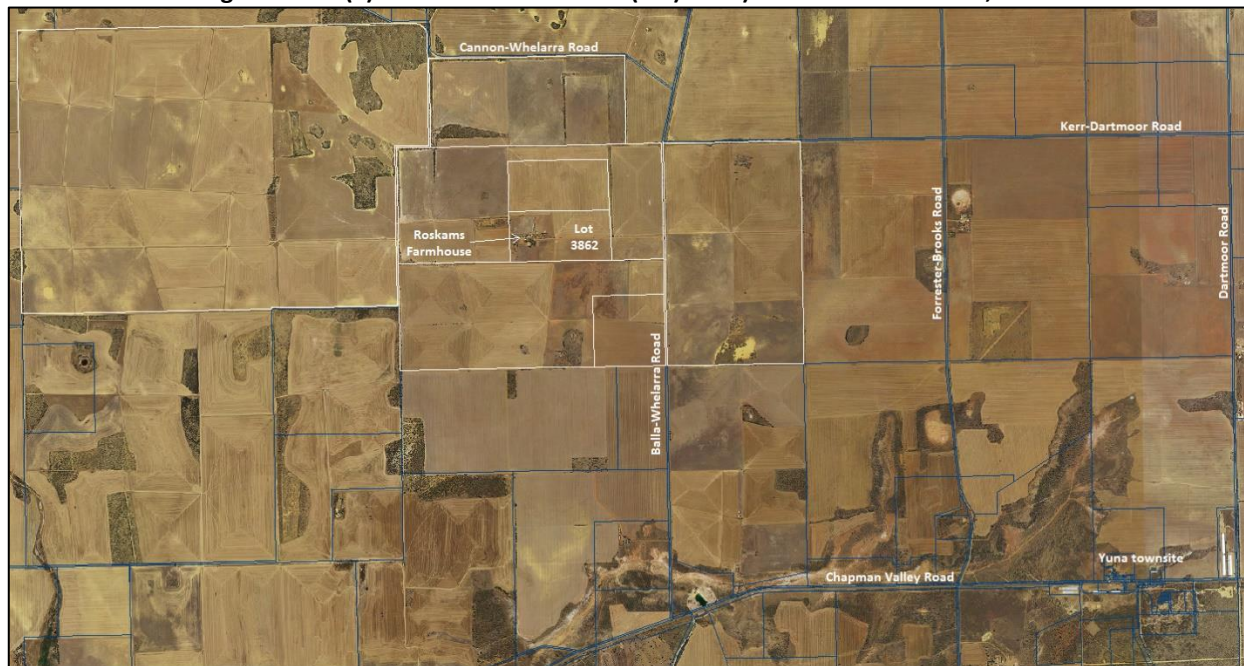
BACKGROUND

Council is in receipt of an application for a new transportable residence to be sited upon 407 (Lot 3862) Balla-Whelarra Road, Yuna in the location of a (proposed to be demolished) cyclone damaged former residence (Roskams Farmhouse) that is listed on the Shire of Chapman Valley Heritage Inventory. This report recommends approval.

COMMENT

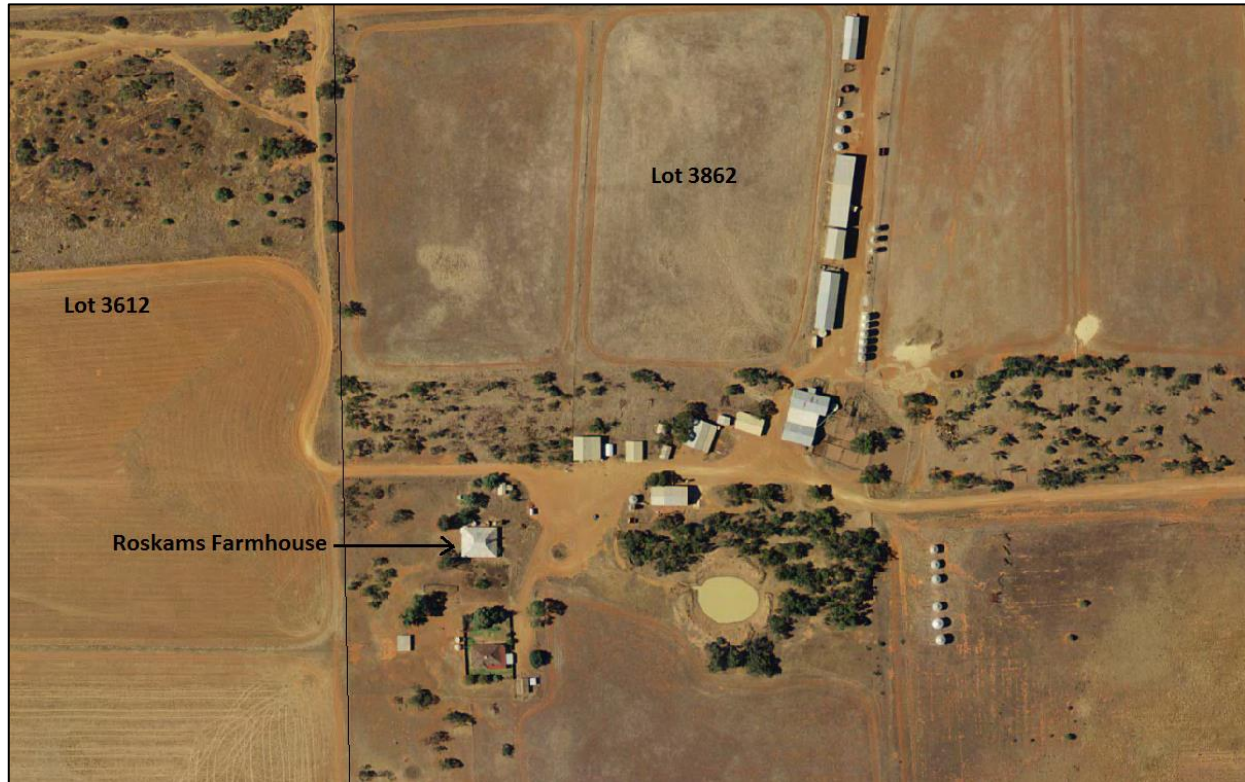
Lot 3862 is a 64.8ha property that forms part of a larger 2,782.9ha farm that is located on Balla-Whelarra Road approximately 7.5km north-west of the Yuna townsite as illustrated in **Figure 10.1.1(a)**.

Figure 10.1.1(a) – Location Plan of 407 (Lot) 3862) Balla-Whelarra Road, Yuna



Lot 3862 contained 2 residences and several farm outbuildings, as illustrated in **Figure 10.1.1(b)**, setback approximately 1.5km west of Balla-Whelarra Road.

Figure 10.1.1(b) – Aerial photograph of Roskams Farmhouse and surrounding farm buildings



On 11 April 2021 Cyclone Seroja significantly damaged the 2 residences upon Lot 3862 and the southern residence has now been demolished as a result.

The applicant is seeking to site a new transportable residence upon Lot 3862, the building would be of single storey, four bedroom, two bathroom design and clad in colorbond walls and roof sheeting. A copy of the application, including site, floor and elevation plans and supporting correspondence has been provided as **separate Attachment 10.1.1(a)**.

The new residence is proposed to be sited in the location currently occupied by the northern residence which has been unoccupied and in a state of disrepair for several decades. This is the preferred site for the new residence due to its proximity to services and existing trees. The building proposed to be demolished is known as Roskams Farmhouse and is listed in the Shire of Chapman Valley Heritage Inventory.

The relevant Heritage Inventory Place Entry has been provided as **separate Attachment 10.1.1(b)** and the complete Heritage Inventory can be viewed at the following link:

https://www.chapmanvalley.wa.gov.au/Profiles/chapmanvalley/Assets/ClientData/Municipal_Inventory_of_Heritage_Places_FINAL.pdf

Roskams Farmhouse was built in 1922 and the Heritage Inventory notes the building has considerable historic significance as the first stone farmhouse constructed in the Yuna district with a local stonemason constructing the farmhouse using material from the Nolba quarry located approximately 7km to the south-west that was transported to the site by horse and cart.

It is acknowledged that the farmhouse does have historic significance and heritage appeal and that the ideal outcome would be for the farmhouse to be restored and again used for habitable purposes. This would be consistent with the Management Category listing assigned to Roskams Farmhouse which is as follows:

<i>Category:</i>	<i>2 (1 being the highest and 6 the lowest)</i>
<i>Level of Significance:</i>	<i>Considerable Significance. Very important to the heritage of the locality.</i>
<i>Management Recommendation:</i>	<i>Conservation of the place is highly recommended. Any proposed change should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible.</i>

However it also noted that the building has suffered damage in both the 1938 and 1968 earthquakes leading to severe cracking in the foundations and walls, and further significant damage to the roof, ceiling and verandahs occurred as a result of the 2021 cyclone. It would therefore require significant financial outlay to restore the building, and ensure it meets with current Building Code requirements, and the resulting building would not have a floor area, layout or wet areas and facilities in keeping with more contemporary living demands.

It might also be considered that, were the Shire to refuse the application to demolish Roskams Farmhouse that this would not necessarily lead to a positive heritage outcome, as it would be likely that the new transportable residence would instead be sited elsewhere on the property, and the Roskams Farmhouse would continue in a state of disrepair and decline and present an increasing safety issue.

Photographs of Roskams Farmhouse illustrating the external and internal damage have been provided as **separate Attachment 10.1.1(c)** to provide further background.

Figure 10.1.1(c) – Northern, Eastern, Southern & Western elevations of Roskams Farmhouse



It is recommended in the event that Council approve the demolition of Roskams Farmhouse, that the following condition be applied:

“The lodgement of an Archival Record of Roskams Farmhouse to the approval of the local government.”

The preparation of an Archival Record is a requirement of the State Heritage Council when a place that is listed on the State Register of Heritage Places is being demolished, and may also be produced for places not on the State Register.

Roskams Farmhouse is not listed on the State Register and therefore an Archival Record to the full requirements of the State Heritage Council would not be appropriate in this instance. However, the below link provides guidance on how an Archival Record should be laid out, and the level of information it should contain, with a tiered approach based upon the level of heritage significance. It is suggested in the instance of Roskams Farmhouse that the lower Minimum Requirement of ‘Photographic Record’ would be appropriate.

<https://www.wa.gov.au/system/files/2021-04/HER-Guide-to-Preparing-an-Archival-Record-2019.pdf>

It is also recommended that the following advice note be applied:

“6 The applicant is encouraged to retain the stone material from Roskams Farmhouse on-site and utilise this in a built feature e.g. garden wall relating to the new transportable farmhouse that will serve to recognise and commemorate the history of the site and the surrounding farm operations and the Roskam and Jupp families who farmed it.”

In the event that Council consider that this should be elevated to a condition of approval then the following might be considered appropriate as an addition to the conditions contained in the Staff Recommendation:

“The retention of the stone material from Roskams Farmhouse on-site and it to be used in a built feature e.g. garden wall relating to the new transportable farmhouse that will serve to recognise and commemorate the history of the site and the surrounding farm operations and the Roskam and Jupp families who farmed it to the approval of the local government.”

In the event that Council do not support the siting of the new transportable residence in the proposed location (resulting in the associated demolition of the Roskams Farmhouse building) then it may consider the following alternate wording appropriate:

“That Council refuse the application for the siting of a new transportable residence in the proposed location upon 407 (Lot 3862) Balla-Whelarra Road, Yuna, and associated demolition of the existing Roskams Farmhouse for the following reasons:

- 1 The Roskams Farmhouse building is listed in the Shire of Chapman Valley Heritage Inventory as having considerable heritage significance and being very important to the heritage of the locality and that conservation of the place is highly recommended.*
- 2 It is considered that there is sufficient area upon Lot 3862 for an alternative location for the new transportable residence to be sited without requirement for the demolition of Roskams Farmhouse, including the location to the south previously occupied by the second more modern residence (now demolished).*
- 3 The development is not considered to satisfy Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and Section 9 – Aims of the Scheme of the Shire of Chapman Valley Local Planning Scheme No.3.*
- 4 Council is not satisfied that sufficient justification has been provided in support of the application and approval of this application may well set an undesirable precedent for similar applications that would be detrimental to the heritage of the Shire.*

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.”

STATUTORY ENVIRONMENT

407 (Lot) 3862) Balla-Whelarra Road, Yuna is zoned ‘Rural’ under the Shire of Chapman Valley Local Planning Scheme No.3 (‘the Scheme’) the objectives for which are listed in Table 1 as being:

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

The land use of ‘Single House’ is listed as permitted in the ‘Rural’ zone.

The proposed development, being the siting of a Single House, and the demolition of a building, in the ‘Rural’ zone would ordinarily not require lodgement of a planning application and subsequent planning approval to be obtained pursuant to Schedule A Clauses 61(1)(k) & (n) of the Scheme. However, in this instance the following sub clauses are of relevance

61(1)(k)(iii) is located in a place that is included on a heritage list prepared in accordance with this Scheme;

61(1)(k)(vii) is proposed on a lot which does not have access to a dedicated legal and/or constructed road;

61(1)(n)(iii) included on a heritage list prepared in accordance with this Scheme;

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

“(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area...

...(k) the built heritage conservation of any place that is of cultural significance;

(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;...

...(w) the history of the site where the development is to be located.”

Roskams Farmhouse is not listed on the State Register of Heritage Places and therefore this application is not required to be referred to the State Heritage Council for advice.

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, Howatharra.

Roskams Farmhouse is listed in the Shire of Chapman Valley Heritage Inventory (formerly known as Municipal Inventory of Heritage Places) which is a local level of heritage recognition.

Section 45 of the now repealed *Heritage of Western Australia Act 1990* required every local government to compile a Municipal Inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. The Shire of Chapman Valley produced its Municipal Inventory in 1995.

Section 45 of the Act required that local governments review their Municipal Inventory every 4 years, and the Shire undertook this review in 2011-2012, and a copy of the current Municipal Inventory as adopted by Council at its 17 October 2012 meeting can be viewed at the following link:

https://www.chapmanvalley.wa.gov.au/Profiles/chapmanvalley/Assets/ClientData/Municipal_Inventory_of_Heritage_Places_FINAL.pdf

The *Heritage Act 2018* replaced the 1990 legislation and required that local governments update their Municipal Inventories into Local Heritage Surveys. The Shire received funding assistance from the Department of Planning, Lands & Heritage for the review of its Heritage Inventory/conversion to a Local Heritage Survey on 3 May 2021 and this process is now underway.

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”.

The previous Shire of Chapman Valley Local Planning Scheme No.2 included specific provision that the Municipal Inventory, and therefore all place entries contained therein formed the Heritage List for the purposes of the Scheme. This clause was removed from Scheme No.3 to be consistent with the Regulations and a new Heritage List will be presented to Council for consideration along with the new Local Heritage Survey (formerly Municipal Inventory) with the new Heritage List likely to include the more significant places rather than all contained places.

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

The Shire of Chapman Valley Heritage Strategy notes the following in relation to the issue of heritage:

“Heritage is based on those aspects of our past that we want to recognise and retain. They may evoke special meaning for us as individuals or as a member of a community. Heritage is the elements which have played an important role in our history, a building which is special because of its architectural style or association with a person, or a landscape feature with cultural associations. Heritage significance is the aesthetic, historic, scientific, or social significance of a place for the present community and the desire to protect these places for the enjoyment of future generations.”

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Council may wish to invite the comment of the State Department of Planning, Lands & Heritage upon this application, although as Roskams Farmhouse is not on the State Register of Heritage Places it is not obliged to do so.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Humphrey

That Council grant formal planning approval for the siting of a new transportable residence upon 407 (Lot 3862) Balla-Whelarra Road, Yuna, and associated demolition of the existing Roskams Farmhouse subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans contained within Attachment 10.1.1 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The lodgement of an Archival Record of Roskams Farmhouse to the approval of the local government.

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- 4 Demolition and construction works to be conducted in accordance with WA Worksafe requirements.
- 5 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

- (a) The applicant is encouraged to retain the stone material from Roskams Farmhouse on-site and utilise this in a built feature e.g. garden wall relating to the new transportable farmhouse that will serve to recognise and commemorate the history of the site and the surrounding farm operations and the Roskam and Jupp families who farmed it.
- (b) In regards to condition 3 the applicant is advised that the Photographic Record Minimum Requirements as outlined in the State Heritage Council 'Guide to Preparing an Archival Record' is considered sufficient in this instance and this publication should be referred to for guidance in the applicant's preparation of the record.
- (c) In regards to condition 4 the applicant is advised that further information in regards to demolition requirements can be obtained from the Department of Mines, Industry Regulation & Safety website:
<https://www.commerce.wa.gov.au/worksafe/demolition-licence>
- (d) In regards to condition 5 where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- (e) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**Voting F7/A0
CARRIED**

Minute Reference: 12/21-03

9.17am - Cr Warr returned to the meeting and resumed the position of presiding members.

10.1.2

Proposed Water Sports Clinic

PROPONENT:	King Wing Foil Centre
SITE:	Reserve 50066 Coronation Beach Road, Oakajee
FILE REFERENCE:	A1956
PREVIOUS REFERENCE:	Nil
DATE:	6 December 2021
AUTHOR:	Simon Lancaster, Deputy Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Application		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to hold a water sports clinic at Coronation Beach from 26 December 2021 until 4 January 2022 providing wing foil lessons. This report recommends approval.

COMMENT

The applicant is seeking to conduct wing foil lessons between 10:00am and 6:00pm over 10 days from Sunday 26 December 2021 to Tuesday 4 January 2022 at Coronation Beach. Lessons would generally be 1 on 1 or at most small groups of 4-6 people and would be approximately 1½-2 hours in length.

Figure 10.1.2(a) – examples of wing foil activity



The operation would require 1 van parked in the car park and the placement of water sports equipment on the beach. The applicant has identified that the central area at Coronation Beach would be the preferred location as further south is too shallow and contains reef which interferes with the foils, and the central location offers water still sufficiently shallow to suit people learning.

The proposed wing foil central location would provide separation distance to the windsurfing activities at the Windsurfing Club facility to the south, and the kitesurfing activities at the Kitewest water sports school to the north.

The applicant conducts similar operations in Perth and the submitted application, which includes copies of their accreditation, insurance certificate and Risk Management Policy has been provided as **separate Attachment 10.1.2**.

Figure 10.1.2(b) – Proposed water sports (wing foil) clinic location at Coronation Beach



STATUTORY ENVIRONMENT

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

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

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

The holding of a water sports clinic would be in keeping with the intent of this zoning.

Part 1 Section 4 of the *Planning & Development Act 2005* ('the Act') defines development as follows:

“development means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) the carrying out on the land of any excavation or other works;*
- (c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
 - (i) is likely to change the character of that place or the external appearance of any building; or*
 - (ii) would constitute an irreversible alteration of the fabric of any building.”*

Whilst the operating of a commercial activity such as a water sports business does not constitute a development as defined within parts (a)-(c) it should still be considered a development as by operating a commercial activity from the land it does constitute the “use of any land”.

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government 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;...*
- ...(j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;...*
- ...(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*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;...*
- ...(q) the suitability of the land taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk...*
- ...(s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (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;...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

POLICY/PROCEDURE IMPLICATIONS

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

The Shire of Chapman Valley Local Planning Policy 7.2 – Event Application contains the following objectives:

- “3.1 Encourage events that enhance a wide variety of opportunities to residents and visitors.*
- 3.2 Protect the health and safety of persons attending events.*
- 3.3 Provide an efficient and timely approval process and response.*
- 3.4 Ensure compliance with regulatory requirements and standards.*
- 3.5 Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties.”*

The Policy Statement also provides the following guidance for Councillors in its consideration of this application:

“The following issues will be considered by the Shire in the assessment and approval process of event applications:

- 6.1 The nature, size and suitability of the event in relation to the venue requested (including the presence of alcohol) and the likely impact of the event on the facility.*
- 6.3 The amenity of the event.*
- 6.3 The ability of the facility to accommodate the event at the proposed time (taking into consideration weather and the condition of the land, if on a community reserve or public open space).*
- 6.4 The likely impact on residents as a result of the event (including noise, dust, excessive light, or other adverse effects perceptible outside the venue).*
- 6.5 The availability of the venue at the required time(s) and on the required day(s).*
- 6.6 The period of time for which the event will operate and the proposed times of operation.*
- 6.7 Conflict or potential conflict with other events in that location or a surrounding location.*
- 6.8 The estimated number of participants associated with the special event in relation to the carrying capacity of the facility.*
- 6.9 The benefits to the community.*
- 6.10 Reputation of the operator.*
- 6.11 Any other factors that may be considered necessary in relation to a particular event.”*

Both the ‘Event Application’ Local Planning Policy and the event application form can be viewed at the following link to the Shire website: <https://www.chapmanvalley.wa.gov.au/local-planning-policies.aspx>

FINANCIAL IMPLICATIONS

The Shire’s adopted fees and charges lists the amount of \$150 for venue hire where the applicant is not a local community member. In this instance it is suggested the requirement to pay a bond would be inappropriate given the venue and activity is not specific to a building. Council would also have the ability to review the operations and any received feedback should a further application be received at a later date.

Alternatively the Shire’s adopted Planning Application Fee lists the amount of \$147 for determining a development application where the estimated cost of the development is less than \$50,000.

As a point of comparison Council charges an annual fee of \$500 GST exclusive to the 2 Coronation Beach commercial lessees (Kitewest Water Sport School and Country Cooks Cornucopia Food Van) which is intended to cover the administration and other costs associated with their operations. Both of these operations are run by Shire residents and involve the permanent occupation of an (albeit small) footprint at Coronation Beach.

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 Coastal Management Strategy and Action Plan (2016) identifies the objective for Coronation Beach as being:

“Land Use & Facilities

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

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

It is considered that the holding of a water sports (wing foil) clinic would align with these objectives.

Strategic Community Plan/Corporate Business Plan:

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and contains the following objectives of relevance:

No.	Objective	Strategy	Action	Timeline
2.3	Welcome local tourism and participation in regional strategy.	Explore support needed by local tourism industries.	Encourage Tourism Operators to establish an Alliance for them to research support required. This must be industry driven, not Shire driven.	Short
2.4	Ensure town planning complements economic development activities	Town Planning Review/Initiatives	Ensure Planning is in place to encourage economic development activities	Medium

CONSULTATION

Council resolved at its 18 May 2016 meeting to lease an area at Coronation Beach to enable a locally based operator (Kitewest) to operate a water sports school for a summer 4-month trial period. At the end of the trial period Kitewest sought to enter into a longer lease and Council resolved at its 17 May 2017 meeting to offer a 5 year lease. Council approved a further 5 year lease at its 17 June 2020 meeting, in response to the lessee's request for an extension to provide them with greater financial certainty, and the current lease expires on 30 June 2027.

Section 7.0 of the Shire of Chapman Valley Local Planning Policy 7.2 – Event Application does provide for the advertising of a received event application and Council may wish to consult with the existing. However, it should be noted that Council's 21 October 2020 resolution in which it gave approval to the existing water sports school operator included specific notation that:

"The management licence issued to the applicant is not to be construed as the granting of an exclusive commercial use of the reserve, Council reserves the right to enter into management licences and/or other arrangements with other parties who may seek to conduct commercial activities at Coronation Beach."

Council has been consistent in this advice at Coronation Beach with its 16 December 2020 and 17 November 2021 resolutions for the food van operator also including notation advising that:

"This planning approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities."

The intention of this advice was to make clear that Council's granting of approval should not be deemed to mean that it would not entertain approaches from other parties seeking to operate either water sports commercial activities or food outlet at Coronation Beach. The Windsurfing Club (who also have a lease with the Shire for their Coronation Beach facility) have also held training events but these have been club run and not commercial operations.

Freedom of economic competition, preventing undue restraint of trade and impact on existing local businesses are issues that local governments are often forced to grapple with, particularly where arguments have been mounted that an existing retailing operation offers multiple services and employment to a local community, and when faced with an arriving competitor that offers a more limited service (in terms of products or hours of operation) that undermines their profitability, this can result in the existing service provider no longer being viable and the local community resultantly losing those associated services and employment.

Council can have some (limited) regard for this issue with Clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* listing the following matter to be considered by local government:

"(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses."

This is also an issue that Section 3.3.7 'Economic Competition' of the Western Australian Planning Commission publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) addresses as follows:

“The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community.

This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:

“economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter”.

Stephen J at [687] noted that:

“...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration.”

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

That Council approve the operation of a water sports clinic upon Reserve 50066 Coronation Beach Road, Oakajee subject to the following:

Conditions:

- 1 The approval is valid from 26 December 2021 until 4 January 2022.
- 2 Any additions to or change of use of any part of the development (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development requires further application and planning approval for that use/addition.
- 3 The location of the water sports clinic operations being to the approval of the local government.
- 4 Maintenance of public access about the water sports clinic being to the approval of the local government.
- 5 The applicant shall ensure that equipment and rubbish associated with the operation of the water sports clinic is managed to the approval of the local government and not provide a hazard.
- 6 The applicant must possess public liability insurance cover of not less than \$10 million.
- 7 The applicant must possess and implement a Risk Management Plan to the approval of the local government.
- 8 This approval is issued only to the applicant and is not transferable to any other party.
- 9 The applicant making payment of a \$150 fee to the Shire for use of the location.

Notes:

- (a) The applicant is advised that the operation of this development will be monitored by the local government and should complaints arise and not be adequately managed to the satisfaction of the local government, then the local government will give regard to this in its consideration of any future applications that may be lodged by the applicant.
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation and it is the applicant's responsibility to obtain any additional approvals required before the development commences.
- (c) This approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities.
- (d) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Council En Bloc
Voting F8/A0
CARRIED
Minute Reference: 12/21-02

10.2

Manger of Finance & Corporate Services

10.2 AGENDA ITEMS

10.2.1 Financial Reports for November 2021

10.2.1

Financial Management Report for November 2021

PROPONENT:	Shire of Chapman Valley
SITE:	Shire of Chapman Valley
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	15 December 2021
AUTHOR:	Dianne Raymond, Manager Finance & Corporate Services

SUPPORTING DOCUMENTS:

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

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 November 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

There are no policy implications.

FINANCIAL IMPLICATIONS

As presented in the Financial Management Report for November 2021.

Long Term Financial Plan (LTFP):

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

Not applicable

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Forth

SECONDED: Cr Davidson

That Council receives the financial management report supplied under separate cover for the month of November 2021 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Net Current Assets
- Note 2 – Explanation of Material Variances
- Note 3 – Cash & Investments
- Note 4 – Receivables
- Note 5 – Rating Revenue
- Note 6 – Disposal of Assets
- Note 7 – Capital Acquisitions
- Note 8 – Borrowings
- Note 9 – Reserves
- Note 10 – Grants & Contributions
- Note 11 – Trust Fund
- Note 12 – Budget Amendments

Additional Information

- Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

**Voting F8/A0
CARRIED
Minute Reference: 12/21-04**

10.3

Chief Executive Officer

10.3 AGENDA ITEMS

10.3.1 Review of Committees, Working/Advisory Groups Representation

10.3.2 Local Government Act Reform

10.3.3 2020/2021 Annual Report & Annual General Meeting of Electors

10.3.4 Tourism & Events Advisory Group

10.3.1 Review of Committees, Working/Advisory Group Representation

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	403.00
PREVIOUS REFERENCE:	Minute Reference: 10/21-01
DATE:	15 December 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Current List of Committee, Working/Advisory Group Representatives		✓
10.3.1(b)	Legislative Extract – Establishment of Committees		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved at the October 2021 OCM the representatives on the various Committee, Working/Advisory Groups with the list provided at **Attachment 10.3.1(a)** for Council information.

COMMENT

With the appointment of Katie Low as an Elected Members at the November 2021 OCM and then formal swearing in at the December 2021 OCM, it is considered appropriate Council now review the representatives on the various Committee, Working/Advisory Groups to provide for Cr Low who was obviously not available at the October 2021 OCM when these were established.

STATUTORY ENVIRONMENT

Local Government Act, 1995, Sections 5.8 to 5.17

The legislative conditions for the establishment of local government Committees are detailed in the Local Government Act 1995 (see **Attachment 10.3.1(b)**).

Council also select representation on the various Working, Advisory & Steering Groups and external organisations, which are not subject to the legislative requirements of the Act.

POLICY/PROCEDURE IMPLICATIONS

No Policies/Procedure affected by representatives appointed to Committees, Working/Advisory Groups or external organisations.

No Committees, Working/Advisory Groups or external organisations representatives have any Delegated Authority authorised by Council.

FINANCIAL IMPLICATIONS

No financial implications envisaged by representatives appointed to Committees, Working/Advisory Groups or external organisations.

Long Term Financial Plan (LTFP):

No effect on LTFP

STRATEGIC IMPLICATIONS

Establishment of Committees, Working/Advisory Groups and representation on external organisations is important. It is also important for the purpose Shire internal Committees, Working/Advisory Groups to be clear.

- **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

Council has discussed this matter at the October 2021 OCM and Cr Low has been in discussions with the CEO on areas of her interest.

RISK ASSESSMENT

It is important for Elected Members to alignment themselves to Committees, Working/Advisory Groups and representation on external organisations, which fit their skills and interests where possible. However, in this instance I believe the risk is *insignificant*:

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

VOTING REQUIREMENTS

Absolute Majority – Committees established under Section 5.9 & 5.10 of the Local Government Act, 1995 i.e.

- Building & Disability Services Committee;
- Finance Audit & Risk Management Committee; and
- Road Infrastructure Committee

Simple Majority – All other internal Working/Advisory/Steering Groups and external organisation representation.

MOVED: Cr Humphrey

SECONDED: Cr Batten

Standing Orders be suspended to allow more informal debate on the matter.

Voting F8/A0

CARRIED

Minute Reference: 12/21-05

Discussion was undertaken on the item.

MOVED: Cr Royce

SECONDED: Cr Batten

Standing Orders be reintroduced.

Voting F8/A0

CARRIED

Minute Reference: 12/21-06

STAFF RECOMMENDATION

Council amend the current Committee, Working/Advisory Groups and external organisation representatives as follows to accommodate Cr Low:

-

COUNCIL RESOLUTION

MOVED: Cr Batten

SECONDED: Cr Elliott-Lockhart

Council amend the current Committee, Working/Advisory Groups and external organisation representatives as follows:

- Community Growth Fund Advisory Group – Remove Cr Elliott-Lockhart and add Cr Low.
- Moresby Ranges Conservation Park Visitor Plan Steering Group – Add Cr Low as proxy Representative.
- Batavia Emergency Management Committee – Remove Cr Forth and add Cr Humphrey.

Voting F8/A0

CARRIED

Minute Reference: 12/21-07

Reason for Deviation from Staff Recommendation: Staff Recommendation was purposely left open and Council took the opportunity to consider other changes to the Committee, Working/Advisory Groups and external organisation representation.

10.3.2

Local Government Act Reform

PROPOSERS:	Department of Local Government Sport & Cultural Industries
SITE:	Local Government Authorities - Statewide
FILE REFERENCE:	404.02
PREVIOUS REFERENCE:	Minute Reference: 02/19-2 & 09/20-15
DATE:	15 December 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	WALGA Advocacy Position Paper		✓
10.3.4(b)	State Government Parliamentary Select Committee into Local Government Report		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the February 2019 OCM regarding Stage 2 of the Local Government Act Review process being undertaken by the Department of Local Government, Sport & Community Industries (DLGSCI):

“Council endorse the Stage 2 Local Government Act Review Survey responses as provided at Attachment 10.3.3(a) and lodge these as the Shire of Chapman Valley’s submission on the review process to both the Western Australian Local Government Association and the Department of Local Government Sport and Cultural Industries.”

Council then resolved the following at the September 2020 OCM:

“Council

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

Council also resolved the following at the December 2020 OCM:

“Council endorse the Western Australian Local Government Association’s Advocacy Paper - Positions for a new Local Government Act as presented (in principle) under the following conditions:

- 1. Council will retain its current position on previously considered recommendations from the Local Government Review Panel – Final Report for new Local Government Act for WA as per Minute Reference 09/20-15;*

2. Council will reserve the right to advocate a position different from any position adopted by Western Australian Local Government Association's or the Northern Country Zone on any specific recommendation(s) or issue(s) raised as part of the Local Government Act Review process;
3. The Chief Executive Officer is to present to Council any proposed legislative changes being advocated from any source, which it is felt may require Council's consideration, attention and advocacy."

- and -

"Council endorse the responses to recommendations from the City of Perth Inquiry (Attachment 10.3.4(d)) and the State Government Parliamentary Select Committee into Local Government for new Local Government Act for WA (Attachment 10.3.4(c)) and submit these to the Department of Local Government, Sport & Cultural Industries, Western Australian Local Government Association (WALGA) and the Northern Country Zone of WALGA."

COMMENT

The Local Government Act Reform/Review process has been ongoing for several years, culminating in the latest DLGSCI *"Local Government Reform Summary of Proposed Reforms"* document being release by the Minister on 10 December 2021 and seeking feedback/comments by 4 February 2022

Council has actively participated in the many and varied requests for feedback on the Local Government Act Reform/Review process over many years, including yet not limited to:

Local Government Review Panel – Final Report for new Local Government Act for WA.	65 Recommendations
Inquiry Panel Report into the City of Perth	341 Recommendations (126 generic to the whole of LG)
State Government Parliamentary Select Committee into Local Government	36 Recommendations

Note: A total of 227 generic recommendations effecting the whole LG industry, with many overlapping

The Staff Recommendation on the request for feedback/comment on the latest paper on the proposed reform (i.e. the DLGSCI's *"Local Government Reform Summary of Proposed Reforms"* document) attempts to retain (where possible) the positions Council has already taken when dealing with previous resolution.

An item was presented to the November 2021 Concept Forum on the DLGSCI *"Local Government Reform Summary of Proposed Reforms"* Paper with the CEO's comments included. Councillors were requested to provide their individual comments to the CEO on the paper by 30 November 2021 for these to be included into the December 2021 Agenda Report for Council consideration and formal response. A copy of the Paper, with all comments is provided at **Attachment 10.3.2(a)**.

The Western Australian Local Government Association (WALGA) has provided their comments on the DLGSCI *"Local Government Reform Summary of Proposed Reforms"* paper (see **Attachment 10.3.2(b)**).

STATUTORY ENVIRONMENT

Local Government Act, 1995 & associated Regulations.

POLICY/PROCEDURE IMPLICATIONS

It is yet to be determine if any of the recommended changes to the Act will have an effect on any of the Shire's current Policies and Management Procedures. This will be a separate exercise if/when changes are actually introduced.

FINANCIAL IMPLICATIONS

The financial implications associated with superfluous, overburdening legislation has not been formally measured or analysed, yet is considered to be significant. Sections of the DLGSCI *"Local Government Reform Summary of Proposed Reforms"* focuses on reducing Red Tape and introducing a tiered approach in the proposed legislation. It is hoped these

will reduce the administrative burden; however, it is unfortunate some of the proposed reforms will increase the cost and add to the resource burden of small LGAs.

Long Term Financial Plan (LTFP):

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

The administrative burdens placed on the organisation has been significant over past 20 to 30 years. These administrative burdens are invariably directly associated with the legislative (and executive arm of governments interpretations) burdens place on local governments during this period.

STRATEGIC IMPLICATIONS

Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

As mentioned, this item was presented to the November 2021 Concept Forum with Councillors requested to provide comments to the CEO by 30 November 2021 for inclusion into the December 2021 OCM Agenda.

At the Northern Country Zone meeting on 22 November 2021 it was mentioned WALGA has requested an extension to the deadline for comments/feedback from 4 February 2022, yet it was stated there is no appetite from the Minister for an extension.

RISK ASSESSMENT

Due to the ever-increasing legislative and administrative burdens being placed on local government I would consider the risk being **Major** in this instance if these burdens cannot be removed (or at least diminished) i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

Endorse the following Comments on the the DLGSCI “Local Government Reform Summary of Proposed Reforms” paper:

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> • The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> ○ Suspend or dismiss councils ○ Appoint Commissioners ○ Suspend or, order remedial action (such as training) for individual councillors. • The Act also provides the Director General with the power to: <ul style="list-style-type: none"> ○ Conduct Authorised Inquiries ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal ○ Commence prosecution for an offence under the Act. • Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. • The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> • It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). • The Inspector would receive minor and serious complaints about elected members. • The Inspector would oversee complaints relating to local government CEOs. • Local Governments would still be responsible for dealing with minor behavioural complaints. • The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. • The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. • The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. • The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. • The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). • The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). 	<p>Conditional Support.</p> <p>It will be important for the situation of when the Local Government’s responsibility to deal with a minor behavioural complaint being transitioned to the Inspectorate is clearly detailed.</p> <p>Clear process required on what and when a 'minor' complaint is to be transitioned to Inspectorate.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships Certified Practising Accountants and other financial specialists - to assist with financial management and reporting issues Governance specialists and lawyers - to assist councils resolve legal issues HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. Only the Inspector would have the power to appoint Monitors. Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing</p>	<p>Conditional Support.</p> <p>It would be appropriate for the pool of monitors include people located in the regions and not be metropolitan based only.</p> <p>Will there be a cost to access Monitors as the pool aims to be highly qualified to assist, this may come at a high price?</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council’s code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	
1.3 Conduct Panel		
<ul style="list-style-type: none"> • The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. • Currently, the Panel makes findings about alleged breaches based on written submissions. • The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> • The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication. • The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. • For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. 	<p>Conditional Support.</p> <p>Clarity on how the Control Panel and the Crime & Corruption Committee jurisdiction may be in conflict, specifically if the Control Panel has the power to recommend prosecution through the courts.</p> <p>More clarity required on how the Conduct Panel recommends prosecution. To Whom and How?</p> <p>Process to allow the person the right to address Conduct Panel prior to Panel making a decision/recommendation is fair.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	
1.4 Review of Penalties		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p>Conditional Support</p> <p>This should be accompanied by an automatic adjustments to quorum and Absolute Majority requirements to accommodate the reduction in Elected Members periods.</p>
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these 	<ul style="list-style-type: none"> It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> Require the Presiding Member to issue a clear first warning If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. 	<p>Support</p> <p>This should be accompanied by an automatic adjustments to quorum and Absolute Majority requirements to accommodate the reduction in Elected Members periods.</p> <p>Consistent Standing Orders across all LGA's should not limit efficiencies of existing LGA's who maintain reasonable conduct and procedures.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<p>problems should more quickly resolve problems that occur at council meetings.</p>	<ul style="list-style-type: none"> Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government’s operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person’s query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person’s complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p>Strongly Supported.</p>
1.7 Minor Other Reforms		
<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. 	<p>Support.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none">• It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.	

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<p>Cautious Support.</p> <p>The issue will be the location of the CEO. Experience LGA in-principle support to share a CEO, yet the individual LGAs insisted the CEO must live in their district.</p> <p>This aspect must be dealt with in the very first instance to remove any animosity and ambiguities.</p> <p>Perhaps explore some scenarios and examples on how this may work.</p> <p>This can also be done in all senior management roles but it must be done with outsourcing certain aspect of shire responsibilities and would of course be dependent on the size of the shires involved.</p> <p>Cautious agreement as this could be considered a back door into the State Government achieving their wish to amalgamate smaller shires.</p>
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads. A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. 	<p>Cautious Support.</p> <p>A <i>One-Size-Fits-All</i> approach may not be appropriate as the crossover requirement in a City or large Regional Centre may not</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> The DLGSC will work with the sector to develop standardised design and construction standards. 	<p>be appropriate in a small townsite in a regional remote LGA.</p> <p>Will not work for all LGAs.</p> <p>Consistency would improve the aesthetics of an area but it is very difficult in undulating country and as such these should be a part of the developers responsibility as a part of planning approval as it would also assist in the levels required for road construction.</p>
2.3 Introduce Innovation Provisions		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	Support.
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> Local laws are required to be reviewed every eight years. The review of local laws (especially when they are standard) has been identified as a burden for the sector. Inconsistency between local laws is frustrating for residents and business stakeholders. 	<ul style="list-style-type: none"> It is proposed that local laws would only need to be reviewed by the local government every 15 years. Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. Local governments adopting Model Local Laws will have reduced advertising requirements. 	Support.
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> Inconsistency between local laws and approvals processes for events, street activation, and initiatives 	<ul style="list-style-type: none"> Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> alfresco and outdoor dining 	Support.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
by local businesses is frustrating for business and local communities.	<ul style="list-style-type: none"> ○ minor small business signage rules ○ running community events. 	
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> • Local governments currently prepare individual standing order local laws. • The <i>Local Government Act 1995</i> and regulations require local governments to allocate time at meetings for questions from the public. • Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<ul style="list-style-type: none"> • To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. • Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. • Members of the public across all local governments would have the same opportunities to address council and ask questions. 	<p>Conditional Support.</p> <p>As per previously mentioned, standard requirements must not be onerous or reduce efficiencies of meetings.</p>
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> • Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal “organisations of councils”, such as NEWROC and WESROC. • These initiatives typically have to be managed by a lead local government. • In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. • So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> • Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> ○ Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments ○ Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds ○ Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk ○ Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p>Support.</p>

Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> • Currently, local governments are only required to make written minutes of meetings. • While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. • Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. • Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as: <ul style="list-style-type: none"> ○ Growth and development ○ Strategic planning issues ○ Demands and diversity of services provided to the community ○ Total expenditure ○ Population ○ Staffing levels. 	<ul style="list-style-type: none"> • It is proposed that all local governments will be required to record meetings. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. • Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. • Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. • All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	<p>Cautious Support.</p> <p>Does the band 3 or 4 LGA have to store and archive the audio recordings of meetings?</p> <p>If so how long are these recordings required to be held by the LGA?</p> <p>Is the intention for all video & audio records of meetings to be stored & archived by the DLGSC or is this only the confidential items?</p> <p>Extra resources required to carry out this activity, data storage capacity and IT costs.</p> <p>Reduces LGA's ability to hold meetings in other locations.</p> <p>Agree with the reason and intention of recordings or livestream, but logistics and capabilities need attention.</p>
3.2 Recording All Votes in Council Minutes		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. Regulations would prescribe how votes are to be consistently minuted. 	Support.
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<p>Conditional Support.</p> <p>There needs to be some flexibility as situations arise where the LGA may wish to keep a resolution confidential until the President can release the information (e.g. Australia Day Award Recipients are withheld until Australia Day).</p> <p>Does the LGA also have to store and archive confidential recordings?</p> <p>More detail of proposed reform required.</p>
3.4 Additional Online Registers		
<ul style="list-style-type: none"> Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. Consistent online publication of information can substitute for certain material in annual reports. Consistency in online reporting across the sector will provide ratepayers with better information. 	<ul style="list-style-type: none"> It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. The following new registers, each updated quarterly, are proposed: <ul style="list-style-type: none"> Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) Community Grants Register to outline all grants and funding provided by the local government 	<p>Cautious Support.</p> <p>The ever-increasing number and types of Registers is becoming an issue. Specifically the internal administrative resources required to ensure these Registers are maintained and updated is an issue.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> ○ Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council ○ Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking ○ Contracts Register that discloses all contracts above \$100,000. 	<p>It would also be appropriate for the DLGSC to put out a list and templates on the currently (and future) Register required under the LG Act.</p>
<p>3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published</p>		
<ul style="list-style-type: none"> • It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. • The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria. • Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> • To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> ○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) ○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) ○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<p>Disagree.</p> <p>Unsure what such exposure would achieve other than provided ammunition to disgruntled, vexatious complainants in the community to be used against the CEO.</p> <p>Surely the Council as the employer of the CEO should be the only people needing this information.</p> <p>No other organisation is required to publish CEO KPI's. Should remain as a standard internal procedure but not for external publication.</p>

Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> • There is currently no requirement for local governments to have a specific engagement charter or policy. • Many local governments have introduced charters or policies for how they will engage with their community. • Other States have introduced a specific requirement for engagement charters. 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. • A model Charter would be published to assist local governments who wish to adopt a standard form. 	<p>Cautious Support.</p> <p>Dependent upon the detail in the Model Charter.</p> <p>This should not be an administrative burden, adding to the already excessive Red tape LGAs are required to work under.</p> <p>Agree with a 'model charter' but not mandated. Every community is different therefore one size fits all approach should be avoided.</p>
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> • Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. • These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. • Results would be required to be reported publicly at a council meeting and published on the local government's website. • All local governments would be required to publish a response to the results. 	<p>Cautious Support.</p> <p>As long as this doesn't flow onto band 3 & 4 LGAs at some time in the future.</p> <p>Service Delivery Plan/Review could be useful and used as something to benchmark and work toward. Would rather see support or guidance for this instead.</p>
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> • The current voting method for local government elections is first past the post. • The existing first-past-the-post does not allow for electors to express more than one preference. • The candidate with the most votes wins, even if that candidate does not have a majority. 	<ul style="list-style-type: none"> • Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. • In preferential voting, voters number candidates in order of their preferences. 	<p>Disagree.</p> <p>The purest indication of a preferred candidate is by the <i>First Past the Post</i> system of voting.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> • Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. • All other states use a form of preferential voting for local government. 	<p>Would have thought the Labour Government’s platform of “<i>One-Vote One Value</i>” would complete the “<i>First Past the Post</i>” system of voting as they both appear to be focused on electoral equality.</p> <p>LGA's voting is not compulsory therefore those that vote will have their preferences in mind anyway.</p>
<h4>4.4 Public Vote to Elect the Mayor and President</h4>		
<ul style="list-style-type: none"> • The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> ○ by the electors of the district through a public vote; or ○ by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> • Mayors and Presidents of all local governments perform an important public leadership role within their local communities. • Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. • Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. • A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<p>Disagree.</p> <p>Evidence from both systems indicate the popularly elected Mayor/President system leads to the situation of the Mayor/President not feeling they have any obligation or commitment to Council as the Council did not elect them.</p>
<h4>4.5 Tiered Limits on the Number of Councillors</h4>		
<ul style="list-style-type: none"> • The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. • The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> • It is proposed to limit the number of councillors based on the population of the entire local government. • Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. • The Local Government Panel Report proposed: <ul style="list-style-type: none"> ○ For a population of up to 5,000 – five councillors (including the President) ○ population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) ○ population of above 75,000 – nine to fifteen councillors (including Mayor). 	<p>Disagree.</p> <p>LGAs with populations up to 5,000 should have the option of having five to seven Councillors. Not restricted to five. This will assist with the difficulties in establishing quorums and achieving Absolute majority Votes when required in situation where Councillors are absent. Examples are LGAs in broadacre agriculture areas where it is difficult getting Councillors to meetings during seeding & harvest seasons.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		Cost of paying councillors is insignificant when the focus should be on diversity, skillset and responsibility those elected.
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> • A local government can make an application to be divided into wards, with councillors elected to those wards. • Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> • It is proposed that the use of wards for councils in bands 3 and 4 is abolished. • Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government’s election. • In smaller local governments, the population of wards can be very small. • These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. • There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	Support.
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> • A person with a lease in a local government district is eligible to nominate as a candidate in that district. • A person with a lease in a local government district is eligible to apply to vote in that district. • The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> • Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. • The City of Perth Inquiry Report identified sham leases as an issue. • Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> ○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. ○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. 	Support.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. • The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. • The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> • Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> • Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	Support.
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> • Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> • Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> ○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) ○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls. 	Conditional Support. Subject to more detail of rule for use of electoral rolls.

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> The Act does not currently outline specific principles. The Act contains a short “Content and Intent” section only. The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> The recognition of Aboriginal Western Australians Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) Community Engagement Financial Management. 	Support.
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government’s affairs be responsible for the performance of the local government’s functions. 	<ul style="list-style-type: none"> The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. It is proposed that these roles and responsibilities are further defined in the legislation. These proposed roles will be open to further consultation and input. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	Support.
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act Developing and maintaining professional working relationships between councillors and the CEO Performing civic and ceremonial duties on behalf of the local government 	Support.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> ● It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. ● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> ○ Making significant decisions and determining policies through democratic deliberation at council meetings ○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council ○ Providing a safe working environment for the CEO; ○ Providing strategic direction to the CEO; ○ Monitoring and reviewing the performance of the local government. 	Support.
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> ● It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. ● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: <ul style="list-style-type: none"> ○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) ○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council 	Support.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Applying relevant law and policy in contributing to the decision-making of the council ○ Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions ○ Communicating the decisions and resolutions of council to stakeholders and the public ○ Developing and maintaining professional working relationships with all other councillors and the CEO ○ Maintaining and developing their knowledge and skills relevant to local government ○ Facilitating public engagement with local government. ● It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 	
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> ● The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. ● To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. ● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions ○ Facilitating the implementation of council decisions ○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council ○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council 	Support.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) ○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council ○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	
5.3 Council Communication Agreements		
<ul style="list-style-type: none"> • The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. • The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> • In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. • It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. • These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. • A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<p>Conditional Support.</p> <p>Subject to this not being an additional administrative burden on small under resourced LGAs.</p> <p>Legislation needs to clarify the communication between all Elected Members and the CEO, not just the President and CEO relationship.</p>
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
<ul style="list-style-type: none"> • Elected members are eligible to receive sitting fees or an annual allowance. • Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. • Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> • It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. • Superannuation is widely recognised as an important entitlement to provide long term financial security. • Other states have already moved to allow councils to make superannuation contributions for councillors. • Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. 	<p>Disagree.</p> <p>Superannuation is an employer's obligation to an employee.</p> <p>Elected Members are not employees.</p> <p>A decision will be based on ATO determination not LGA's. State Govt committees are already paying</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions. 	superannuation, so it may be inevitable that LGA's will follow eventually.
5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	Support.
5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. This is commonly a point of public confusion. 	<ul style="list-style-type: none"> A statewide caretaker period for local governments is proposed. All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. There are consistent election conduct rules for all candidates. 	Disagree. State Government election cycles are every four years, whereas Local Government election are every two years. This will result in there being a caretaker periods in LG every two years. It also depends on when the caretaker period is to commence and end. If this is the commence at the time Nominations are called (first week of September) and conclude when new (or returning) Elected Members are sworn in (e.g. late October)

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>this could create a logistical issue with the LG's decision making process.</p> <p>The other uncertainty is whether the propose caretaker period also includes Extraordinary Election, which occur more regularly immediately after the biennial LG Ordinary Election process.</p> <p>No caretaker period should be imposed on LGA's, they are the most connected form of government to the community and should not be held accountable for inability to perform and make decisions due to a caretaker handbrake. Election timing should be fluid.</p>
5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	Support.
5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<p>Support.</p> <p>It would be appropriate for the panel members include people located in the regions and not be metropolitan based only.</p>

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> • The financial statements published in the Annual Report is the main financial reporting currently published by local governments. • Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. • The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> • The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. • It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. • Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. • The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. • Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. • It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. • Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. • Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process. 	<p>Support.</p>
6.2 Simplify Strategic and Financial Planning		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. • There is also the Integrated Planning and Reporting (IPR) framework. • While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> • Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. • The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. • In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. • Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. • It is proposed that the plans that are required are: <ul style="list-style-type: none"> ○ Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC ○ Simplified Asset Management Plans to consistently forecast costs of maintaining the local government’s assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape ○ Simplified Long Term Financial Plans will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years ○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – 	<p>Cautious Support.</p> <p>This may also need a Tiered approach as the Templates should be structure under the premise of <i>One Size Fits All</i>.</p> <p>Most small LGA Plans service the organisation and the community better the simpler they are.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>providing a forecast to ratepayers (updated at least every four years)</p> <ul style="list-style-type: none"> ○ The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments. 	
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> • Local governments are not required to have a rates and revenue policy. • Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> • The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. • A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. • The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. • A template would be published for use or adaption by all local governments. • The Local Government Panel Report included this recommendation. 	<p>Unsure.</p> <p>Isn't this already covered under the Long Term Financial Plan and part of the existing Rate Setting Budget financial statement?</p> <p>The Rate Setting Budget actually balances the LGAs Annual Budget (excluding Non-Cash items). Not sure what the proposed Rates & Revenue Policy is going to achieve, other than duplicate what already exists.</p> <p>Overcomplicating the system.</p>
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> • No legislative requirement. • Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> • The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. • This provides oversight of incidental local government spending. 	<p>Support.</p> <p>This is already happening in the Shire of Chapman Valley, though is appropriate to legislate this requirement.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<p>Support.</p> <p>Dependent on the outcome of proposed new ratios.</p>
6.6 Audit Committees		
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<p>Disagree.</p> <p>The current OAG audit process, combined with the requirement for an LGA to have an independent member on their Audit Committee should suffice for small (band 3 & 4) LGAs.</p> <p>This is another <i>One Size Fits All</i> approach and needs to be tiered. This will become an additional cost burden on the LGA specifically if the proposed structure of the Audit Committee is to be predominantly independent and external to the LGA. These people will not be doing this for nothing.</p>
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. This is not currently provided for under the Act. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. This would allow local governments to lend funds to improve buildings within their district. Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<p>Support.</p> <p>Dependent on this being at the discretion of the LGA and not mandated.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> No requirement for separation of waste changes on rates notice. Disclosure will increase ratepayer awareness of waste costs. The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). This would provide transparency and awareness of costs for ratepayers. 	<p>Unsure.</p> <p>The Rate Notice already shows the waste collection service separately. Not sure what other waste service (property specific) would be relevant to small regional LGAs and perhaps a Tiered approach would be appropriate here?</p>

Council En Bloc
Voting F8/A0
CARRIED
Minute Reference: 12/21-02

10.3.3 2020/2021 Annual Report and Annual General Meeting of Electors

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	NA
DATE:	15 December 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	2020/2021 Annual Report		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to accept the Shire of Chapman Valley 2020/2021 Annual Report, receive the Auditors Report and Management Letter and set a date/time for the Annual General Meeting of Electors. The Annual Report is provided under separate cover at **Attachment 10.3.1(a)**.

When considering setting a date for the Annual General Meeting of Electors it is a requirement of s5.27 'Electors General Meeting' of the Local Government Act 1995 this meeting can be no later than 56 days after accepting the Annual Report (this will be 8 February 2022 if Annual Report is accepted at today's meeting).

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2019/2020 financial year on 11 March 2021 at the Council Chambers, Nabawa commencing at 6.00pm

COMMENT

The Staff Recommendation is suggesting the date, time and location to hold the next Annual General Meeting of Electors as being:

- ~ **Monday 7 February 2022**
- ~ **Commencing at 6.00pm**
- ~ **Council Chambers, Nabawa**

As mentioned, the Act stipulates the Annual General Meeting of Electors must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore, as mentioned, the latest date the meeting could be held is the 8 February 2022.

It is important to maximise attendances at the Annual General Meeting of Electors by constituents, hence the Staff Recommendation has suggested a date and time, which is in the evening.

STATUTORY ENVIRONMENT

Local Government Act 1995

The Local Government Act 1995 states the following:

"5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*

(2) A general meeting is to be held on a day selected by the local government but **not more than 56 days after the local government accepts the annual report** for the previous financial year.

(3) The matters to be discussed at general electors' meetings are to be those prescribed."

5.29. Convening electors' meetings

(1) The CEO is to convene an electors' meeting by giving —

(a) at least 14 days' local public notice; and

(b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.

(2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.32. Minutes of electors' meetings

The CEO is to —

(a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and

(b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

5.54. Acceptance of annual reports

(1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government **no later than 31 December after that financial year.**

* Absolute majority required.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy/Procedure affected.

FINANCIAL IMPLICATIONS

Nil affect for current financial year.

Long Term Financial Plan (LTFP):

Nil affect.

STRATEGIC IMPLICATIONS

It is considered appropriate (by the legislators at least) to conduct the Annual General Meeting of Electors to retain open and accountable governance and communication with the Shire's constituents.

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 Shire President, relevant staff and the Shire's Auditors have been consulted and had input into the development of the 2020/2021 Annual Report.

Members of the Shire of Chapman Valley's Finance Audit & Risk Management Committee were all invited to participate in the "Audit Exit Meeting" with the Office of the Auditor General (OAG).

RISK ASSESSMENT

Insignificant risk of non-compliance with legislation to complete this activity in accordance with the Local Government Act and associated Regulations.

Insignificant risk of not conducting the Annual General Meeting of Electors at an appropriate time/date to provide constituents to opportunity to attend.

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

Staff Recommendation 1 - Absolute Majority

Staff Recommendation 2 – Simple Majority

COUNCIL RESOLUTION/STAFF RECOMMENDATION 1 (*Absolute Majority Vote Required*)

MOVED: Cr Batten

SECONDED: Cr Elliott-Lockhart

Council accepts the Annual Report for the 2020/2021 Financial Year as required by s5.54 of the *Local Government Act 1995* as presented.

Voting F8/A0
CARRIED
Minute Reference: 12/21-08

STAFF RECOMMENDATION 2 (Simple Majority Vote Required)

Council:

- 1 Receives and accepts the Auditors Financial Report for 2020/2021;
- 2 Receives and accept the Auditors Management Report 2020/2021;
- 3 Set the date for the Annual General Meeting of Electors for the 8 February 2022, commencing 6.00pm at the Nabawa Council Chamber and advertise this meeting accordingly.
- 4 Request the CEO give local public notice of the availability of the Annual Report as required by s5.55 the Act:
- 5 Publish the Report on the Shire Website within 14 days of Council acceptance in accordance with s5.55A of the Act;
- 6 Provides a copy of the Shire of Chapman Valley 2020/2021 Annual Report to the Director General of the Department of Local Government.

ALTERNATIVE RECOMMENDATION 2

MOVED: Cr Humphrey

SECONDED: Cr Low

Council:

- 1 Receives and accepts the Auditors Financial Report for 2020/2021;
- 2 Receives and accept the Auditors Management Report 2020/2021;
- 3 Set the date for the Annual General Meeting of Electors for the 8 February 2022, commencing 6.00pm at the Bill Hemsley Park Community Centre and advertise this meeting accordingly.
- 4 Request the CEO give local public notice of the availability of the Annual Report as required by s5.55 the Act:
- 5 Publish the Report on the Shire Website within 14 days of Council acceptance in accordance with s5.55A of the Act;
- 6 Provides a copy of the Shire of Chapman Valley 2020/2021 Annual Report to the Director General of the Department of Local Government.

Voting F8/A0
CARRIED
Minute Reference: 12/21-09

Reason for Deviation from Staff Recommendation: To bring together Strategic Community Plan community consultation in the Western Regions & Annual General Meeting of Electors to the Bill Hemsley Park Community Centre to both reach out to the community and combine these events to maximise attendance.

10.3.4 Tourism & Events Advisory Group

PROPONENTS:	Tourism & Events Advisory Group
SITE:	Shire of Chapman Valley
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	Nil
DATE:	15 December 2021
AUTHOR:	Maurice Battilana, Chief Executive Officer

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	CONFIDENTIAL – TEAG Minutes		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Tourism & Events Advisory Group (TEAG) met on 29 November 2021. Minutes from this meeting have been provided under separate cover (see **Attachment 10.3.4(a)**) due to the need to keep the Australia Day Award nominations and recommended recipients confidential until they are announced at the Australia Day Event to be held on the 26th January 2022.

Councillors and Staff are therefore requested to treat the TEAG Minutes as CONFIDENTIAL.

COMMENT

The TEAG met to discuss:

- Australia Day Award Nominations - Selection Panel Terms of Reference
- Australia Day - Community Function
- 2021-22 Budget - Signage
- 2021-22 Budget – Entry Statements/Art Installations
- Public Wi-Fi

Due to the need for confidentiality this Report, and the Staff Recommendation will not mention the recommended Australia Day Award recipients.

STATUTORY ENVIRONMENT

Not applicable.

POLICY/PROCEDURE IMPLICATIONS

Below is an extract from Management Procedure CMP-033 (Honour Awards) relevant to the Australian Day Awards:

Shire of Chapman Valley Australia Day Awards and Function

For personal commitment, service and contribution to the community of the Shire of Chapman Valley

Nominations called in October and close in November (or as determined by the Australia Day Council).

The Council Appointed Working Group shall:

- *Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function.*
- *Assist with coordinating the annual Australia Day function(s).*
- *Discuss all other item(s) referred to them by Council in the areas of tourism and events.*

FINANCIAL IMPLICATIONS

No financial implications are envisaged at this stage as the costs for Australia Day Awards/Event has been budgeted for as per previous years and it not expected to exceed this amount.

Long Term Financial Plan (LTFP):

No adverse effect of the LTFP envisaged.

STRATEGIC IMPLICATIONS

It is important to both recognize the achievement of constituents and Australia Day.

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

CONSULTATION

The TEAG met with staff to determine a recommendation to Council for award recipient(s) and event details.

Tom Davies, the Shire of Chapman Valley 2021 Citizen of the Year recipient, was approached and agreed to participate in the assessment of the forthcoming Australia Day awards.

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

COUNCIL RESOLUTION/ADVISORY GROUP RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Elliott-Lockhart

ADVISORY GROUP RECOMMENDATIONS – TEAG 11/21-4

Council endorse the Tourism & Events Advisory Group's recommendation for recipients of the 2022 Australia Day Awards.

**Voting F8/A0
CARRIED
Minute Reference: 12/21-10**

COUNCIL RESOLUTION/ADVISORY GROUP RECOMMENDATION

MOVED: Cr Forth

SECONDED: Cr Batten

ADVISORY GROUP RECOMMENDATIONS – TEAG 11/21-5

- a) Council endorse the Australia Day Community Function be held on Wednesday 26 January 2022 from 8.00am to 10.00am at Coronation Beach.
- b) Council delegated authority the CEO to approach local businesses for catering options for the Australia Day Community Function.

Voting F8/A0

CARRIED

Minute Reference: 12/21-11

COUNCIL RESOLUTION/ADVISORY GROUP RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

ADVISORY GROUP RECOMMENDATIONS – TEAG 11/21-6

Council endorse the Tourism and Events Advisory Group’s recommendation for the appointment of a local artist to undertake (within the provided budget allocation) the preparation of designs and costings for entry statements/themed art installations at Coronation Beach, Coronation Beach Road turnoff and Mills Lookout.

Voting F8/A0

CARRIED

Minute Reference: 12/21-12

9.57am - Cr Low declared a financial interest and left the meeting.

COUNCIL RESOLUTION

MOVED: Cr Batten

SECONDED: Cr Forth

Council resolve to allow Cr Low to return to chambers for discussion on the item.

Voting F7/A0

CARRIED/LAPSED

Minute Reference: 12/21-13

9.59am - Cr Low returned to the meeting for the item discussion.

COUNCIL RESOLUTION/ADVISORY GROUP RECOMMENDATION

MOVED: Cr Batten

SECONDED: Cr Forth

ADVISORY GROUP RECOMMENDATIONS – TEAG 11/21-7

Council endorse the Tourism and Events Advisory Group’s recommendation to investigate the provision of free public Wi-Fi at the following Shire locations for consideration in the draft 2022/2023 Council budget (including a budgetary annual operating expenditure of approximately \$1,000 for each site):

-
- Bill Hemsley Park Precinct (estimated Capex - \$5,000);
 - Nabawa Community Centre Precinct (estimated Capex - \$2,500 - can utilise the connection at the library to bridge to community centre);
 - Yuna Multipurpose Community Centre (estimated Capex \$2,500 - internet installed, just requires larger Wi-Fi antenna to boost signal);
 - Nanson Museum Precinct (estimated Capex - \$5,500).
 - Nanson Showgrounds.

10.07am - Cr Low left the meeting prior to the vote.

Voting F7/A0

CARRIED

Minute Reference: 12/21-14

10.08am - Cr Low returned to the meeting.

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Aboriginal Cultural Recognition

10.09am - Cr Humphrey declared a impartiality interest in the item and left the meeting.

Cr Forth requested all individual Elected Members votes for & against all resolutions associated with this Item be recorded in the Minutes.

11.1 Aboriginal Cultural Recognition

PROPONENT:	Cr Trevor Royce
SITE:	Shire of Chapman Valley
FILE REFERENCE:	1102.00
PREVIOUS REFERENCE:	NA
DATE:	15 December 2021
AUTHOR:	Cr Trevor Royce (in consultation with Maurice Battilana, Chief Executive Officer)

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
11.1(a)	Reconciliation Australia - Aboriginal Flag Q & A		✓
11.1(b)	Australian Government – Excerpt from the Australian Flag Booklet		✓
11.1(c)	Flag Act 1953		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council agreed at the November 2021 Concept Forum to consider an Agenda Item at an Ordinary Council Meeting on aspects of Aboriginal Cultural Recognition, including:

- Flying the Aboriginal Flag; and
- Acknowledgement announcement at the beginning of formal meetings.

COMMENT

Acknowledgement of Country

An Acknowledgement of Country commonly involves the Presiding Member at meetings saying something along the following lines:

“I would like to acknowledge the traditional owners of the land we are meeting on today, the Naaguja people, and we pay our respects to elders both past, present and emerging.”

The CEO has discussed the above wording with Theona Councillor from the Naaguja Warangkarri Corporation, which has been confirmed by Theona as appropriate. Contact was also made with the Yamatji Marlpa Aboriginal Corporation who indicated they were comfortable with this wording.

The Shire President has been consulted on the *Acknowledgement of Country* wording.

[Note: A Welcome to Country is different to an Acknowledgement of Country. A Welcome to Country is a ceremony performed by a local Aboriginal person of significance (usually an Elder) to acknowledge and give consent to events taking place on their traditional lands.]

Aboriginal Flag

Regarding the concept of flying the Aboriginal Flag at the Shire Office precinct, the following attachments are provided to assist in discussions:

- Reconciliation Australia - Aboriginal Flag Q & A (**Attachment 11.1(a)**);
- Australian Government – Excerpt from the Australian Flag Booklet (**Attachment 11.1(b)**);
- Flag Act 1953 (**Attachment 11.1(c)**)

It has been suggested one way of embracing the Aboriginal culture for this Shire is to undertake some cultural awareness forums with the Naaguja Group. This remains important, yet a more immediate and equally effective way of embracing this sector of our community would be to fly the Aboriginal Flag as many other LGAs across the nation do.

An expenditure amount of \$5,000 has been placed in the 2021/2022 Adopted Budget for Aboriginal Cultural awareness. I am recommending these funds (and any additional funds required) be used to install three new Flagpoles (and removing the existed pole) so the Australian, Western Australian and the Aboriginal Flags can be flown.

STATUTORY ENVIRONMENT

CEO's Comments

Flag Act, 1953 and amendments.

Order of Precedence

The Australian National Flag takes precedence in Australia over all other flags when it is flown in company with other flags.

Thereafter when flown in the community the order of precedence of flags is:

2. National Flag of other nations
3. State and Territory Flags
4. Other flags prescribed by the Flags Act 1953 including:
 - ~ **the Australian Aboriginal Flag and the Torres Strait Islander Flag in either order**; and
 - ~ the Defence ensigns which should be flown in the following order:
 - * the Australian Defence Force Ensign
 - * the Australian White Ensign
 - * the Royal Australian Air Force Ensign.
5. Ensigns and pennants – local government; Commonwealth, state and territory agencies; non-government organisations

The order of precedence may be varied in the following circumstances:

- On military occasions or establishments, the Australian National Flag may be followed in the order of precedence by the prescribed Defence ensigns and military pennants ahead of other flags, ensigns and pennants.
- **On Commonwealth occasions and Aboriginal or Torres Strait Island occasions for their peoples, the Australian Aboriginal Flag or the Torres Strait Islander Flag may follow the Australian National Flag ahead of other flags prescribed under the Flags Act 1953, state and territory flags and other ensigns and pennants.**

The order of the State flags is New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania (the order in which the State badges appear on the Commonwealth Coat of Arms) with flags of the Australian Capital Territory and the Northern Territory following in alphabetical order.

In the absence of a flag or flags higher in the order, a flag shall follow the flag being flown that is higher in the order.

The order of precedence does not require that a flag listed in the order must be flown in company with other flags in the order.

POLICY/PROCEDURE IMPLICATIONS

Council the current Corporate Management Procedure in place

MANAGEMENT PROCEDURE No.	CMP-023
MANAGEMENT PROCEDURE	FLAG
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	6.50
RELEVANT DELEGATIONS	

OBJECTIVES:

Set conditions for flying the flag at the Shire of Chapman Valley Office.

MANAGEMENT PROCEDURE STATEMENT/S:

The Flag at the Shire offices to be flown only during normal office hours other than specific days (e.g. Anzac Day, local funerals, etc.) when alternative arrangement may be made to fly the flag.

It is felt this Procedure should be amended to reflect the requirements of the Flag Act and protocols if Council agrees to install additional flag poles at the Shire Offices in Nabawa.

The Chief Executive Officer has provided the following amended to CMP-023 for Council consideration:

MANAGEMENT PROCEDURE No.	CMP-023
MANAGEMENT PROCEDURE	FLYING FLAGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	6.50
RELEVANT DELEGATIONS	

OBJECTIVES:

The objective of this Policy is to ensure the Shire's protocols and practice of flying, displaying and lowering flags to half-mast is exercised in a consistent, respectful and appropriate manner.

MANAGEMENT PROCEDURE STATEMENT/S:

Introduction

The Australian National Flag is to be flown/displayed in ordinary working hours on ordinary working days. Where additional flag poles exist, other flags may be flown/displayed in the following order of priority:

- *Australian National Flag.*
- *Western Australia State Flag.*
- *Aboriginal Flag.*

Flying flags

Flags will be flown in accordance with the Australian National Flag Protocols.

When flags may be flown at half-mast

The Shire may fly flags at half-mast on specific occasions to commemorate a solemn occasion, including:

- a) To coincide with national, state or regionally significant events (generally at the behest of the various levels of government protocol arrangements).
- b) When a current or former Elected Member of the Shire passes away.
- c) When a Freeman of the Shire passes away.
- d) When a current Shire employee passes away.
- e) At the Shire President request when a local identity (not mentioned above) passes away.

When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last

Approval to fly the flags at half-mast is to be given by the Chief Executive Officer on agreement from the Shire President.

Legislation Requirements

- <https://www.pmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>
- <https://www.dpc.wa.gov.au/GuidelinesAndPolicies/protocol/Pages/Flags.aspx>
- <https://www.pmc.gov.au/resource-centre/government/australian-flags-booklet-part-two>
- Australian Flags Act 1953
- Local Government Act 1995

FINANCIAL IMPLICATIONS

It is being recommended the current allocation of \$5,000 in the Adopted 2021/2022 Budget be used to acquire and install three new flag poles to be located at the Shire Offices. If additional funds are required the CEO is to be authorised to utilise the additional end of year surplus and this be accommodated at the February/March 2022 Budget Review.

Long Term Financial Plan (LTFP):

No effect on the LTFP.

STRATEGIC IMPLICATIONS

It is considered important to recognise the Aboriginal culture in the Shire of Chapman Valley and the *Acknowledgement of Country* prior to Council, Committee and Working/Advisory Group meeting and flying the *Aboriginal Flag* are two symbols of this recognition.

Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required
		Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises.

CONSULTATION

The wording of the *Acknowledgement of Country* was developed after the CEO's consultation with Theona Councillor from the Naaguja Warangkarri Corporation, the Yamatji Marlpa Aboriginal Corporation and the Shire President who have indicated they were comfortable with this wording.

The CEO also assisted with the compilation of this Agenda Report.

RISK ASSESSMENT

The main risk in this situation is reputational, which could range from *Insignificant* to *Catastrophic* depending on how one individually sees the importance of Aboriginal recognition and reconciliation.

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

VOTING REQUIREMENTS

Recommendations 1 & 2 - Simple Majority

Recommendation 3 – Absolute Majority

ELECTED MEMBER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Cr Royce

SECONDED: Cr Low

ELECTED MEMBER RECOMMENDATION 1 (Simple Majority)

Council endorse the following *Acknowledgement of Country* declaration to be made by the Presiding Members at the start of all Council, Committee, Working & Advisory Group Meetings held by the Shire of Chapman Valley:

"I would like to acknowledge the traditional owners of the land we are meeting on today, the Naaguja people, and we pay our respects to elders both past, present and emerging."

**Voting F7/A0
CARRIED**

FOR	AGAINST
Cr Warr	NIL
Cr Batten	
Cr Davidson	
Cr Forth	
Cr Elliott-Lockhart	
Cr Low	
Cr Royce	

Minute Reference: 12/21-15

ELECTED MEMBER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Cr Royce

SECONDED: Cr Low

ELECTED MEMBER RECOMMENDATION 2 (Simple Majority)

Council adopt the following revised Corporate Management Procedure for flying flags:

MANAGEMENT PROCEDURE No.	<i>CMP-023</i>
MANAGEMENT PROCEDURE	<i>FLYING FLAGS</i>
RESPONSIBLE OFFICER	<i>CHIEF EXECUTIVE OFFICER</i>
PREVIOUS POLICY/PROCEDURE No.	<i>6.50</i>
RELEVANT DELEGATIONS	

OBJECTIVES:

The objective of this Policy is to ensure the Shire's protocols and practice of flying, displaying and lowering flags

MANAGEMENT PROCEDURE STATEMENT/S:

Introduction

The Australian National Flag is to be flown/displayed in ordinary working hours on ordinary working days. Where additional flag poles exist, other flags may be flown/displayed in the following order of priority:

- *Australian National Flag.*
- *Western Australia State Flag.*
- *Aboriginal Flag.*

Flying flags

Flags will be flown in accordance with the Australian National Flag Protocols.

When flags may be flown at half-mast

The Shire may fly flags at half-mast on specific occasions to commemorate a solemn occasion, including:

- f) To coincide with national, state or regionally significant events (generally at the behest of the various levels of government protocol arrangements).
- g) When a current or former Elected Member of the Shire passes away.
- h) When a Freeman of the Shire passes away.
- i) When a current Shire employee passes away.
- j) At the Shire President request when a local identity (not mentioned above) passes away.

When flying the Australian National Flag with other flags, all flags in the set should be flown at half-mast. The Australian National Flag should be raised first and lowered last

Approval to fly the flags at half-mast is to be given by the Chief Executive Officer on agreement from the Shire President.

Legislation Requirements

- <https://www.pmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>
- <https://www.dpc.wa.gov.au/GuidelinesAndPolicies/protocol/Pages/Flags.aspx>
- <https://www.pmc.gov.au/resource-centre/government/australian-flags-booklet-part-two>
- Australian Flags Act 1953
- Local Government Act 1995

**Voting F7/A0
CARRIED**

FOR	AGAINST
Cr Warr	NIL
Cr Batten	
Cr Davidson	
Cr Forth	
Cr Elliott-Lockhart	
Cr Low	
Cr Royce	

Minute Reference: 12/21-16

ELECTED MEMBER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Cr Royce

SECONDED: Cr Elliott-Lockhart

ELECTED MEMBER RECOMMENDATION 3 (Absolute Majority)

Council use the current allocation of \$5,000 in the Adopted 2021/2022 Budget for Aboriginal Cultural Awareness to remove the existing and acquire and install three new flag poles to be located at the Shire Offices.

If additional funds are required the CEO is to be authorised to utilise the increased end of year surplus position at the 30th June 2021 to accommodate any shortfall and this be dealt with at the February/March 2022 Annual Budget Review.

**Voting F7/A0
CARRIED**

FOR	AGAINST
Cr Warr	NIL
Cr Batten	
Cr Davidson	
Cr Forth	
Cr Elliott-Lockhart	
Cr Low	
Cr Royce	

Minute Reference: 12/21-17

10.21am - Cr Humphrey returned to the meeting.

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

Nil

13.0 DELEGATES REPORTS

COUNCILLOR	ITEM
Cr Batten	Local Recovery Coordination Group Meetings (STC Seroja), Tourism & Events Advisory Group meeting, Regional Drought Resilience Working Group meeting.
Cr Elliott-Lockhart	Tourism & Events Advisory Group meeting.
Cr Forth	Tourism & Events Advisory Group meeting, For a Better Chapman Valley meeting, Chapman Valley Historical Society end of year BBQ
Cr Humphrey	Strategic Community Plan Working Group meeting.
Cr Warr	Local Recovery Coordination Group Meetings (STC Seroja), Chapman Valley Historical Society end of year BBQ , Teleconference Fire and Emergency Services Volunteer Directions discussion with DFES & WALGA, EOY Primary School Functions x2, Audit Exit Meeting with Office of Auditor General, Strategic Community Plan working Group Meeting, NCZ Meeting, Mel Pexton (State Recovery Coordinator – STC Seroja).

10.38am - Cr Humphrey left the meeting.

10.41am - Cr Humphrey returned to the meeting.

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Shire President & Deputy Shire President thanked departing Chief Executive Officer , Maurice Battilana for his support and contributions over 16 years of service with the Shire of Chapman Valley.

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

Nil

16.0 CLOSURE

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10:53am.