



SHIRE OF

**Chapman Valley**

*love the rural life!*

## ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 17 May 2017  
at the Shire Chambers Nabawa, commencing at 9:00am.

Maurice Battilana  
CHIEF EXECUTIVE OFFICER

# **CONFIRMED MINUTES**

**MAY 2017**

# DISCLAIMER



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

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

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

A handwritten signature in black ink, appearing to read "M. Battilana", is written over a large, light-colored circular scribble.

Maurice Battilana  
**CHIEF EXECUTIVE OFFICER**

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

Section 5.60A:

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

Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –  
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or  
(b) a proposed change to the zoning or use of land that adjoins the person's land; or  
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality):

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

Item No.	Member/Officers	Type of Interest	Nature of Interest

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
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**8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

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**11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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**16.0 CLOSURE**

## ORDER OF BUSINESS:

### 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

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

### 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

#### 3.1 Present

##### a. Councillors

Member	Ward
Cr John Collingwood (President)	North East Ward
Cr Anthony Farrell (Deputy President)	North East Ward
Cr Trevor Royce	North East Ward
Cr Kirrilee Warr	North East Ward
Cr Peter Humphrey	South West Ward
Cr Ian Maluish	South West Ward (till 9.52am)

##### b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Simon Lancaster	Deputy Chief Executive Officer
Mrs Karen McKay	Executive Services Administrator (Minute Taker)
Mrs Dianne Raymond	Manager of Finance & Corporate Services (from 9.55am to 10.24am)

##### c. Visitors

Name	
Nil	

##### Apologies

Name	
Nil	

#### 3.2 Previously Approved Leave of Absence

Name	
Cr Pauline Forrester	North East Ward

**4.0 PUBLIC QUESTION TIME**

4.1 Response to Previous Public Questions On Notice

Nil

4.2 Public Question Time

Nil

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL RESOLUTION**

**MOVED: CR HUMPHREY**

**SECONDED: CR FARRELL**

Cr Royce applied for Leave of Absence for June and Cr Warr for July Council meetings.

**Voting 6/0**

**CARRIED**

**Minute Reference 05/17-1**

**6.0 DISCLOSURE OF INTEREST**

<b>Item No.</b>	<b>Member/Officers</b>	<b>Type of Interest</b>	<b>Nature of Interest</b>
10.1.1	Cr Royce	Proximity	Land adjacent to water sports school
10.1.3	Cr Maluish	Impartiality	Member of the Parkfalls Association

**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**

**COUNCIL RESOLUTION**

**MOVED: CR FARRELL**

**SECONDED: CR HUMPHREY**

**8.1 Ordinary Meeting of Council held on Wednesday 19 April 2017**

That the minutes of the Ordinary Meeting of Council held Wednesday 19 April 2017 be confirmed as a true and accurate record.

**Voting 6/0  
CARRIED  
Minute Reference 05/17-2**

**9.0 ITEMS TO BE DEALT WITH EN BLOC**

**10.0 OFFICERS REPORTS**

# 10.1 Manager of Planning May 2017

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### 10.1 AGENDA ITEMS

- 10.1.1 Proposed Water Sports School
- 10.1.2 Proposed Outbuilding 1 (Lot 20) East Terrace Nanson
- 10.1.3 Bill Hemsley Park



**COUNCIL RESOLUTION**

**MOVED: CR MALUISH**

**SECONDED: CR ROYCE**

That Item 10.1.3 Bill Hemsley Park be bought forward in the meeting.

**Voting 6/0  
CARRIED  
Minute Reference 05/17-3**

*Cr Maluish declared an impartiality interest in this item*

<b>AGENDA ITEM:</b>	<b>10.1.3</b>
<b>SUBJECT:</b>	<b>BILL HEMSLEY PARK</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK</b>
<b>FILE REFERENCE:</b>	<b>A2040</b>
<b>PREVIOUS REFERENCE:</b>	<b>09/09-11, 08/10-3, 04/11-4, 05/11-29, 12/11-3, 04/13-5, 06/13-25, 10/13-3, 02/14-10-13, 06/14-6, 08/14-5 &amp; 11/14-7, 12/14-19-21, 02/15-13, 03/15-4-5, 06/15-9, 09/15-2-8, 11/15-9, 04/16-10-11 &amp; 05/16-9-12, 06/16-1, 06/16-3-10, 07/16-6-9, 08/16-3-5, 11/16-4-7, 12/16-6, 03/17-9-10 &amp; 04/17-10-11</b>
<b>DATE:</b>	<b>9 MAY 2017</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Bill Hemsley Park Management Committee Unconfirmed Minutes 3 May 2017		√
10.1.3(b)	Bill Hemsley Park draft design for the area between the community centre and the nature playground		√

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council resolved at its 17 August 2016 meeting to:

*“Engage the appointed consultant to update the Bill Hemsley Park Concept Plan to reflect the subsequent detailed design work that has been undertaken for the community centre and nature playground aspects of the plan, and to revise the area between these two elements with regard for access and coordinated delivery for further consideration by the Management Committee and Council.”*

The Bill Hemsley Park Management Committee have been undertaking this review and have now endorsed a more detailed design for the area between the community centre and nature playground and this is presented to Council for its consideration.

**COMMENT**

The Bill Hemsley Park Concept Plan, as adopted by Council at its 16 September 2015 meeting, illustrated 3 separate areas of lawn between the community centre and nature playground, each containing a bbq/gazebo.

The eastern grassed area also contained a terraced (stepped) component and a basketball/ball half-court. Fitness equipment was also indicated for either end of the nature playground.

**Figure 10.1.3(a) – Bill Hemsley Park Concept Plan adopted by Council 16/9/15**



With the endorsement of the detailed community centre and nature playground designs by Council at the 17 August 2016 meeting, this enabled progression of more detailed design work for the area between these two now known components.

Management Committee discussion in relation to the design for this area was mindful of the ability to deliver this area in a financially responsible manner to enable coordinated delivery with the community centre and nature playground.

It was generally agreed that the design should have regard for the following:

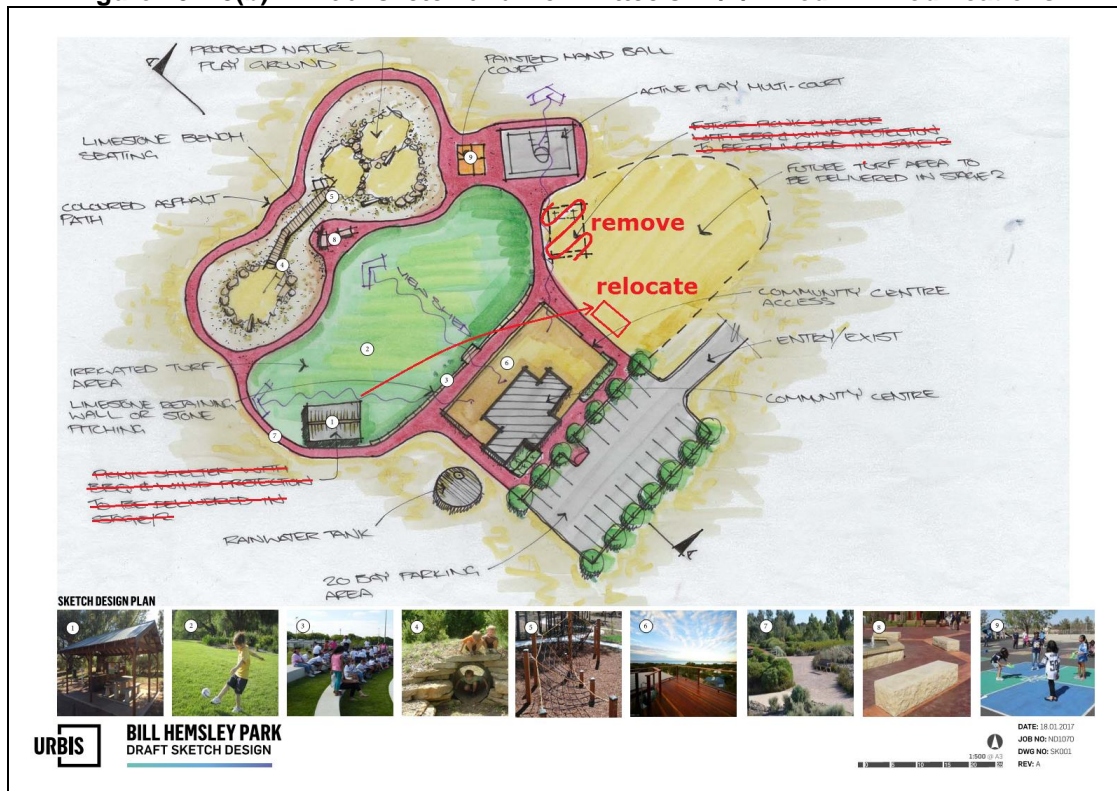
- rather than having 3 lawn areas between the playground and community centre (as shown on the original concept plan) this should instead be consolidated into one smaller lawn area to enable its earlier delivery, and still retain the ability to develop an additional lawn area at a later stage. The grass area as shown on the Urbis sketch was 1,500m<sup>2</sup> which is estimated to require 1,050kl annually based on a usage rate of 0.7kl per m<sup>2</sup> per year;
- develop a bbq/gazebo of a similar style to the design at Fig Tree Crossing (funding for the bbq/gazebo was included in the successful grant lodged with the Mid West Development Commission for the community centre fit-out);
- coloured asphalt pathways between the playground and community centre;
- not have garden beds/plantings/areas requiring watering immediately abutting the community centre on its northern elevation to reflect the decision to have a retaining wall rather than a grassed or landscaped bank (this will avoid damage to the render face of the retaining wall from sprinklers);
- inclusion of half-court/tennis wall area for older children as per the Council endorsed concept plan;
- step-down area on edge of grass area to also serve as seating in event of outdoor community event;
- discussion also considered that the more detailed plan should address the components that were able to be delivered in a timely manner within the adopted budget (in this regard the 2<sup>nd</sup> bbq/gazebo is referenced but not listed for delivery in an initial stage, and the detailed plan does not reference the fitness equipment that was identified in the overall concept plan, with it considered that this is an item that should instead be re-visited at an appropriate, future juncture).

Urbis were subsequently instructed to advance the design to a sketch stage only, to enable this sketch to be presented to the Management Committee for feedback and comment, prior to the design being further advanced.

A copy of the draft sketch was discussed by the Management Committee at the 14 February 2017 meeting where it was recommended “that the Management Committee advise Urbis to relocate the bbq/gazebo as shown in red upon Attachment 5.4 (the sketch for the area between the community centre and nature playground) to inform the further design work.”

A copy of the minutes of the 14 February 2017 Bill Hemsley Park Management Committee meeting were received at the 15 March 2017 Council meeting.

**Figure 10.1.3(b) – initial sketch and Committee’s 14/2/17 red-ink modifications**

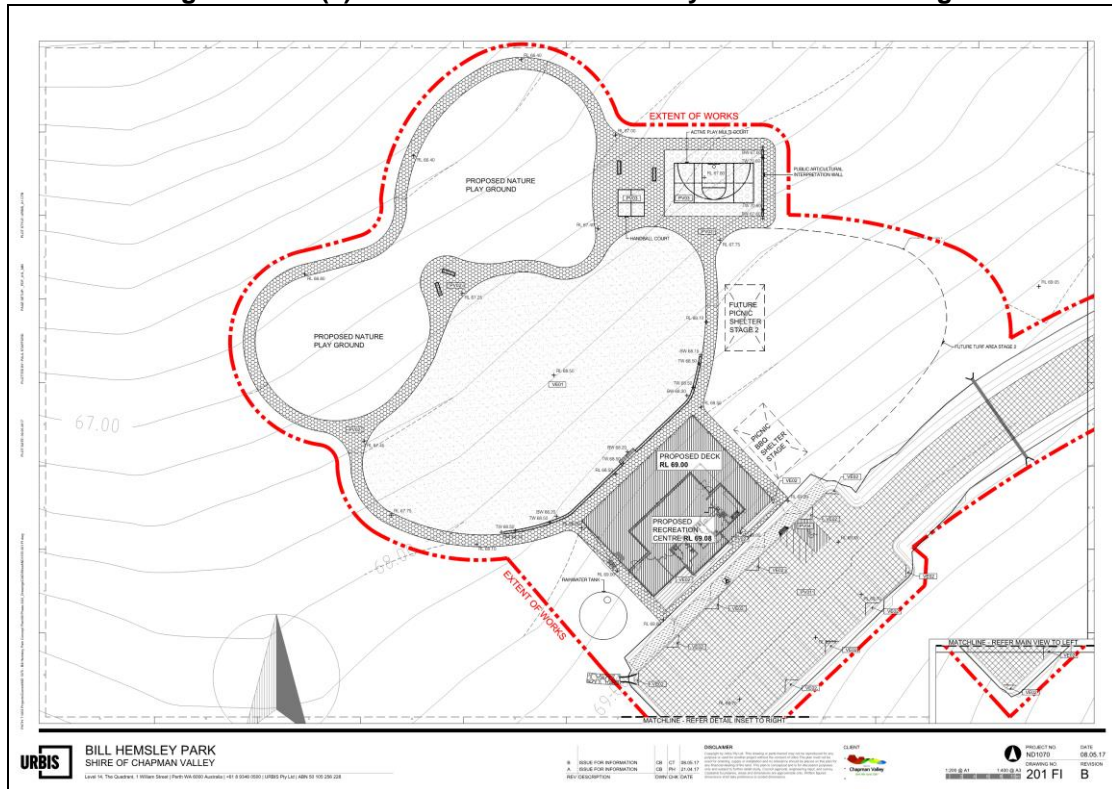


Urbis subsequently prepared a more detailed design for the area between the community centre and the nature playground based on the Management Committee’s feedback and this was provided to the Management Committee for further review.

The Management Committee met on-site on 3 May 2017 and endorsed the design subject to some minor modifications. A copy of the minutes from the 3 May 2017 Bill Hemsley Park Management Committee meeting is provided as **Attachment 10.1.3(a)**.

The design for the area between the community centre and nature playground, modified as per the Management Committee’s recommendation, has been provided as **Attachment 10.1.3(b)** for Council’s consideration.

Figure 10.1.3(c) – extract from Bill Hemsley Park detailed design



Council has also previously resolved at its 15 March 2017 meeting:

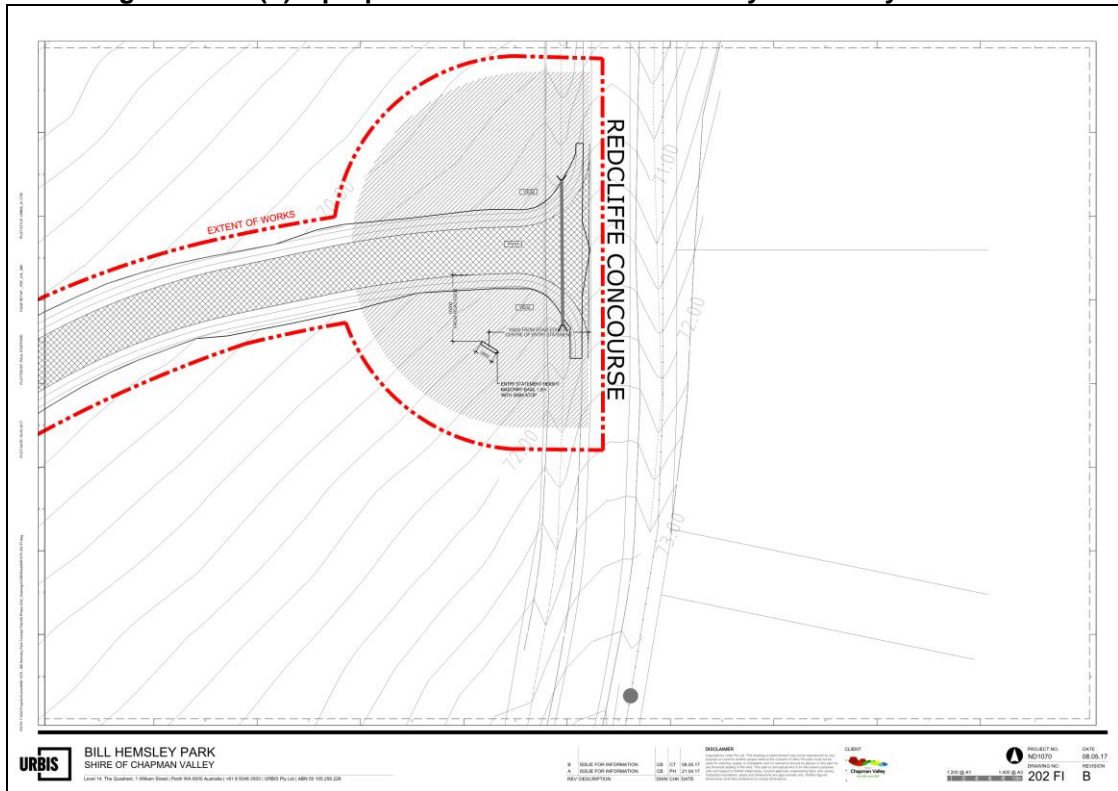
*“That the Community Growth Funds approved for the development of a Bill Hemsley Park Entry Statement by the Parkfalls Residents Association be retained for the 2017/2018 budget in the event that the works are not completed within the 2016/2017 financial year, as commencement of the entry statement project will likely be delayed pending on-site development of the location, grade and ground level of the vehicle entry point to Bill Hemsley Park.”*

With the on-ground commencement of the driveway, the Management Committee were also able to discuss on-site the proposed location for the entry statement that would be delivered by the Parkfalls Residents Association.

The Management Committee reached agreement on a preferred location for the entry statement at its on-site 3 May 2017 meeting, and this location was then reviewed by the Shire’s Manager of Works & Services to ensure it did not present a sightline-issue for vehicles.

The recommended entry statement location is shown upon the plans provided as **Attachment 10.1.3(b)** for Council’s consideration.

**Figure 10.1.3(d) – proposed location for Bill Hemsley Park entry statement**



**STATUTORY ENVIRONMENT**

The legal agreement between the developer of the Parkfalls Estate and the Shire provided the terms for the transfer of the park and payment of funds by the developer to the Shire to be held in trust for expenditure on the park.

The Management Committee Agreement establishes the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the Management Agreement states:

**“3 Decisions not binding on Shire**

*The parties acknowledge and agree that the decisions and recommendations of the Management Committee are advisory only, and are not binding on the Shire or the Shire’s Council.”*

Part 4 of the Management Agreement states:

**“4.1 Use of Trust Payment**

*The Shire covenants and agrees to deposit the Trust Payment into a trust fund in accordance with the provisions of the Local Government Act 1995, and to only use such funds for construction and development upon the Recreation Site.*

**4.2 Acknowledgement**

*The parties covenant and agree that the expenditure of the trust fund can only be approved by the Council of the Shire based on the recommendations of the Management Committee provided such expenditure is for construction and development upon the Recreation Site.”*

The Management Committee at its 5 August 2016 meeting endorsed the proposed expenditure from the Bill Hemsley Park Trust Account as contained within the 2016/2017 Council budget, and this

Management Committee endorsement, along with its 10 November 2015 endorsement, satisfies Part 4 of the Management Agreement and enables expenditure of the trust funds.

## POLICY IMPLICATIONS

Section 5.70 of the Shire of Chapman Valley Policy Manual 2015/2016 notes that in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Financial Management Regulations 1996*, monthly reporting will be provided for trust accounts.

## FINANCIAL IMPLICATIONS

The Shire's 2016/2017 budget, as updated by Council at the 15 March 2017 meeting, contains the following allocations relevant to Bill Hemsley Park.

<b>Bill Hemsley Park Project - Account No.2834, Job: CHEM</b>		
	Expenditure	Income
Nature Playground	\$140,000	\$100,000
		\$40,000
Building Component	\$462,300	\$132,200
		\$200,000
		\$130,100
Drafting & Design Teakle & Lalor (now expended)	\$17,490	\$17,490
Associated Components i.e. Headworks Contingency, Road Surface, Carpark, Plants, Furnishings, Garden Design & species supply, Entrance Wall, Audits, etc.	\$190,440	\$90,440
		\$100,000
<b>Totals</b>	<b>\$810,230</b>	<b>\$810,230</b>

Grant	\$100,000.00
Trust	\$278,030.00
Building Reserve	\$132,200.00
Municipal	\$100,000.00
Loan	\$200,000.00
<b>TOTAL</b>	<b>\$810,230.00</b>

The 2016/2017 Council budget (Account 3184 Job CPKFL) also contains an allocation of \$145,911.71 (comprising \$106,799.17 Shire own resources i.e. Shire labour/equipment and \$39,112.54 cash) for Parkfalls/Bill Hemsley Park works and as at 31 March 2017, \$40,338.48 had been expended, with \$4,375.01 of this material and contracts (i.e. external expenditure) and the remainder being Shire own resources. Council resolved at its 19 April 2017 meeting that the Shire own resources allocation be utilised for required park earthworks, and the balance of the material and contracts component be utilised for sealing and drainage materials costs.

The 2016/2017 budget also includes an allocation of \$20,000 for groundwater testing funded from the Shire's own resources, of which \$19,800 has now been expended to enable the bore drilling and testing work required to provide justification and background for the groundwater grant application (Account 1522).

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan received by Council at its 18 September 2013 meeting identifies this as a major project to be determined by the Management Committee.

## STRATEGIC IMPLICATIONS

The Bill Hemsley Park project is contained within the Capital Building Works Program, as reviewed by the Building & Disability Services Committee and endorsed by Council at its 20 April 2016 meeting.

- **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Plan lists developing community facilities to provide gathering places as a Community Strategy to achieve the outcome of stronger, inclusive communities across the Shire.

## CONSULTATION

The preparation of the Bill Hemsley Park Concept Plan was informed by a community survey undertaken by the Parkfalls Residents Association of 215 White Peak landowners that sought to ascertain what facilities the community wanted, and did not want, to see developed upon the park site. 62 surveys were returned (29% response rate) and the results of the community survey were presented to the Management Committee at its 15 August 2013 meeting.

Council resolved at the 20 August 2014 meeting to accept the Bill Hemsley Park preliminary concept plan (which included all the preferences listed in the community survey, and a meeting room and public toilets to cater for expected demand) and prepare a draft concept plan to send out to all landowners in the Parkfalls Estate seeking feedback.

The draft Bill Hemsley Park Concept Plan was advertised from 30 June 2015 until 24 July 2015 and the consultation period included the following actions:

- direct mail-out of the concept plan to all landowners in the Parkfalls Estate;
- placement of the concept plan on the Shire website;
- placement of a notice in the Shire E-News;
- placement of a sign on-site; &
- placement of a notice on the Parkfalls Estate noticeboard.

There were 222 lots in the Parkfalls Estate owned by 211 landowners at the time of advertising and at the conclusion of the consultation period 42 submissions had been received, representing a response rate of 18.96% (this percentage figure discounts 1 of the 2 supporting submissions that were received from the same address, and 1 supporting submission from the Parkfalls Residents Association).

Following its advertising, Council resolved at its 16 September 2015 meeting to adopt the Bill Hemsley Park Concept Plan.

Council resolved at its 18 November 2015 meeting to endorse the Management Committee's recommendation that the following items be considered priorities for the development of the Bill Hemsley Park:

- Bore, tank, power, scheme water connection;
- Community Building/Pavilion/Viewing Decks (meeting room/toilets) (concept plan legend no.8, 9);
- Nature Playground (concept plan legend no.12, 17, 18, 19, 20);
- Walk Trail around Nature Playground (concept plan legend no.3);
- Turfed Play Area and BBQ/Shelter (concept plan legend no.11, 22, 15);
- Car Park (concept plan legend no.14);
- Entry Statement/Sign & Mrs Hemsley's Tree (concept plan legend no.7).

Council also resolved at its 18 November 2015 meeting to endorse the Management Committee's recommendation that funds from the Bill Hemsley Park trust account be referenced as a matching contribution in any external funding or Shire financial contribution for these items, and instruct Shire staff to seek external funding (matched from the Bill Hemsley Park trust account) for these items.

## RISK ASSESMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

**VOTING REQUIREMENTS**

Simple Majority required

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR MALUISH**

**SECONDED: CR ROYCE**

That Council:

- 1 Endorse the plans for the area between the Bill Hemsley Park community centre and nature playground provided as Attachment 10.1.3(b) and authorise the CEO to proceed with on-ground delivery utilising a combination of Shire resources, contractor resources and external funding, in accordance with the adopted Council budget allocations for Bill Hemsley Park.
- 2 Endorse the location of the Bill Hemsley Park entry statement as provided within Attachment 10.1.3(b).

**AMENDMENT**

**MOVED: CR HUMPHREY**

**SECONDED: CR FARRELL**

That Council:

- 1 Endorse the concept plans for the area between the Bill Hemsley Park community centre and nature playground provided as Attachment 10.1.3(b) and authorise the CEO to proceed with on-ground delivery utilising a combination of Shire resources, contractor resources and external funding, in accordance with the adopted Council budget allocations for Bill Hemsley Park.
- 2 Endorse the location of the Bill Hemsley Park entry statement as provided within Attachment 10.1.3(b).

**Voting 6/0  
CARRIED  
Minute Reference 05/17-4**

*The Amendment became the Substantive Motion and was put.*

**Voting 6/0  
CARRIED  
Minute Reference 05/17-5**

*Reason for Deviation from Staff Recommendation: Council wanted the word "concept" included in the resolution.*



Cr Royce declared a proximity interest and left Chambers 9.42am

<b>AGENDA ITEM:</b>	<b>10.1.1</b>
<b>SUBJECT:</b>	<b>PROPOSED WATER SPORTS SCHOOL</b>
<b>PROPONENT:</b>	<b>KITEWEST</b>
<b>SITE:</b>	<b>RESERVE 50066 CORONATION BEACH ROAD, OAKAJEE</b>
<b>FILE REFERENCE:</b>	<b>R50066</b>
<b>PREVIOUS REFERENCE:</b>	<b>05/16-5</b>
<b>DATE:</b>	<b>9 MAY 2017</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Correspondence received from lessee (Kitewest) on 1 May 2017	√	
10.1.1(b)	Draft lease for portion Reserve 50066 Coronation Beach Road, Oakajee		√

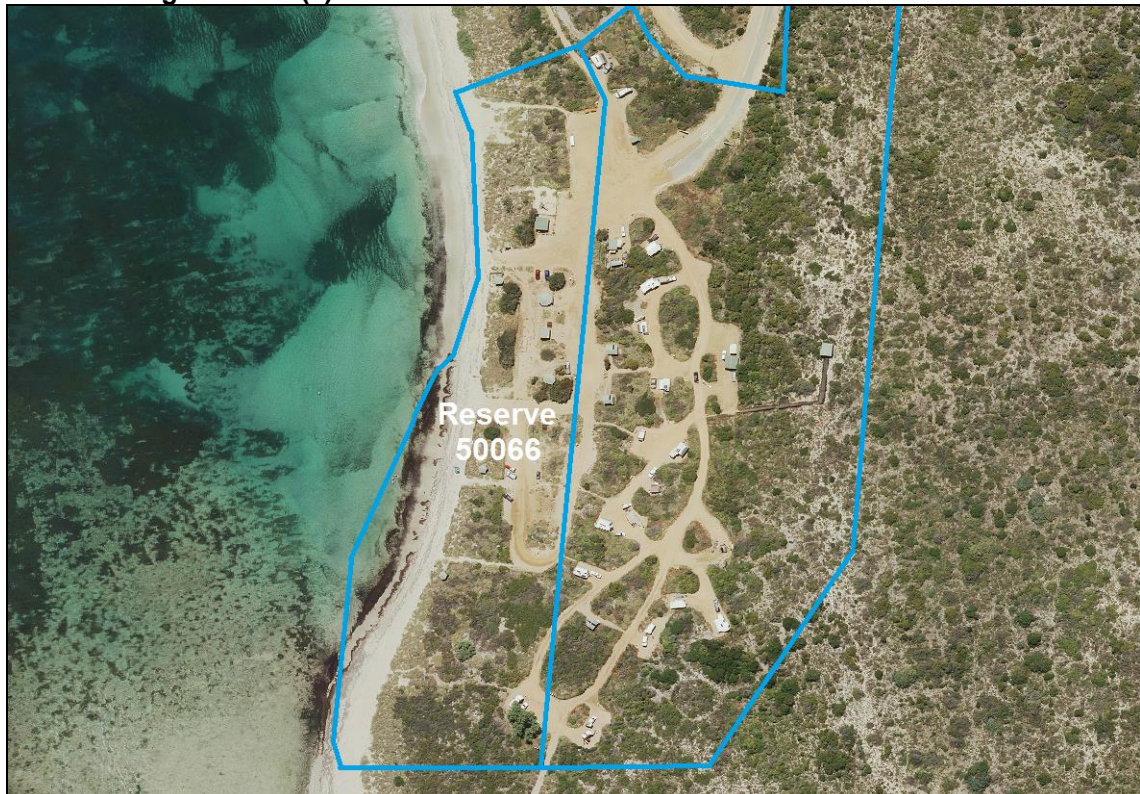
**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council resolved at its 18 May 2016 meeting to lease an area at Coronation Beach to enable a water sports school to operate for a summer trial period, after which the matter would be returned to Council for further consideration. A copy of the correspondence received from the lessee (Kitewest) at the conclusion of the trial period, requesting an extension of the lease, and some suggestions on how the lease might be improved, has been provided as **Attachment 10.1.1(a)**. This report recommends support for the extension of the lease but not for the suggested modifications to the lease area.

**Figure 10.1.1(a) – Location Plan for Reserve 50066 Coronation Beach**



## COMMENT

Reserve 50066 is the 2.3ha coastal reserve containing the day-use aspects at Coronation Beach such as the gazebos, car parks and kite/wind-surf rigging and launching areas. Reserve 50065 is located immediately west of Reserve 19893 which contains the Coronation Beach Nature Based Campground.

Council considered an application to operate a water sports school from Reserve 50066 Coronation Beach, Oakajee at its 18 May 2016 meeting where it was resolved:

*“That Council:*

- 1 *Write to the Department of Lands seeking an amendment to the Shire’s management order for Reserve 50066 Coronation Beach Road, Oakajee to include the power to lease, sub-lease or licence;*
- 2 *Issue delegated authority to the Chief Executive Officer to prepare a licence/lease for a Water Sports School to operate upon Reserve 50066 (in the event that the Department of Lands are willing to amend the management order as outlined in part 1) subject to the following conditions:*
  - (a) *The lease is to operate for a trial period of 1 summer after which the matter is to be returned to Council for its consideration on the operation and any received feedback.*
  - (b) *The sea container is to be sited in a location to the requirements of the Shire.*
  - (c) *The visual appearance of the sea container (including colour, additions and signage) must be to the requirements of the Shire.*
  - (d) *The lease issued to the Water Sports School is not to be construed as the granting of an exclusive use of the reserve, other than for the immediate area occupied by the sea container and associated parking area for 1 vehicle and 1 trailer.*
  - (e) *We waiver a three month lease fee period and bring back to Council for further consideration.*
  - (f) *The applicant is required to produce and implement a Risk Management Plan to the requirements of the Shire.*
  - (g) *The proponent shall provide a copy of their liability and indemnity insurance to the Shire and ensure that the Shire is listed an interested party upon the insurance policy.*
  - (h) *In the event that there any disputes in relation to the drafting and enacting of the lease this matter is to be returned to Council for its consideration.”*

The Shire wrote to the Department of Lands on 20 May 2016 seeking an amendment to the Shire’s management order for Reserve 50066 to include the power to sub-lease. On 28 September 2016 the Department of Lands advised the Shire that power to lease Reserve 50066 had been issued.

The Shire prepared in-house a draft lease for the applicant’s consideration and this was subsequently signed by all parties. A copy of the lease was provided to Councillors with the 15 February 2017 Concept Forum Session.

The trial lease concluded on 28 April 2017, and no written or verbal complaints or objections have been received by the Shire in relation to the operation of the water sports school.

As per Council’s 18 May 2016 resolution this matter is now returned to Council for its consideration.

The lessee is seeking approval to operate for another summer (October 2017 – April 2018). Shire staff suggest that the lease should instead be made for an increased length of time (e.g. for the next 3 or 5 summer periods) to provide more certainty to the lessee. Shire staff also suggest that, given that the

visual appearance of the sea container has been significantly enhanced, and its minimal footprint, the sea container should be permitted to remain on-site year-round.

In the lessee's correspondence provided as **Attachment 10.1.1(a)** they have also provided suggestion on how the operation of the water sports school could be improved by amending the lease area, namely:

- increase the launching zone to the north of the playground to improve this area for users;
- relocate the water sports school sea container to within the launching zone to improve observation of activities in the launching zone and on the water;
- create a gravel path to the launching zone to assist users and enable improved overnight storage of the rescue craft.

The lessee has offered to contribute towards the costs for these improvements (it is noted that some of these works may be able to be undertaken by labour from the Greenough Regional Prison under the supervision of the Shire).

Shire staff do not support the suggested modifications to the lease area for the following reasons:

- it is considered that clearing dune vegetation back to the car park would increase the risk of erosion;
- siting the sea container within the launching zone may give the impression that the water sports school has exclusive use of the launching zone;
- the installation of a path would duplicate the existing path to the north of the launching zone.

However, in the event that Council wishes to give some further consideration to the lessee's suggestions, Councillors may wish to arrange for an on-site viewing of the location to gain an improved understanding of the proposed works.

**Figure 10.1.1(b) – Kitewest proposal for Coronation Beach**



The water sports school at Coronation Beach primarily involves kitesurfing and stand-up paddleboard lessons, operating from 9am to 5pm, generally staffed by 2 people. The applicant also made available their services for occasional sea rescue with their jet ski.

The water sports school operated from a 6m x 2.4m ('20 foot') sea container that housed water sport equipment and also served as an office and reception area to take bookings. The sea container was subject to upgrades to improve its visual appearance (as can be seen in Figures 10.1.1(c)-(e)). The lessee supplied their own water and utilised solar panels for power.

The Shire has previously advised the lessee that it raised no objection to the sale of food and drink from the water sports facility building, subject to the necessary health/legislative approvals being obtained and conditions of those approvals being complied with. It is considered that should the lessee wish to

expand operations to include sale of drinks, coffee and food etc. this would offer further activation of this tourism node and should be encouraged.

**Figure 10.1.1(c) – Kitewest Water Sports School at Coronation Beach**



**Figure 10.1.1(d) – Kitewest Water Sports School at Coronation Beach**



Figure 10.1.1(e) – Kitewest Water Sports School at Coronation Beach



A draft lease has been prepared for Council's consideration and has been provided as separate **Attachment 10.1.1(b)**.

#### **STATUTORY ENVIRONMENT**

Reserves 50066 is zoned 'Recreation' under the Shire of Chapman Valley Local Planning Scheme No.2.

Section 3.4 of the Scheme states that:

*“3.4 Use and Development of Local Reserves*

*3.4.1 A person must not:*

- (a) use a Local Reserve; or*
- (b) commence or carry out development on a Local Reserve, without first having obtained planning approval under Part 9 of the Scheme.*

*3.4.2 In determining an application for planning approval the Local Government is to have due regard to:*

- (a) the matters set out in clause 10.2; and*
- (b) the ultimate purpose intended for the Reserve.”*

The proposed establishment of a Water Sports School was considered in keeping with the intent of this zoning.

Section 10.2 of the Scheme lists the following relevant criteria in considering this matter:

- “(g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;...*
- ...(i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- ...(n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal 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 proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*

- (q) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(x) *the potential loss of any community service or benefit resulting from the planning approval”*

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.

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Council may consider it appropriate that an annual lease fee should be charged to the applicant. It is suggested that this fee could be set to an amount that would cover the costs to Council in utilising its solicitor to finalise the ongoing lease/licence agreement.

It is not suggested that the annual fee should be an excessive one, given that it would not provide an exclusive use of the reserve to the lessee, and Council could entertain other approaches to lease other areas of Reserve 50066.

Alternatively Council may, in-lieu of an annual fee being charged, require that the lease agreement make reference to the leaseholder’s previous offer to provide a water safety service to kiteboarders and windsurfers by providing a jet ski to assist in sea rescue.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

## **STRATEGIC IMPLICATIONS**

The Mid West Development Commission, in collaboration with Regional Development Australia, the Department of Planning and the Mid West Tourism Alliance have released the ‘Tourism Development Strategy’ (2014) with one of the identified priorities being to increase the range of eco nature based tourism activities, attractions and experiences.

The Economic Development element of the Commission’s Mid West Blueprint (2015) notes the Mid West Tourism Potential as follows:

*“The long term aspiration of this Blueprint is for the Mid West to attract one million overnight visitors (annually) by 2050. The Mid West would be highly developed as an inspiring nature based destination, that offers a wide range of high quality, year round experiences.”*

The Shire of Chapman Valley Local Planning Strategy (2008) notes the following:

*“In the next three decades, the Mid-West Region will continue to diversify its economic base in the areas of agriculture, minerals development, downstream processing of commodities and tourism. Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions.”*

The Shire of Chapman Valley Coastal Management Strategy and Action Plan (2016) identifies the objective for Coronation Beach as being:

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

It is not considered that the operation of a water sports school is in conflict with this objective.

- **Strategic Community Plan/Corporate Business Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community Plan has the following economic strategies:

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley
Utilise the land available in the area for a range of new businesses	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Increased customer spending and employment in the Shire	Chapman Valley business community Community Private enterprise Shire of Chapman Valley

It is considered that Coronation Beach would benefit from a water sports school as this would increase its exposure and attraction to visitors to the region. Should the development prove successful, and given the attendance of 2 Kitewest staff on-site, the applicant may wish to later expand to provide further tourism services at Coronation Beach e.g. ice creams, drinks, coffee, snacks, tours etc. from the premises.

## **CONSULTATION**

Prior to siting of the sea container, Shire staff discussed the proposal and potential locations with the Coronation Beach Caretaker.

Council may wish to consult with campground users and the Geraldton Windsurfing Club prior to making a decision in relation to this application.

No complaints or objections were received by the Shire in relation to the water sports school during the trial period.

The Coronation Beach Planning Study (2002) that guided the Shire's development of the Coronation Beach Campground was based on extensive public consultation and Section 2.1-Consultation of the study noted that:

*"There is a general presumption by existing users and key stakeholders with an interest in this coastal area, that Coronation Beach should be maintained for low-key tourist use (no major development), with informal camping/caravanning being one of the preferred activities."*

It is considered that the water sports school is low-key in nature and would meet with this requirement.

The study also referenced that there was some opportunity for a small building such as a kiosk at Coronation Beach, and that there should be flexibility for the Shire to sub-lease.

## **RISK ASSESMENT**

Rating 2 (Minor) Measures of Consequence – Risk Assessment and Acceptance Criteria

## **VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR WARR**

That Council issue delegated authority to the Chief Executive Officer to prepare a licence/lease for a Water Sports School to operate upon Reserve 50066 subject to the following conditions:

- 1 The licence/lease is to be for a period of up to 5 years.
- 2 The sea container is to be sited in a location to the requirements of the local government.
- 3 The visual appearance of the sea container (including colour, additions and signage) must be to the requirements of the local government.
- 4 The licence/lease issued to the Water Sports School is not to be construed as the granting of an exclusive use of the reserve, other than for the immediate area occupied by the sea container, and agreed improvements, and associated parking area for 1 vehicle and 1 trailer.
- 5 The annual licence/lease fee shall be \$500.
- 6 The licence holder/lessee is required to produce and implement a Risk Management Plan to the approval of the local government.
- 7 The licence holder/lessee shall provide a copy of their liability and indemnity insurance to the local government and ensure that the Shire of Chapman Valley is listed as an interested party upon the insurance policy.
- 8 In the event that there any disputes in relation to the drafting and enacting of the licence lease this matter is to be returned to Council for its consideration.

**Voting 4/1  
CARRIED  
Minute Reference 05/17-6**

*Cr Maluish left the meeting and Cr Royce re-entered Chambers at 9.52am*



**From:** KiteWest [mailto:info@kitewest.com.au]  
**Sent:** Monday, 1 May 2017 9:05 PM  
**To:** Anthony Abbott <building@chapmanvalley.wa.gov.au>; Simon Lancaster <dceo@chapmanvalley.wa.gov.au>  
**Subject:** Kite west - Kite school proposal season 2017-2018

Hi Simon,

Hope this email find you well.

In response to your previous correspondence, I would like to suggest the following recommendations and improvement on the Coronation beach site for the 2017/2018 summer season.

I would also appreciate the opportunity to obtain the same licence for the next season (Starting October 2017 - April 2018) to run our water sports operations at Coronation Beach.

I have attached below a map of the venue and drawing of what I believe could be a great improvement for the safety of the spot and its users (on the water and on the beach), the convenience of the site access for tourist and carpark as well as a better set up for the school without using space on the carpark.

I suggest to relocate the School structure directly on the northern side of the current playground (sea container facing north) as the current location does not allow view on the water or the launching zone but facing the east. On many occasion we have been approached to check for kitesurfer and/or windsurfer in distress, leaving the school unattended to assist riders drifting quite far down wind (north).

We also had some equipment stolen for the first time this season as no direct vision with the launching zone but only the carpark.

I really recommend to relocate the structure upwind of the launching zone, that will give us direct contact with the riders on the water or people seeking assistance for launching and landing their equipments.

By positioning the school in a such way, we will also offer shade on the beach (as it should be) instead of shade on the car park (most of the time blocked with vehicle parked).

The eastern fence line (along the carpark) could be opened on its southern end (and close daily with a chain and padlock) to allow access to the school and its rescue watercraft. This will also allow a safer storage of the equipment overnight, not in direct access with the carpark.

A short gravel path should be perfect to access the school and keep the spot clean (in harmony with its current set up).

KiteWest agree to cover that cost, shall the shire agree with this recommendations.

The Launching zone should be extended on its east side (green zone on the map) to allow safer launching and landing of kite, as the current fenced off bush area has been a safety hazard for equipment and riders with a large amount of users complaining to us.

Following few minor incidents on gear and injuries I have with my team personally removed left over of concrete blocks form the old bush pole fence and again received few complaint here.

It would be a great initiative to level off the launching zone and add few loads of sand to cover the bushes and branches interfering with kite lines.

If the shire is prepared to assist in reassessing the location, KiteWest will agree to contribute to this expenses

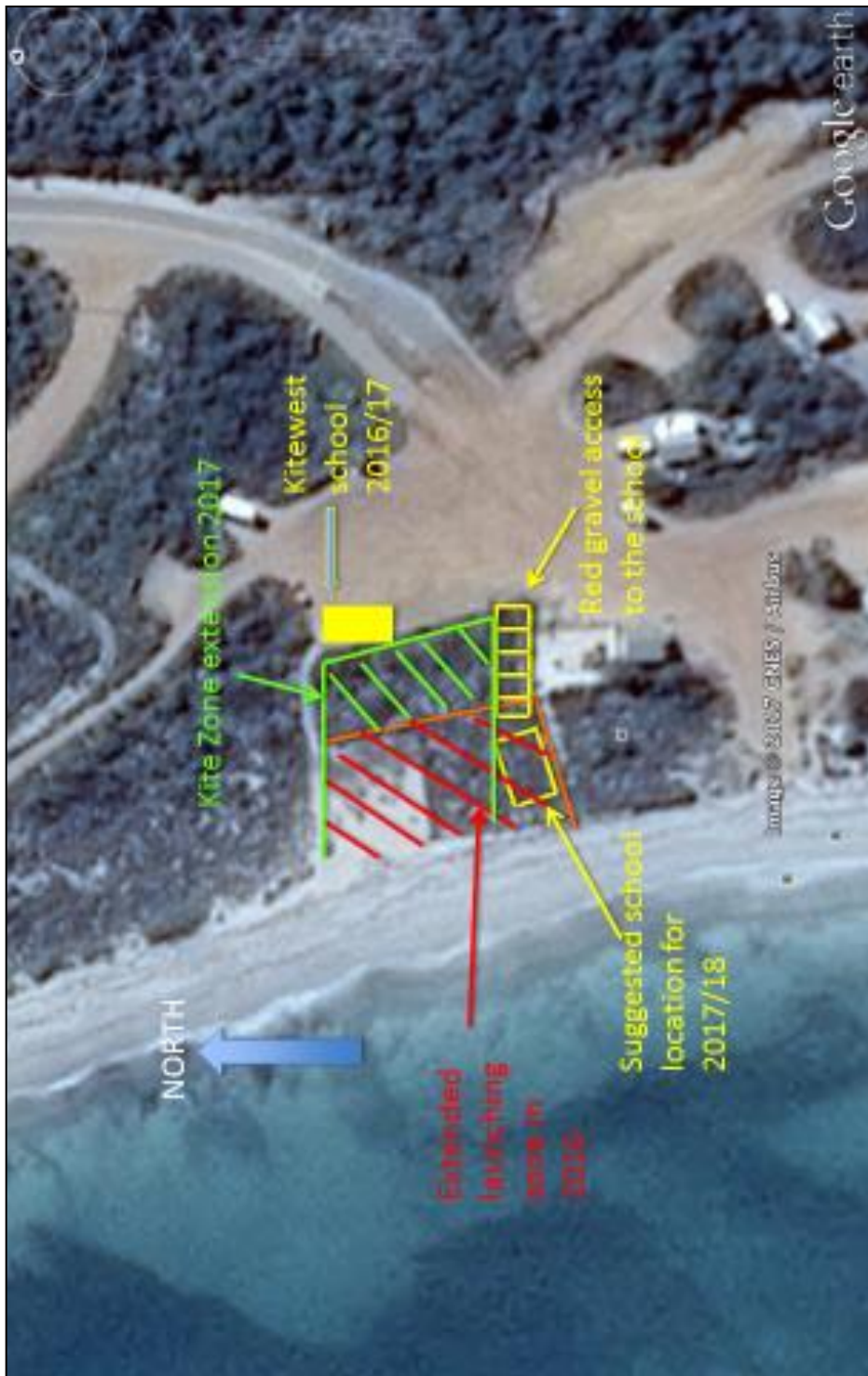
I will be happy to meet in person and discuss this proposal and recommendations.

Looking forward to hearing back from you soon,

Warm regards,  
Ben Tomasino

**KITEWEST WATERSPORTS & TOURS**  
Sanur Bali | Geraldton Western Australia  
Water sport Instructor Training Centre  
Kite - Surf - SUP  
SUP Yoga Teacher Trainings - Workshops - Retreats  
[www.kitewest.com.au](http://www.kitewest.com.au)





Coronation Beach 2017-2018  
 KITEWEST Watersports Centre

<b>AGENDA ITEM:</b>	<b>10.1.2</b>
<b>SUBJECT:</b>	<b>PROPOSED OUTBUILDING, NANSON</b>
<b>PROPONENT:</b>	<b>SHORELINE FOR K &amp; M JONES</b>
<b>SITE:</b>	<b>1 (LOT 20) EAST TERRACE, NANSON</b>
<b>FILE REFERENCE:</b>	<b>A601</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>9 MAY 2017</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Extract from Shire of Chapman Valley Heritage Inventory relating to 1 (Lot 20) East Terrace, Nanson	√	
10.1.2(b)	Submitted plans relating to proposed outbuilding at 1 (Lot 20) East Terrace, Nanson	√	
10.1.2(c)	Received submissions relating to proposed outbuilding at 1 (Lot 20) East Terrace, Nanson	√	

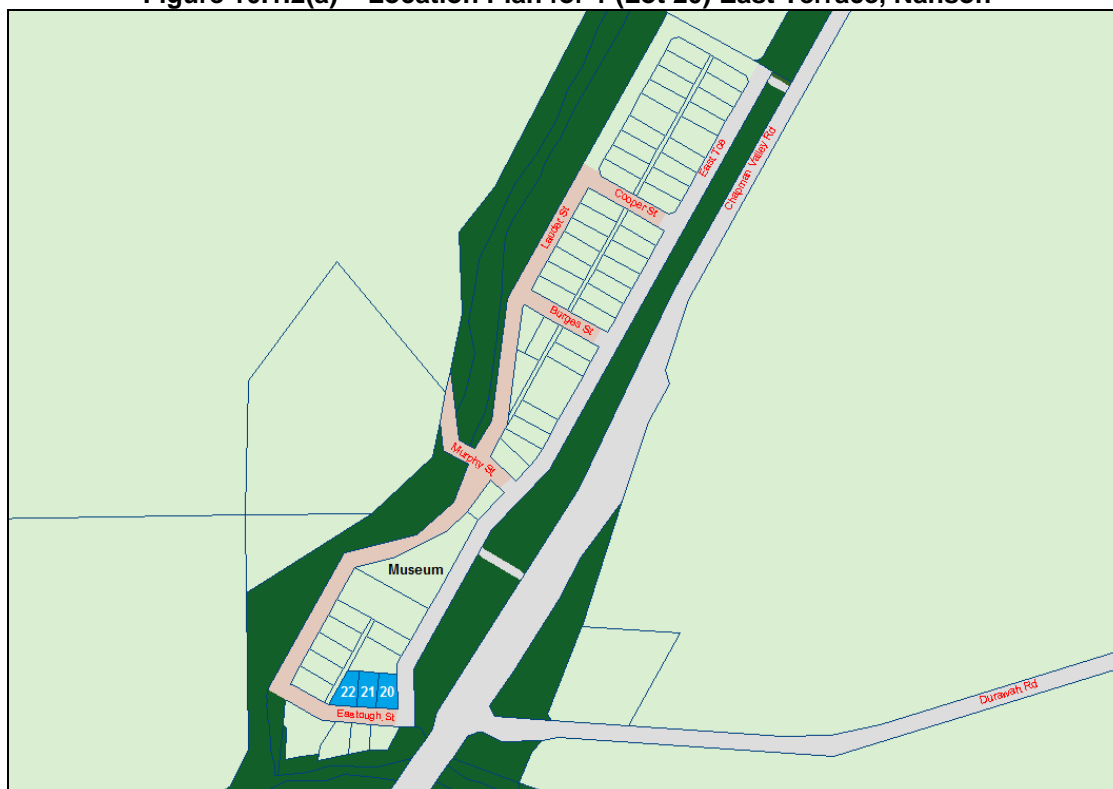
**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council is in receipt of an application for an outbuilding to be constructed upon 1 (Lot 20) East Terrace, Nanson that exceeds the delegated authority of staff. The application has been advertised for public comment. This report recommends conditional approval of the application.

**Figure 10.1.2(a) – Location Plan for 1 (Lot 20) East Terrace, Nanson**



**COMMENT**

1 (Lot 20) East Terrace is a 1,026m<sup>2</sup> property located at the southern end of the Nanson townsite with a 25.89m frontage to Eastough Street on its southern boundary and a 42.65m frontage to East Terrace on its eastern boundary.

The applicant also owns adjoining Lots 21 & 22 to the west that are 1,026m<sup>2</sup> and 1,032m<sup>2</sup> respectively in area.

**Figure 10.1.2(b) – Aerial photograph of 1 (Lot 20) East Terrace, Nanson**



Lot 20 contains the former Nanson Post and Telegraph Office that now serves solely as a residence, the relevant entry from the Shire of Chapman Valley Heritage Inventory has been included as **Attachment 10.1.2(a)** to this report.

The applicant is seeking approval to construct an outbuilding 5.9m to the north of their residence. The proposed outbuilding would be 15.2m x 9.12m (138.62m<sup>2</sup>) with a wall height of 3m and an overall apex height of 3.8m.

The outbuilding would be clad in colorbond and sited 1m from the northern boundary and 2m from the western boundary (noting that the adjoining landowner to the west is also the applicant).

A copy of the applicant's supporting correspondence and submitted site, floor and elevation plans have been included as **Attachment 10.1.2(b)** to this report.

The construction of an outbuilding in excess of 120m<sup>2</sup> within the zoning for the Nanson townsite cannot be approved by Shire staff under the delegated authority of the Shire of Chapman Valley 'Outbuildings' Local Planning Policy, and the application therefore requires the determination of Council.

**Figure 10.1.2(c) – View of Lot 20 looking south-west from East Terrace**



**Figure 10.1.2(d) – View of Lot 20 looking north-west from East Terrace**



It is considered that conditional approval of the application may be warranted in this instance, based upon the following:

- the requested variation is 18.62m<sup>2</sup> and as such can be considered minor;
- the outbuilding would comply with the height requirements of the Outbuildings Local Planning Policy;
- the outbuilding would comply with the boundary and street setback requirements of the Local Planning Scheme;
- the Nanson townsite is not a modern residential subdivision and should not be assessed on this basis, as it has its own development pattern in part drawing from its history as a railway town, and also its rural setting;

- the outbuilding would not dominate the built form of the property as the height of the outbuilding would not exceed the neighbouring historic residence (former Nanson Post & Telegraph Office), and it would not be set forward of the residence upon the property;
- the outbuilding would not be out of character with the built form of the Nanson townsite, with a larger 152.188m<sup>2</sup> outbuilding upon 5 (Lot 5) Eastough Street setting a precedent 100m to the south-west of the proposed outbuilding location upon Lot 20. It is also noted that the Nanson townsite contains several very large sheds within the Museum grounds;
- the property does not presently contain an outbuilding and its construction would enable the landowner to store personal items securely and out of the weather rather than have them in the open, which may be considered to be improve visual appearance and amenity;
- the applicant is seeking an outbuilding of the proposed size to enable it to be used to store a caravan, vehicle and workshop tools;
- the proposed outbuilding is not considered to cause an inconsistency in the existing streetscape nor cause a detrimental impact to the orderly and proper planning of the townsite;
- the acceptance of the proposed outbuilding as being within the character of the townsite has been demonstrated through no objections being received, and 2 submissions being received in support, with one of these being from the immediately adjoining neighbour, when the application was advertised for comment to surrounding landowners.

## **STATUTORY ENVIRONMENT**

1 (Lot 20) East Terrace, Nanson is zoned 'Townsite' under Shire of Chapman Valley Local Planning Scheme No.2 (the 'Scheme').

Section 4.2.2 of the Scheme identifies the objectives for the 'Townsite' zone as being:

- “(a) Provide for residential development to meet the needs of a range of household types;*
- (b) Provide for commercial and industrial land-uses compatible with each other and with residential use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in more specialized commercial and/or industrial areas; and*
- (d) Provide a reasonable level of residential amenity.”*

Section 7.1.3 of the Scheme notes that the Shire of Chapman Valley Heritage Inventory is considered to be the Shire's Heritage List for the Scheme Area. In addition to the matter of the outbuilding size (which exceeds the delegated authority of staff under Council policy), given that Lot 20 is included within the Heritage Inventory this matter has been presented to Council for its deliberation rather than be determined by staff.

## **POLICY IMPLICATIONS**

Shire of Chapman Valley 'Outbuildings' Local Planning Policy establishes a maximum outbuilding size of 120m<sup>2</sup> for the 'Townsite' zone that can be approved by staff under delegated authority, as the proposed development is 138.62m<sup>2</sup> it requires the deliberation of Council.

The proposed wall height of 3m and the total apex height of 3.8m comply with the Outbuilding policy requirement for the 'Townsite' zone of a 3m wall height and 4m total height.

A Local Planning Policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

## **FINANCIAL IMPLICATIONS**

On determination of this application (refusal/approval) should the applicant be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal with a cost likely to be imposed on the Shire through its involvement in the appeal process.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was received by Council at its 18 September 2013 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

## **STRATEGIC IMPLICATIONS**

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Strategic Community Plan.

## **CONSULTATION**

Section 4.11 of the Shire's Outbuildings' policy notes that applications that propose variation require consultation by means of the Shire writing directly to the surrounding landowners inviting comment.

The Shire wrote to the 6 landowners of the 9 surrounding properties (excluding the additional 2 neighbouring properties owned by the applicant) on 18 April 2017 providing details of the application and inviting comment upon the proposal prior to 9 May 2017, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 2 submissions had been received both expressing support for the application. A copy of the received submissions have been included as **Attachment 10.1.2(c)** to this report.

## **RISK ASSESSMENT**

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

## **VOTING REQUIREMENTS**

Simple majority required.

## **COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR HUMPHREY**

That Council grant formal planning approval for an outbuilding to be constructed upon 1 (Lot 20) East Terrace, Nanson subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 17 May 2017 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 use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 4 The outbuilding shall be consistent or complementary in colour with the residence (being Place Number 21 in the Shire of Chapman Valley Heritage Inventory – Nanson Post & Telegraph Office), and to a finish, to the approval of the local government (light coloured colorbond or zincalume external cladding being considered acceptable).
- 5 All stormwater is to be disposed of on-site to the approval of the local government.



- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 7 Installation of crossing place(s) to the approval of the local government.
- 8 The approved outbuilding is only to be used for general storage purposes and shall NOT be used for habitation, commercial or industrial purposes.
- 9 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

**Voting 5/0**  
**CARRIED**  
**Minute Reference 05/17-7**

PLACE NUMBER 21  
**NANSON POST & TELEGRAPH OFFICE**

**PLACE DETAILS**

Place Number: 21  
Management Category: 3  
Name: Nanson Post & Telegraph Office  
Other Name: -  
Type of Place: Residence  
Street Address: 1 East Terrace, Nanson

**PHOTOGRAPH**



Description: Front facade facing east

Date of Photo: 22/11/2010

**SITE DETAILS**

Lot/Location:	20	Street Number:	1
Street Name:	East Terrace	Locality Name:	Nanson
Diagram/Plan:	P222885	Volume/Folio:	1734-381
Reserve No/Vesting:	N/A	Purpose:	N/A
Assess No:	A601	HCWA No:	N/A
GPS Coordinates:	28 56 24(s), 114 75 87(e)	Area of Site:	1024m <sup>2</sup>
Occupied:	Yes	Public Access:	No



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**USES OF THE PLACE**

Original Use: Post & Telegraph Office Current Use: Residence

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**DESCRIPTION**

Walls: Concrete Block Roof: Corrugated Iron  
Condition: Good Integrity: High  
Original Fabric: Moderately intact Modifications: Front door and surround

Located at the southern end of the small town of Nanson, this residence is of concrete block construction with a steeply pitched hipped corrugated iron roof. The roof features ventilation gablets and extends broken back to cover surrounding verandahs which are supported on timber posts. The verandah has an unusual truncation detail to the south east corner. A brick chimney punctuates the north west corner of the roof. The place has casement style timber framed windows and a rear lean to clad with fibro sheeting. There are tall gum trees to the street frontage with a combination corrugated iron and super six fence to the property boundary.

---

**HISTORY**

Construction Date: Unknown Source: -  
Architect: Unknown Builder: Unknown

The first post office in Nanson was established in 1910, in a house built by Mr Bill Stansfield. Made of corrugated iron and situated at the southern end of East Terrace, the building has since been demolished. Mrs Rose Stansfield was the first official Post Mistress. The Post Office was later moved to a store house in Nanson built by Mr Charlie Burton.

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**HISTORIC THEME(S)**

HCWA	AHC
104 Land allocation and subdivision	8.14 Living in the country and rural settlements
200 Transport and Communications	3.7.1 Establishing postal services
206 Mail services	

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**STATEMENT OF SIGNIFICANCE**

The former Nanson Post and Telegraph Office has some local historic significance for the important role it played in communications in the district. Further the place is evidence of how buildings accommodated different uses in small communities. The building makes an important contribution to the Nanson streetscape and with its dominant roof form and surrounding verandahs has some aesthetic appeal.

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**MANAGEMENT CATEGORY**

Category: 3

Level of Significance: MODERATE SIGNIFICANCE. Important to the heritage of the locality.

Management Recommendation: Conservation of the place is recommended. Any proposed change to the place should not unduly impact on the heritage values of the place and should retain significant fabric wherever feasible

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*Heritage Inventory*

Lot 7 Chapman Valley Road Nabawa | Ph: (08) 9920 5011 | Fax: (08) 9920 5155 [www.chapmanvalley.wa.gov.au](http://www.chapmanvalley.wa.gov.au)

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**OTHER LISTINGS**

Nil.

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**SUPPORTING INFORMATION / REFERENCES**

McDonnell, P.A., 1974, *Chapman Valley Pioneers*, Geraldton Newspapers, Geraldton.

Assessment Date: 17/1/1993

Last Revision Date: 17/10/2012

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**ADDITIONAL PHOTOGRAPHS**

Description: Dominant roof form and truncated verandah a feature

Date of Photo: 17/2/1993



To whom this concerns,

**Regarding the proposed variations to the development 1(LOT 20) East Terrace Nanson WA**

On behalf of Keith & Maureen Jones of the above address or at Box 18 Nabawa WA 6532  
Shoreline Outdoor world verify that the proposed variation to the shed at the above address will;

A – Still provide adequate direct sun due to there being enough remaining open space to the surrounding yard.

B – The shed will not impact on ventilation air freely flows around. This in turn will not affect the free flowing air to adjoining properties.

C – There is no direct impact on the building bulk on the adjoining properties

D - There are no extra overlooking issues present or will be caused by erecting a shed in this position, further there is no added height to the floor level of this patio that could cause an overlooking issue to adjoining properties

E – Supplied is the appropriate form from the adjoining landowners who have given their approval of the setback

F -The owner wishes to store a large caravan and a vehicle as well as workshop tools thus requires this size to accommodate those items.

Shoreline Outdoor world trust that these explanations will suffice in order to progress the planning application, however should you require further information please let us know.

Yours sincerely

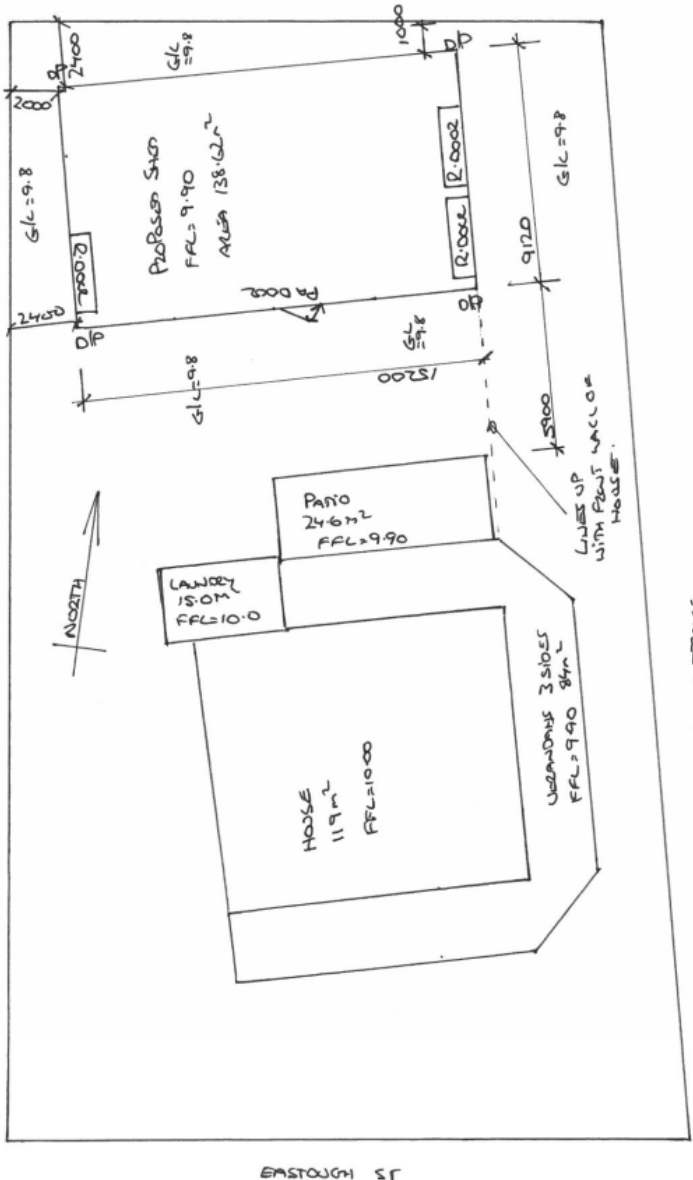
*Kitty Boyes*

Kitty Boyes on behalf of Shoreline Outdoor World

Shoreline Out Door World  
 66 Flores Road, Geraldton . WA 6530  
 PO Box 3223, Bluff Point, Geraldton WA  
 Tel. 99644447 Fax 99217119  
 leon@shorelineodw.com.au

Owner - KEITH AMARAL JONES  
 Address - Lot 20 # 1 EAST TERRACE NANSOL  
 Proposed - SHED  
 Scale 1:200  
 Block M2 area - 1025m<sup>2</sup>

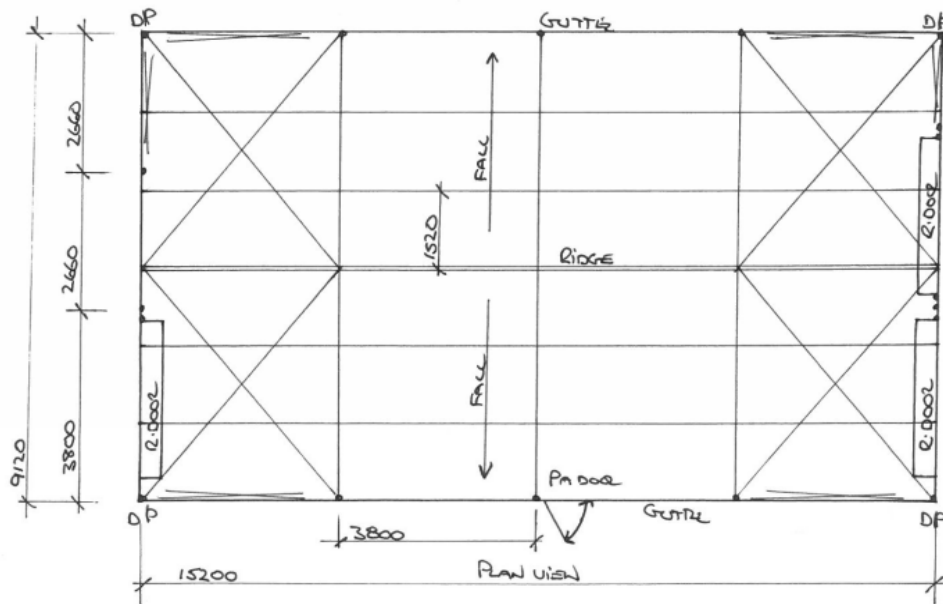
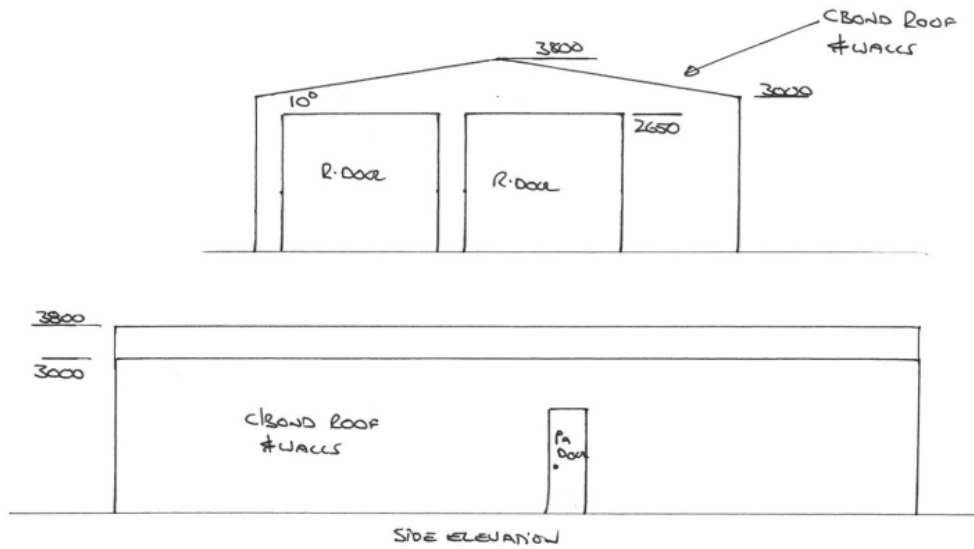
All storm water run off is to be directed away from footings and boundaries by the owner



Shoreline Out Door World  
 66 Flores Road , Geraldton . WA 6530  
 PO Box 3223 , Bluff Point , Geraldton WA  
 Tel. 99644447 Fax 99217119  
[leon@shorelineodw.com.au](mailto:leon@shorelineodw.com.au)

Owner - KEITH & MAUREEN SJWES  
 Address - #1 LOT 20 EAST TERRACE NANSON  
 Proposed - SHED  
 Scale 1:100  
 Block M2 area - 1025m<sup>2</sup>

All storm water run off is to be directed away from footings and boundaries by the owner







Adjoining Landowners Consultation Form

Adjoining Property Owner Details

Name: BEVAN GAMBLE  
Lot No.: 19 Street No.: 3 Street Name: EAST TERRACE  
Suburb: NANSON WA Postcode: 6532

Proposed Development

Proposal: TO ERECT A GABLE ROOF COLOURBOND SHED 15'100mm LONG BY 9'120mm SPAN,  
& 3'000mm HIGH AT EAVES LINE OF SHED. PLANS ATTACHED.  
Lot No.: 20 Street No.: 1 Street Name: EAST TERRACE  
Suburb: NANSON WA Postcode: 6532

Details of matters on which Council discretion is required and comment sought

Plans Attached

Details of proposed variations, or matters on which Council discretion is required:

REDUCED SETBACK

Adjoining Property Owners Comments

We have inspected the plans and comment as follows.  Support  Object (Please state reasons below)  Indifferent

SUPPORT.

(Attach additional information and plans if necessary)

Parapet Wall / Retaining Wall

N/A.

In the case of a parapet wall or retaining wall on the property boundary, I / we agree to the following:

Surface treatment:

Colour:

Signed: B. Gamble Date: 18/04/17 Phone: 0473173350

Print Name: BEVAN GAMBLE

# **10.2 Finance May 2017**

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## **Contents**

### **10.2 AGENDA ITEMS**

- 10.2.1 Financial Reports for April 2017
- 10.2.2 2017/2018 Differential Rating

<b>AGENDA ITEM:</b>	<b>10.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORTS FOR APRIL 2017</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>17 MAY 2017</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.2.1	Merged Financial Reports		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Financial Regulations require a monthly statement of financial activity report to be presented to Council.

**COMMENT**

The monthly financial statements for April 2017 have been 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 IMPLICATIONS**

CP-023 Significant Accounting Policies

Extract:

*"2. Monthly Reporting*

*In accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Financial Management Regulations 1996, monthly reporting will be provided as follows:*

- 1. Statement of Financial Activity*
  - 2. Balance Sheet and statement of changes in equity*
  - 3. Schedule of Investments*
  - 4. Operating Schedules 3 – 16*
  - 5. Acquisition of Assets*
  - 6. Trust Account*
  - 7. Reserve Account*
  - 8. Loan Repayments Schedule*
  - 9. Restricted Assets*
  - 10. Disposal of Assets*
- A value of 10 percent and/or \$10,000 be set for reporting of all material variances."*

**FINANCIAL IMPLICATIONS**

As presented in April 2017 financial statements.

- **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP

**STRATEGIC IMPLICATIONS**

Nil

- **Strategic Community Plan/Corporate Business Plan:**

Nil

**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.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR HUMPHREY**

That Council receives the financial report supplied under separate attachment for the month of April 2017 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Significant Accounting Policies
- Note 2 – Explanation of Material Variances
- Note 3 – Net Current Funding Position
- Note 4 – Cash & Investments
- Note 5 – Budget Amendments
- Note 6 – Receivables
- Note 7 – Cash Backed Reserves
- Note 8 – Capital Disposals
- Note 9 – Rating Information
- Note 10 – Information on Borrowings
- Note 11 – Grants & Contributions
- Note 12 – Trust
- Note 13 – Capital Acquisitions
- Appendix A – Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

**Voting 5/0  
CARRIED  
Minute Reference 05/17-8**

Mrs Raymond entered Chambers at 9.55am

<b>AGENDA ITEM:</b>	<b>10.2.2</b>
<b>SUBJECT:</b>	<b>2017/2018 DIFFERENTIAL RATING</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>306.08</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>17 MAY 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>

**SUPPORTING DOCUMENTS:**

<b>Ref</b>	<b>Title</b>	<b>Attached to Report</b>	<b>Under Separate Cover</b>
Additional Information Differential Rating	10.2.2 Attachment – Differential Rating Information		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

General rates may be imposed uniformly or differentially; it is the rate in the dollar imposed that determines whether there is a differential rate category. Local Governments under Section 6.33 of the Local Government Act 1995, have the power to implement differential rating in order to take into account certain characteristics of the rateable land. These characteristics include:

- The purpose for which the land is zoned under the town planning scheme in force;
- The predominant use for which the land is held or used as determined by the local government; and
- Whether or not the land is vacant.

Differential rates may be applied according to any, or a combination of the above characteristics. However, local governments are constrained in the range of differential rates that they may impose. That is, a local government may not impose a differential rate which is more than twice the lowest differential rate applied by that local government unless approval from the Minister is sought.

Before imposing a differential rate a local government must provide local public notice of its intention to do so and consider any resultant submissions. Section 6.36(3)(c) of the Local Government Act requires preparation of a document describing the objects of, and the reason for, each differential rate and minimum to be available for public inspection and for public submissions to be called and considered before imposing a differential rate.

Historically the Shire of Chapman Valley has imposed a different rate for the Unimproved Valued land contained in the Special Control Area of the Shire of Chapman Valley Town Planning Scheme set aside for the purpose of strategic industry and deep water port known as the Oakajee Industrial Estate and buffer areas.

**COMMENT**

The purpose of this report is to determine if council wish to continue with this rating methodology for the 2017/2018 Annual Budget.

The objective of the differential rate on Oakajee Industrial Estate properties is to recover from this sector an equitable share of the rates relating to the land held by Landcorp so that the Shire of Chapman Valley should not be financially disadvantaged due to the acquisition and subsequent development of the land. In order to reduce the impact of the Oakajee development on other ratepayers Council

previously sought to introduce a differential rate. The annual revaluation review of all Unimproved Valuations from Landgate Valuation Services for processing, will see a total overall 2% decrease in valuation for the next financial year; although at this point in time the data has not been processed for individual analysis. To enable council to maintain a revenue base which provide its various facilities, services and infrastructure to electors, residents and property owners a differential rate is again proposed for the UV Oakajee Industrial Estate Buffer Zone.

In accordance with the current adopted Corporate Business Plan commitment for a sustained 6.5% yearly rate increase the following rate in the dollar and minimum rate is proposed:

**UV Oakajee Industrial Estate:** This category includes any property zoned Oakajee Industrial Estate and Buffer within Town Planning Scheme No.1 A rate in the dollar of 2.1310 cents on Unimproved Values with a minimum of \$350 is proposed.

Note: This affects two (2) rateable assessments on unimproved valuations for 2017/2018 with proposed differential rates to be levied of \$190,192.

The balance of the unimproved value rating area is the **UV Rural General Rate** defined as: Any other property in the Shire of Chapman Valley zoned Rural within the Shire of Chapman Valley Town Planning Scheme. A rate in the dollar of 1.0818 cents on Unimproved Values with a minimum of \$350 is proposed.

The advertising of a differential rate does not bind a local government to use the rate in the dollar at the time of adopting its' budget. The prime purpose of the advertisement is the opportunity for the public to prepare submissions on the existence of the rate and its indicative level. If a differential general rate or minimum payment differs from the proposed rate the reasons are required to be disclosed in the relevant budget and rate notice information.

## STATUTORY ENVIRONMENT

### Local Government Act 1995

- S.6.32 States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.
- S6.33 (1) Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.
- S6.34 States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.
- S6.35 States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.
- S6.35(4) States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.
- FMR 5 s.52 States that the percentage prescribed for the purposes of s6.35 (4) is 50%.
- S6.36(1) States that before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so
- S6.36(2) States that a local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).
- S6.36(3) States that a notice referred to in subsection (1) —  
(a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency;  
(b) is to contain —

- (i) details of each rate or minimum payment the local government intends to impose;
- (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and
- (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;

and

(c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.

- S6.36(4) States that a local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.

## POLICY/PROCEDURE IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Although a draft Annual Budget has not been compiled for council at this point, the rating principle of a 6.5% increase will provide the basis for presenting a balanced budget. A rate model, presented under separate cover, indicating an annual rate revenue increase from 2016/2017 of 6.50%, represents a compliant model in relation to the proposed differential rates levied and proposed minimum rates levied. Once these have been advertised, Council may impose a lesser percentage increase to the rate in the dollars advertised, with a subsequent explanation provided in the budget notes (and budget brochure for ratepayers) being sufficient for compliance.

- **Long Term Financial Plan (LTFP):**

No significant effect on the LTFP

## STRATEGIC IMPLICATIONS

- **Strategic Community Plan/Corporate Business Plan:**

The proposed rate model is consistent with the current rating principles; however these plans are now in a review process. The draft Long Term Financial Plan which will feed the Corporate Business Plan has an indicative base annual rate revenue increase of 5% forward over the next ten years.

## CONSULTATION

To comply with legislative provisions it is intended to publish notification of the Intention to Levy Differential Rates in the local paper Friday 26<sup>th</sup> May 2017. It is a requirement to allow 21 days for ratepayers to make submissions and to then consider these, if any, prior to budget adoption.

## RISK ASSESSMENT

**Associated risk would be a failure to comply with the Local Government Act 1995 and relevant Financial Management Regulations requiring local governments to advertise their intent to levy differential rates prior to setting the annual budget. This would be a Minor (2) rating with some temporary noncompliance.**



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

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR HUMPHREY**

That Council:

- 1 Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential rates for the 2017/2018 financial year as listed below.
- 2 Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2017/2018 Draft Annual Budget.

Rating Category	Valuation Basis	Adopted Rate in \$	Adopted Minimum Rate	Proposed Rate in \$	Proposed Minimum Rate	Percentage of Properties on Minimums
		2016/2017	2016/2017	2017/2018	2017/2018	
GRV	Gross Rental Value	7.1835	\$ 560	7.6504	\$ 560	36%
UV	Unimproved Value	1.0057	\$ 350	1.0818	\$ 350	3%
UV Oakajee Industrial Estate	Unimproved Value	2.0110	\$ 350	2.131	\$ 350	0%

**Voting 5/0  
CARRIED  
Minute Reference 05/17-9**

# **10.3**

## **Chief Executive Officer**

### **May 2017**

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## **Contents**

### **10.3 AGENDA ITEMS**

- 10.3.1 Annual Tenders - 2017/2018
- 10.3.2 Review of Delegation Register
- 10.3.3 Tenancy Agreement

<b>AGENDA ITEM:</b>	<b>10.3.1</b>
<b>SUBJECT:</b>	<b>ANNUAL TENDERS – 2017/2018</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>408.01 TENDERS</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>17<sup>th</sup> MAY 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
	<b>NIL</b>		

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

The purpose of this item is to seek Council endorsement for the Chief Executive Officer to call for tenders for those items identified in the 2017/2018 Adopted Budget, which are required to go to tender in accordance with Section 3.57 of the *Local Government Act 1995*.

The Staff Recommendation below does not specifically identify each individual item, rather requests authorisation for the Chief Executive Officer to call tenders on an “as needs” basis in accordance with items identified in the Shire’s 2017/2018 Budget.

Section 5.43(b) of the Local Government Act gives Council the ability to delegate the acceptance of tenders up to a specific amount determined by Council.

To expedite Council’s 2017/2018 roadwork’s program it is necessary to resolve to call tenders for the acquisition of road building material as soon as possible.

**COMMENT**

It is a requirement under the Local Government Act and Regulations for Council to resolve to call tenders for the provision of goods and services, which will exceed the \$150,000 (GST Exclusive) threshold. Therefore, as a resolution is required from Council now for the Chief Executive Officer to call tenders for all road building materials I believe it is also appropriate to incorporate all other items, which may be in excess of the tender threshold amount of \$150,000 at the same time.

The Staff Recommendation below incorporates a resolution for Council to call tenders for all items identified in the 2017/2018 Adopted Budget at the most appropriate time during the financial year, rather than the situation of requiring a separate resolution of Council on each occasion.

**STATUTORY ENVIRONMENT**

*Local Government Act, 1995*  
*Local Government (Function & General) Regulations 1996*

**POLICY IMPLICATIONS**

The following Policies will be taken into consideration when Tenders are called for and awarded by Council:

- *Corporate Policy CP-024 – Purchasing; and*
- *Corporate Policy CP-025 – Regional Price Preference Policy*

## FINANCIAL IMPLICATIONS

All items, which require tenders to be called will be identified in the 2017/2018 Budget.

The intent is to obtain the best price for expenditure identified in the 2017/2018 Budget for tender and purchasing.

- **Long Term Financial Plan (LTFP):**

No effect of the LTFP.

## STRATEGIC IMPLICATIONS

To obtain the best possible price for the tender prices for the acquisition of goods and services identified in the 2017/2018 Budget.

- **Strategic Community Plan/Corporate Business Plan:**

Objective	Strategy	Actions
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire, which portrays unity and cooperation.	Council management, systems and processes enable the delivery of sustainable services and projects

## CONSULTATION

Not applicable

## RISK ASSESSMENT

The procurement process can be a high risk activity if procedures are not in place and adhered to. The tender legislation and Council's Purchasing Policy provides a clear process staff are required to follow as part of the delegation afforded to them for procurement on the Shire's behalf. In this instance the agenda item is simply ensuring compliance with legislation so the risk is considered *insignificant* i.e.

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

## VOTING REQUIREMENTS

Simple Majority

## COUNCIL RESOLUTION / STAFF RECOMMENDATION

**MOVED: CR WARR**

**SECONDED: CR FARRELL**

- 1 Council authorise the Chief Executive Officer to call tenders for all items within the 2017/2018 Budget, which require tenders to be called in accordance with legislation.
- 2 Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the

condition the actual expenditures to be incurred by Council does not exceed the amounts authorised in the adopted 2017/2018 Budget for these procurement items.

- 3 All other tenders are to be brought back to Council for resolution on successful tender.

**Voting 5/0  
CARRIED  
Minute Reference 05/17-10**

<b>AGENDA ITEM:</b>	<b>10.3.2</b>
<b>SUBJECT:</b>	<b>REVIEW OF DELEGATION REGISTER</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>411.03</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCES: 05/16-27</b>
<b>DATE:</b>	<b>18<sup>th</sup> MAY 2016</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Delegation Register	Current Delegation Register – Reviewed May 2016		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

The purpose of this Agenda Item is to allow Council to review the current Delegations Register for delegations given to the Chief Executive Officer as required by the Local Government Act 1995:

s5.46 - *‘Register of, and records relevant to, delegations to CEO’s and employees’:*

s5.46(2) - *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.’*

The Shire of Chapman Valley has the following power under the Local Government Act 1995:

5.42. *Delegation of some powers and duties to CEO*

- (1) *A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
  - (a) *this Act other than those referred to in section 5.43; or*
  - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

*\* Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

The Act also allows the Chief Executive Officer to delegate any of his/her powers to any employee; such sub-delegation must be done in writing. The Chief Executive Officer is permitted under the Act to place conditions on any sub-delegation passed onto another employee.

Council last reviewed the delegations register at the May 2016 OCM i.e.

*“MOVED: CR FORRESTER*

*SECONDED: CR WOOD*

*That Council endorse changes to the Delegations Register as presented without change.*

*Voting 8/0  
CARRIED  
Minute Reference: 05/16-27”*

**COMMENT**

The Chief Executive Officer and staff have reviewed the current Delegations Register (copy provided under separate cover) and have not recommended any changes.

**STATUTORY IMPLICATIONS / REQUIREMENTS**

*Local Government Act 1995* – Section 5.42, 5.43, 5.44, 5.45 and 5.46.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

No Impact

- **Long Term Financial Plan (LTFP):**

No Impact

**STRATEGIC IMPLICATIONS**

It is essential for the smooth operations of the organisation to have appropriate delegation provided to the Chief executive Officer. Such delegation need to be reviewed at least annually in accordance with legislation.

- **Strategic Community Plan/Corporate Business Plan:**

Objective	Strategy	Actions
We want a representation and governance model that reflects our community’s unique attributes	The President and Councillors to be representative of the community and provide strong leadership	Develop Council appropriate policies that enable good: governance, development, services and growth

**CONSULTATION**

The legislative process to review the Delegation Register requires discussion and consultation at a Council level only, which is the basis of this Agenda Item.

**RISK ASSESSMENT**

It is important the Delegations Register is relevant and regularly reviewed to ensure efficiencies are in place for the operations of the organisation. There is a risk of the *day to day* operations being slowed and cumbersome if delegations are not in place and minor operational activities are continually taken back to Council for determination. With the current delegations I believe the this risk is **insignificant** in this instance i.e.

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

**VOTING REQUIREMENTS**

**Absolute Majority** – If Changes made i.e.

*Section 5.46 (2) states Council must review the Delegation Register annually, however, if no amendments are made to the existing register a simple majority may accept it without amendment. Section 5.42 (1) states that any decision to amend or revoke a delegation by a Local Government is to be by an Absolute Majority.*

**Simple Majority** – If no changes made to existing register

**STAFF RECOMMENDATION (Simple Majority Required)**

That Council endorses the Delegations Register as presented with no change.

**COUNCIL RESOLUTION**

**MOVED: CR HUMPHREY**

**SECONDED: CR FARRELL**

That Council endorses the Delegations Register as presented with the following change:

- Remove acronym FAM and replace with DCEO page 9 and “Manager of Finance & Corporate Services” with “Deputy Chief Executive Officer - Delegation 2003 (Page 43)
- Remove blank pages in document (pages 28 & 29) and renumber pages accordingly.

**Voting 5/0  
CARRIED BY ABSOLUTE MAJORITY  
Minute Reference 05/17-11**





## STATUTORY ENVIRONMENT

### Residential Tenancy Act, 1987 – Part IV, Residential Tenancy Agreement

The whole of the legislation needs to be taken into account; however, the section below are the most relevant:

#### 27A. Written residential tenancy agreement to be in prescribed form

*A lessor must not enter into a written residential tenancy agreement except in the prescribed form.*

*Penalty: a fine of \$5 000.*

#### 27. Restriction on consideration for tenancy agreement

- (1) *Subject to subsection (2), a person shall not require or receive from a tenant any monetary amount for or in relation to a residential tenancy agreement other than rent and a security bond.*

*Penalty: a fine of \$5 000.*

#### 29. Security bonds

- (1A) *In this section, unless the contrary intention appears —  
pet does not include an assistance dog as defined in the Dog Act 1976 section 8(1);  
security bond includes an instalment of a security bond.*

- (1) *A person shall not —*

(a) *require the payment of, or receive, more than one security bond in relation to any residential tenancy agreement; or*

(b) *require the payment of, or receive, a security bond of an amount exceeding in the aggregate —*

(i) *4 weeks' rent under the residential tenancy agreement in relation to which it is required or received; and*

(ii) *if the tenant is permitted to keep on the premises any pet capable of carrying parasites that can affect humans — a prescribed amount to meet the cost of any fumigation of the premises that may be required on the termination of the tenancy.*

*Penalty: a fine of \$5 000.*

#### 30. Variation of rent (except where calculated by reference to tenant's income)

- (1) *Subject to this section and except where rent payable under a residential tenancy agreement is calculated by reference to the tenant's income, the rent payable under a residential tenancy agreement may be increased by the lessor by written notice to the tenant, in a form approved by the Minister, specifying the amount of the increased rent and the day as from which the increased rent becomes payable, being a day —*

(a) *not less than 60 days after the day on which the notice is given; and*

(b) *not less than 6 months after the day on which the tenancy commenced, or, if the rent has been increased under this section, the day on which it was last so increased,*

*but otherwise the rent shall not increase or be increased.*

- (2) *The right of the lessor to increase rent in accordance with subsection (1) —*

- (a) is not exercisable in relation to a residential tenancy agreement that creates a tenancy for a fixed term during the currency of that term unless the amount of the increase, or the method of calculating the amount of the increase, is set out in the agreement; and
  - (b) in any case, may be excluded or limited by agreement between the lessor and the tenant.
- (3) A notice of increase of rent that has been given in accordance with this section and that has not been withdrawn by the lessor varies the residential tenancy agreement to the effect that the increased rent specified in the notice is payable under the agreement as from the day specified in the notice.

**31B. Increase in rent after renegotiating lease**

- (1) Subsection (2) has effect if —
  - (a) a residential tenancy agreement creates a tenancy for a fixed term (the former agreement); and
  - (b) the parties enter into a new residential tenancy agreement in relation to the same premises (the new agreement) that is to commence immediately after the end of the term of the former agreement, whether under the terms of the agreement or under section 76C.
- (2) The tenant cannot be required under the new agreement to pay an amount of rent, in respect of the first 30 days of the new agreement, that is more than the amount that would have been payable under the former agreement if the former agreement had continued to have effect during that period.

**POLICY/PROCEDURE IMPLICATIONS**

Council’s Management Procedure (CMP-055) below indicates the guidelines, conditions, etc. associated with a staff member renting a Shire residential property and is not really relevant to tenants not employed with the Shire.

Though the Management Procedure does not explicitly state preference will be given to employees over non-employees I believe this is the intention as stated in the section headed **Factors Affecting Eligibility** i.e.

“Factors Affecting Eligibility

Council may provide housing at a subsidised rental as part of the Staff Employment Packages for Full Time Employee. Rental costs are reviewed annually.

Housing eligibility is restricted to:

1. Councils Executive Staff Nabawa
2. Existing Shire Housing in Yuna
3. Existing Shire Housing in Nabawa

Council may provide a weekly housing allowance to employees who provide their own housing, also reviewed annually.”

<b>MANAGEMENT PROCEDURE No.</b>	CMP-055
<b>MANAGEMENT PROCEDURE</b>	SHIRE HOUSING TENANCY POLICY
<b>RESPONSIBLE DIRECTORATE</b>	LAND & BUILDINGS
<b>RESPONSIBLE OFFICER</b>	CHIEF EXECUTIVE OFFICER
<b>PREVIOUS POLICY No.</b>	14.290
<b>RELEVANT DELEGATIONS</b>	

## **OBJECTIVES:**

This scheme introduces a set of allowances and conditions for full-time staff. The allowances and conditions of the Shire of Chapman Valley Housing Policy are reviewed annually and changes may be made.

## **MANAGEMENT PROCEDURE STATEMENT/S:**

A housing budget exists for the ongoing maintenance and repairs, renovations, rates and insurances associated with the running of the staff housing portfolio.

The houses owned by Council for the purpose of staff housing vary in size and are used to maximise their ability to house the mix of staff, single or married, in each location.

Staff members should also be aware that from time to time due to unforeseen circumstances they might be required to move into alternative accommodation if there are changes to the number and composition of full time staff. Though this is an inconvenience that shall be avoided if at all possible, staff shall relocate to housing allocated to them.

The locations, which apply to the Shire of Chapman Valley Housing Scheme have been categorised into 2 groups. The eligibility and conditions for Housing vary between these groups.

### **Group 1**

Executive Housing – housing reserved for Council’s Executive Staff members as per contract agreements.

### **Group 2**

Staff Housing – Housing reserved for Works Crew Employees and Administration Staff.

Staff Houses range in size and if possible, larger houses are made available for staff members with families.

### **Responsibilities**

The following are the specific responsibilities for both the Shire of Chapman Valley (“Council”) and the Employee (“Tenant”) during the periods of occupancy.

### **Bonds**

A security Bond of equivalent to four (4) weeks rent based on a rent listed in the Annual Budget (Market Value e.g. \$180 per week) is to be paid by tenants. Tenants may choose to pay the bonds either in full or via Payroll Deductions over up to four (4) consecutive pay periods.

Bond money held shall be held in accordance with legislation for the duration of the lease. It shall be returned to the tenant in full or in part depending on the state of cleanliness and repair of the accommodation upon final inspection. If the accommodation requires cleaning and/or maintenance that are deemed to be the tenant’s responsibility, then an appropriate amount shall be deducted from the bond to cover the associated expenses. Inspections shall be conducted by the Council’s Chief Executive Officer and Building Surveyor or their nominees.

### **Lease Agreements**

All tenants need to sign a standard **Tenancy Agreement**. In signing it, the tenant acknowledges they have read and understand their eligibility for housing and are aware of their specific responsibilities of the tenancy.

### Termination of Lease by Tenant

The tenant needs to refer to the ***Checklist for Vacating a Property*** (refer rear of this booklet) and **is to ensure all items are attended to prior to vacating. The completed checklist must be presented to Council's Chief Executive Officer or Building Surveyor.**

### Insurance

Insurance coverage for buildings and contents owned by the Shire is the responsibility of the Shire. The insurance of Tenants personal possessions and contents is the tenant's responsibility.

### Maintenance Issues

It is the responsibility of the tenant to report maintenance issues to Council as soon as a problem is identified. This must be done in writing and are to be handed in at the Nabawa Administration Centre.

### Grounds and Gardens

The tenant is responsible for maintaining premises, outbuildings and grounds in good repair and condition including regular watering of gardens. Where the tenant does not perform these duties, the tenant will be responsible for all costs associated with any repairs or replacement caused by careless use or neglect.

### Pets

Tenants who reside in Council managed housing shall be required to seek approval regarding the keeping of pets. All costs related to pets are the responsibility of the owner.

At the termination of the lease , the tenant is required to have the carpeted area of the house shampooed and the house sprayed internally for fleas and ticks by a reputable pest company (if deemed required by the CEO). The tenant is required to provide a receipt from the pest control company to Council to verify that the work has been carried out.

### Smoking

Council supplied housing is a smoke free environment and therefore no smoking shall be permitted at any time. Where smoke odours or stains are evident during the course of the house inspections and if additional costs are incurred in removing such odours and stains, such costs shall be the responsibility of the tenant.

### Water

Water charges for water consumption will be paid by Council up to \$300p.a. with the condition that the tenant waters all lawn and garden areas. The tenant is responsible for all water consumption in excess of the \$300 unless otherwise negotiated.

### Rates

Shire Rates, Water Rates and Land Tax are the responsibility of the Shire

### Telephones

The tenant is responsible for any fees incurred for connection or reconnection of the landline telephone. Tenants are responsible for all outgoings related to the telephone service. Accounts are to be held in the tenant's name and not in the name of the Shire. (Unless otherwise negotiated)

### Internet Connections

Should a tenant wish to access the Internet, the connection, disconnection and ongoing costs associated with this service is the responsibility of the tenant (unless otherwise negotiated?)

### Electricity

Tenants are responsible for the payment of all accounts related to electricity supply. Accounts are to be held in the tenant's name and not in the name of the Shire. Tenants are to contact the Electricity Supply Company prior to moving in to connect power (unless otherwise negotiated).

### Replacing Light globes and Batteries

Tenants are responsible for replacing light globes. The Shire is responsible for the annual replacement of batteries in Smoke detectors as part of the tenancy agreement.

### LPG Gas

Liquid Petroleum Gas (LPG) bottles are supplied and listed as part of the inventory in place where this is appropriate. It is the responsibility of tenants to arrange and meet all costs associated with refilling gas bottles (i.e. cost of gas and transportation). Council is responsible for the annual rental of all LPG as bottles. Gas bottles are not to be removed from Council owned properties without prior consent (unless otherwise negotiated).

### Air-conditioning

Tenants are to ensure air-conditioning filters are cleaned regularly on both reverse cycle and evaporative air-conditioner units. The Shire will service evaporative air-conditioning units annually at Council's cost. It is the responsibility of the tenant to advise Council staff of any maintenance needs as soon as possible.

### Pest Treatment

Treatment and inspection for white ants and other pests is carried out annually or in some cases every six months, and it is the responsibility of the Shire to ensure this is done. In addition, Council will respond to additional reports of such things as termite activity. However, during the intervening periods, it is the responsibility of tenants to take whatever action is deemed necessary to address incidences of other pest activity including such things as cockroaches, rodents and ants etc.

The tenant must keep all vegetation away from the sides of the house and must not store any timber against the external walls of the house.

### Garbage Bins

Garbage bins are provided by Council's Waste Collection Agency, and is provided with the property.

### House Inspections

Subject to opportunity, all residences should be inspected at least once a year by the relevant Council Committee, Chief Executive officer and Building Surveyor or their nominees. Inspections will also be made when changes in occupancy occur. The tenant will be given at least seven (7) days' notice of intention to inspect.

## **a. Eligibility for Housing**

### Factors Affecting Eligibility

Council may provide housing at a subsidised rental as part of the Staff Employment Packages for Full Time Employee. Rental costs are reviewed annually.

Housing eligibility is restricted to:

1. Councils Executive Staff Nabawa
2. Existing Shire Housing in Yuna
3. Existing Shire Housing in Nabawa

Council may provide a weekly housing allowance to employees who provide their own housing, also reviewed annually.

Maternity Leave

An employee going on Maternity Leave shall be entitled to the conditions of their existing housing arrangement for a period of 12 months from the commencement of maternity leave.

Long Service Leave

Staff on Long Service Leave, are permitted to remain in Council housing.

**Rent**

Rents are determined by Council on an annual basis and subject to increase.

**Bond Money**

Payment of the Bond equivalent to four weeks rent based on a market rental value and is to be paid by employee via payroll Deduction.

**(b) Relevant Forms**

The following forms can be located at the rear of this document.

- Application for Assistance with Up-Front Housing Costs
- Checklist for Vacating a Property

<b>SHIRE OF CHAPMAN VALLEY STAFF HOUSING APPLICATION FOR ASSISTANCE WITH BOND PAYMENT</b>			
Name		Employee Code	
Rental Address			
Commencement Date of Lease		Weekly Rent	\$
Other Occupants			

**Application is being made for assistance with the Bond**

Standard Bond	\$	<b>Note</b> Rent-in-Advance is normally paid as follows: Four (4) weeks rental value
Paid up Front	\$	
Total	\$	

**Re-Payment of Bond via Payroll Deductions**

Specify the No. of Fortnightly Pay Periods you wish to nominate for re-paying the Bond on the above property	Pay Periods	<b>Note</b> Repayments via Payroll Deductions can be made in equal instalments up to 4 pay periods
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Council has also delegated authority to the Chief Executive Officer for the lease of Council buildings i.e.

- DELEGATION NUMBER* - 1007
- LEGISLATIVE POWER* - Local Government Act 1995 (Section 5.42)
- DELEGATION SUBJECT* - Lease of Council Buildings
- DELEGATE* - CHIEF EXECUTIVE OFFICER

*The Chief Executive Officer is authorised to lease out Council Buildings (i.e., houses, halls, community centre, etc.) in accordance with Council determined rates and charges.*

*(Minute Reference 02/14-36)*

In this instance I have chosen not to exercise the delegation given as I felt with the comments surrounding the property concerned this matter needed to be presented to Council for discussion and determination.

**FINANCIAL IMPLICATIONS**

The annual review of fees & charges has recommended an increase in the rent for Council owned residential properties from \$180 to \$200 per week. If this increase is endorsed by Council then there is an insignificant financial implications associated with tenancy of the residential property at Lot 102 Chapman Valley Rd, Yuna i.e.

- Current Rent - \$180/week x 52 weeks = \$ 9,360
- Proposed Rent - \$200/week x 52 weeks = \$10,400

- **Long Term Financial Plan (LTFP):**

Council's Building Capital Works Program identified both residential properties in Nabawa and Yuna were to be sold with funds obtain from the sales being placed into Reserve. This program has now been altered to reflect the resolution of Council at the April 2017 OCM not to sell the Yuna property for a period of up to three (3) years.

There is minimal effect on the Shire's LTFP in relation to the sale of one or both shire owned residential properties.

**STRATEGIC IMPLICATIONS**

Asset Management/Rationalisation and Service Delivery Reviews are essential aspect to the no term financial direction and viability of the shire. However; as was evident at the April 2107 OCM, the social ramifications of Council decision must also be taken into consideration. Hence the decision not to sell the Yuna property for a period of up to three (3) years to assist the Education Department Staff housing requirements.

- **Strategic Community Plan/Corporate Business Plan:**

Objective	Strategy	Actions
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire, which portrays unity and cooperation.	Council management, systems and processes enable the delivery of sustainable services and projects

**CONSULTATION**

Discussion on the future of residential property at Lot 102 Chapman Valley Rd, Yuna was held as part past Committee and Council meeting, the latest being at the April 2017 OCM. However; the rent levels for these properties is considered annually at the time the fees and charges are determined for the forthcoming financial year budget.

At this stage no extended dialogue has occurred with the tenant at Lot 102 Chapman Valley Road, Yuna (Ms. Shirley MacLeod) on the extension of the tenancy agreement, content of any extended agreement and level of rent to be paid. This should occur once Council has determined the best course of action in this instance.

**RISK ASSESSMENT**

As there is an insignificant effect on the Municipal Fund and the income received from the properties being sold is minimal, I believe the risk in this instance is *insignificant* i.e.

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



## VOTING REQUIREMENTS

Simple Majority

## STAFF RECOMMENDATION

Council:

1. Prioritise the residential property at Lot 102 Chapman Valley Road, Yuna, for tenant(s) who are staff of the Education Department for the period of up to three (3) years to complement Council resolution 04/17-16 to retain this property in Shire ownership for the same period i.e.

Minute Reference – 04/17-6

*“The sale of the property located at 19 Chapman Valley Road, Nabawa, proceed and Council retain the property located at Lot 23 Chapman Valley Road, Yuna, for a period of up to 3 years.”*

2. Amend Management Procedure CMP-055 to reflect item 1 above;
3. Endorse the extension of the existing tenancy agreement with Ms Shirley MacLeod (Principal Yuna Primary School) or any other Education Department employee, for twelve month incremental periods for the duration of the three (3) year retention period stated in Minute Reference 04/17-6;
4. List the following conditions in the new Tenancy Agreement:
  - a) Rent will be adjusted in accordance with the Shire’s annual review of fees and charges each year or as otherwise determined by Council;
  - b) The rent for the new tenancy agreement for the period 16<sup>th</sup> January 2018 to 16<sup>th</sup> January 2019 will \$200 per week. The tenant is to be formally advised of this increase in accordance with the requirements of the Residential Tenancy Act, 1987;
  - c) Maintenance and capital upgrade works will be determined by the Shire and be in accordance with approved budgets for the property, or as otherwise determined by way of approved budget variation endorsed by Council.

## COUNCIL RESOLUTION

**MOVED: CR HUMPHREY**

**SECONDED: CR ROYCE**

Council:

1. Prioritise the residential property at Lot 102 Chapman Valley Road, Yuna, for tenant(s) who are staff of the Education Department for the period of up to three (3) years to complement Council resolution 04/17-16 to retain this property in Shire ownership for the same period i.e.

Minute Reference – 04/17-6

*“The sale of the property located at 19 Chapman Valley Road, Nabawa, proceed and Council retain the property located at Lot 23 Chapman Valley Road, Yuna, for a period of up to 3 years.”*

2. Amend Management Procedure CMP-055 to reflect item 1 above;
3. Endorse the extension of the existing tenancy agreement with Ms Shirley MacLeod (Principal Yuna Primary School) or any other Education Department employee, for twelve month incremental periods for the duration of the three (3) year retention period stated in Minute Reference 04/17-6;

4. List the following conditions in the new Tenancy Agreement:
- a) Rent will be adjusted in accordance with the Shire’s annual review of fees and charges each year or as otherwise determined by Council;
  - b) The rent for the new tenancy agreement for the period 16<sup>th</sup> January 2018 to 16<sup>th</sup> January 2019 will \$180 per week.;
  - c) Maintenance and capital upgrade works will be determined by the Shire and be in accordance with approved budgets for the property, or as otherwise determined by way of approved budget variation endorsed by Council.

**Voting 5/0  
CARRIED  
Minute Reference 05/17-12**

*Reason for Deviation from Staff Recommendation: Councillors wanted the rent amount to continue as previous years.*

**11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

*Mrs Raymond left Chambers at 10.24am*

**13.0 DELEGATES REPORTS**

Cr Collingwood and CEO attended the Northern Country Zone meeting in Mingenew.

WALGA representatives Ricky Burgess and Lyn Craigie visited the Shire.

**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

**COUNCIL RESOLUTION**

**MOVED: CR FARRELL**

**SECONDED: CR HUMPHREY**

That Late Item 15.1 – Disposal of Lot 19 Chapman Valley Road, Nabawa be dealt with.

**Voting 5/0  
CARRIED**

**Minute Reference 05/17-13**

**COUNCIL RESOLUTION**

**MOVED: CR ROYCE**

**SECONDED: CR FARRELL**

Council close the meeting to the public for the following Agenda Item in accordance with the Local Government Act, 1995:

- 15.1 – DISPOSAL OF LOT 19 CHAPMAN VALLEY RD, NABAWA

*Section 5.23(2)(c) as the items involves a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

**Voting 5/0  
CARRIED**

**Minute Reference 05/17-14**

Mrs Raymond re-entered Chambers at 10.29am

<b>LATE AGENDA ITEM:</b>	15.1
<b>SUBJECT:</b>	DISPOSAL OF LOT 19 CHAPMAN VALLEY RD, NABAWA
<b>PROPONENT:</b>	CHIEF EXECUTIVE OFFICER
<b>SITE:</b>	LOT 19 CHAPMAN VALLEY RD, NABAWA
<b>FILE REFERENCE:</b>	A1345
<b>PREVIOUS REFERENCE:</b>	MINUTE REFS: ~ SC 07/16-1 (ADOPTION OF 2013/2014 BUDGET) ~ 03/17-16; & ~ 04/17-6
<b>DATE:</b>	17 <sup>th</sup> MAY 2017
<b>AUTHOR:</b>	MAURICE BATTILANA

#### COUNCIL RESOLUTION / STAFF RECOMMENDATION

**MOVED: CR FARRELL**

**SECONDED: CR ROYCE**

Council:

1. Council endorse the disposal of Lot 19 Chapman Valley Rd, Nabawa by Private Treaty;
2. Authorise the Chief Executive Officer to negotiate the best possible price for the sale of Lot 19 Chapman Valley Rd, Nabawa with the minimum sale price being within 15% of valuation received for the property;
3. Offers are to be accepted in accordance with the Item 1 above and the following condition noted:  
  
*"This offer is conditional upon the Shire of Chapman Valley completing and complying with all the necessary legislative requirements for the disposal of local government property by private treaty"*
4. In the event an offer is accepted by the Chief Executive Officer in accordance with Items 2 & 3 above the proposed sale is to be advertised in accordance with legislation seeking public submissions;
5. In the event of there being no submissions received from the public Council authorise the Chief Executive Officer to accept the offer made for the sale of Lot 19 Chapman Valley Rd, Nabawa by Private Treaty;
6. Council allocate the funds received for the sale of Lot 19 Chapman Valley Rd, Nabawa to the Shire's Building Reserve Fund.

**Voting 5/0  
CARRIED  
Minute Reference 05/17-15**

#### COUNCIL RESOLUTION

**MOVED: CR ROYCE**

**SECONDED: CR HUMPREY**

That the meeting be re-opened to the public at 10.32am.

**Voting 5/0  
CARRIED  
Minute Reference 05/17-16**

**16.0 CLOSURE**

The Chairman thanked the Elected Members and Staff for their attendance and closed the meeting at 10.33am.