



SHIRE OF

**Chapman Valley**

*love the rural life!*

## ORDINARY COUNCIL MEETING

Ordinary Meeting of Council

Held on Wednesday 19 February 2020

**Council Chambers, 3270 Chapman Valley Road, Nabawa**

Commencing at 9:02am

Maurice Battilana

CHIEF EXECUTIVE OFFICER

# MINUTES

## FEBRUARY 2020

### Shire's Vision

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

# 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 positioned above the name of the Chief Executive Officer.

Maurice Battilana  
**CHIEF EXECUTIVE OFFICER**

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## 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

## 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

*(Note: Quorum = 4 Elected Members)*

### 3.1 ATTENDEES

### 3.2 APOLOGIES

### 3.3 PREVIOUSLY APPROVED LEAVE OF ABSENCE

Councillor	OCM Month & Year	Date Approved	Minute Reference
Cr Kirrilee Warr	February 2020 OCM	20 November 2019	11/19-2
Cr Darrell Forth	February 2020 OCM	18 December 2019	12/19-1

## 4.0 PUBLIC QUESTION TIME

### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 4.2 PUBLIC QUESTION TIME

## 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

## 6.0 DISCLOSURE OF INTEREST

## 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 7.1 PETITIONS

### 7.2 PRESENTATIONS

**7.2.1** 11:30am - Lindsay & Ross Councillor - Naaguja Warangkarri Aboriginal Corporation (also attending Lunch)

**7.2.2** 1:30pm - Citizenship Ceremony

### 7.3 DEPUTATIONS

## 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

**8.1** Ordinary Meeting of Council – 18 December 2019  
*(Previously provided under separate cover)*

## 9.0 ITEMS TO BE DEALT WITH EN BLOC

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<b>13.0</b>	<b>DELEGATES REPORTS</b>	
<b>14.0</b>	<b>ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION</b>	
<b>15.0</b>	<b>MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC</b>	
	Nil	
<b>16.0</b>	<b>CLOSURE</b>	

## ORDER OF BUSINESS:

### 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The President, Cr Farrell welcomed Elected Members and Staff and declared the meeting open at 9.02am.

### 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
Cr Anthony Farrell (President)
Cr Nicole Batten
Cr Beverley Davidson
Cr Peter Humphrey
Cr Ian Maluish
Cr Trevor Royce

##### b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Mr Simon Lancaster	Acting Chief Executive Officer
Mrs Dianne Raymond	Manager Finance and Corporate Services
Mr Beau Raymond	Senior Finance Officer

##### c. Visitors

Name
Margery & Barton Smith
Peter Sweeney

#### 3.2 Apologies

Nil

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

Councillor	OCM Month & Year	Date Approved	Minute Reference
Cr Kirilee Warr	February 2020 OCM	18 November 2019	11/19-2
Cr Darrell Forth	February 2020 OCM	18 December 2019	12/19-1

### 4.0 PUBLIC QUESTION TIME

#### 4.1 Response to Previous Public Questions on Notice

Nil

#### 4.2 Public Question Time

Nil

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

Nil

## 6.0 DISCLOSURE OF INTEREST

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

### Section 5.60A:

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

### Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –*

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

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

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

### Regulation 34C (Impartiality):

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

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.1.1	Simon Lancaster	Impartiality	Personal
10.1.5	Ian Maluish	Impartiality	Membership

## 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 BATTEN**

**SECONDED: CR ROYCE**

### 8.1 Ordinary Meeting of Council held on Wednesday 18 December 2019

That the minutes of the Ordinary Meeting of Council held Wednesday 18 December 2019 be confirmed as a true and accurate.

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-1**

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

### **COUNCIL RESOLUTION**

**MOVED: CR BATTEN**

**SECONDED: CR HUMPHREY**

Council resolved to deal with the following items En Bloc:

10.1.2 Proposed Subdivision Lot 31 Hickety Road

10.1.3 Review of Local Planning Policies

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-2**

## **10.0 OFFICERS REPORTS**

# **10.1**

## **Deputy Chief Executive Officer**

### **February 2020**

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### **10.1 AGENDA ITEMS**

- 10.1.1 Proposed Pet Cemetery Covenant & Easement
- 10.1.2 Proposed Subdivision Lot 7550 Hickety Road
- 10.1.3 Proposed Subdivision Lot 31 Hickety Road
- 10.1.4 Review of Local Planning Policies
- 10.1.5 Bill Hemsley Park Management Committee
- 10.1.6 Proposed Removal of Rates Exemption Lot 10786 NWC Hwy



Simon Lancaster (DCEO) declared an impartiality interest in this item.

<b>AGENDA ITEM:</b>	<b>10.1.1</b>
<b>SUBJECT:</b>	<b>PROPOSED RESTRICTIVE COVENANT &amp; EASEMENT</b>
<b>PROPONENT:</b>	<b>SHALOM PET CEMETERY</b>
<b>SITE:</b>	<b>1172 (LOT 8) CHAPMAN VALLEY ROAD, NARRA TARRA</b>
<b>FILE REFERENCE:</b>	<b>A431</b>
<b>PREVIOUS REFERENCE:</b>	<b>05/18-3</b>
<b>DATE:</b>	<b>10 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Received Correspondence	✓	

#### DISCLOSURE OF INTEREST

The author has an impartiality interest.

#### BACKGROUND

The owners of the Shalom Pet Cemetery upon 1172 (Lot 8) Chapman Valley Road, Narra Tarra are enquiring whether Council would be in agreement to the registration of a restrictive covenant and easement protecting the pet cemetery from closure with the Shire listed as the beneficiary. This report recommends that Council advise the landowner that it is willing to further consider the matter, subject to the landowner's solicitor preparing the necessary documentation and this being then provided to the Shire's solicitor for review to ensure there is no incurred liability or maintenance responsibility, prior to the matter being returned to Council for further consideration.

#### COMMENT

Lot 8 is a largely cleared 7.2ha property, bordered by the Chapman Valley Road on its western frontage and the Chapman River to the east, and is located immediately south of the Fig Tree Crossing bridge.

**Figure 10.1.1(a) – Aerial Photograph of 1172 (Lot 8) Chapman Valley Road, Narra Tarra**



The Pet Cemetery was approved by Council at its 14 December 1993 meeting and now contains approximately 2,000 animals.

**Figure 10.1.1(b) – Enlarged Aerial Photo of Residence and Pet Cemetery upon Lot 8**



The landowners are looking to create a legal mechanism to protect the pet cemetery and enable continued public access. The landowner is unable to create an easement that 'burdens' the land without having a 'benefited' party and have therefore approached the Shire enquiring whether it would consider performing this role.

The applicant is not seeking the Shire to assume a role in the maintenance of the pet cemetery but rather accept the role of holding a restrictive covenant that prohibits the future owners of the property from destroying/removing the cemetery.

A copy of the landowner's correspondence, and the preliminary advice they have received from their solicitor that provides further background is provided as **Attachment 10.1.1**.

The landowner is also looking to create a second vehicle access location, to the south of the pet cemetery, to separate the traffic associated with the residence and the cemetery.

## **STATUTORY ENVIRONMENT**

1172 (Lot 8) Chapman Valley Road, Narra Tarra is zoned 'Rural' under Shire of Chapman Valley Local Planning Scheme No.3.

## **POLICY/PROCEDURE IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Whilst the proposed easement and restrictive covenant would not impose a budgetary implication to the Shire in terms of ongoing maintenance, it could create a responsibility for the Shire to take compliance action in the event that a future landowner of the property sought to destroy the cemetery or prevent access.

It might also be considered that by introducing the Shire as an associated party to the pet cemetery (albeit a restrictive one) this could create an expectation that the Shire might become involved in the event that the maintenance of the pet cemetery or its associated car park and driveway became a source of complaint.

Whilst the pet cemetery would not become a Shire asset the Shire of Chapman Valley Asset Management Plan does provide the following that might be considered relevant to Council in its consideration of this matter:

*“New works are those works to create a new asset which did not previously exist or works which upgrade or improve an existing asset beyond its existing capacity. They may result from growth, social or environmental needs.*

*New assets and upgrade/expansion of existing assets are identified from various sources such as councillor, staff or community requests, proposals identified by strategic plans or partnerships with other organisations. Proposals are investigated to verify need and to develop a preliminary estimate. Verified proposals are ranked by priority and available funds and scheduled in future works programmes. The following programs should be referred to:*

- *Ten Year Road Works Program*
- *Ten Year Plant Replacement Program*
- *Five Year Building Program*
- *Strategic Community Plan” (pages 6-7)*

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

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and advises that:

*“The main challenges facing Council are the need to meet community aspirations for improved services and infrastructure with a limited funding base. Chapman Valley has a small population and funding base and any new project needs to be considered carefully.*

*The majority of assets and infrastructure are only affordable to Council with the assistance of State and/or Federal funding. This can be unpredictable and uncertain which makes it difficult to determine the exact timing of being able to afford new infrastructure. However, it is important to not lose sight of the Community’s aims....*

*...As well as core services such as roads the declining inland population, recruitment & retention of skilled people, affordable community housing, improve mobile phone and internet telecommunications, heritage and protecting natural features are all important to the community.*

*Local Government costs continually increase at a higher rate than the headline Consumer Price Index (CPI), combined with the additional costs associated with the remoteness of the region. This, along with the continuing practice of “cost shifting” by the State and Australian Governments and the ongoing additional legislative burdens and “red tape” being forced onto local government provide a massive funding challenge to ensure sustainability and to meet increasing community expectations.” (p.1)*

Section 6.3 of the Shire of Chapman Valley Long Term Financial Plan notes that the objective of asset management is to meet a required level of service in the most cost-effective manner through the management of assets for present and future customers. Again, it should be noted that whilst the pet cemetery would not become a Shire asset, there is potential for a perception to be created through its involvement in the restrictive covenant and easement that the Shire has a role in the future appearance and operation of the pet cemetery.



## STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy identifies Lot 8 as being located within 'Precinct 3 – Chapman Valley' the vision for which is:

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

Council has been keen to develop Chapman Valley Road as a scenic tourism route with the intent for it to become the Mid West's Swan Valley, with tourism focused businesses supplementing rural activity (e.g. bed and breakfasts, farm stays, restaurants and cafes, music and cultural events, museums, galleries, local produce and craft retail, brewery/distillery tastings and sales etc.) that build on the area's scenic attractions. The Strategy notes for Precinct No.3 that:

*"A majority of Precinct 3 consists of cleared pasture actively farmed for the production of broadacre crops mixed with grazing. However a trend toward farming diversification has started to emerge with the development of small aquaculture, horticulture and viticulture enterprises, particularly in areas where a known sustainable fresh water supply has been identified. Coupled with areas of high land capability, opportunities currently exist for the experimentation and expansion of alternative crop rotations, the introduction of stock varieties and the development of intensive pursuits, as mentioned above."*

*Further opportunity exists for limited low-key tourist development linked with local industries, farm stays and farm diversification in close proximity to established tourist routes where a suitable level of infrastructure exists. Most of the local road network within the Chapman Valley consists of gravel formed and paved roads, with the exception of Chapman Valley Road, Northampton Nabawa Road, Morrell Road, Chapman Road East, Narra Tarra Moonyoonooka Road and Durawah Road constructed to bitumen seal standard. Heritage trails are also evident along the Chapman Valley Road and Nanson Howatharra Road with the potential to be developed further for tourism purposes."*

Whilst on initial consideration, the Shalom Pet Cemetery might not be considered a tourism business, it should be considered as forming a part of this overall tourism/scenic drive vision. The pet cemetery does draw visitors who might then be encouraged (potentially through signage) to continue driving along Chapman Valley Road to other destinations as part of a wider 'day out'. The pet cemetery might also be considered as one part of an overall trail, similar to interpretative signage at places of historic or scenic interest, in that whilst they do not in themselves generate economic activity they combine to create a wider network of places of interest that can attract visitors, amidst which business offering goods and services are then located to generate economic activity and employment.

The pet cemetery does have a level of recognition and affection as evidenced by the visitors it receives to the site itself and the on-line comments and potential media exposure it can generate:

[https://www.facebook.com/abcmidwestandwheatbelt/posts/10157382395940985?\\_tn\\_ =K-R](https://www.facebook.com/abcmidwestandwheatbelt/posts/10157382395940985?_tn_ =K-R)

On this basis Council might consider that accepting a level of involvement through being custodian of a restrictive covenant has overall merit to the community and its tourism economy.

Council might suggest to the applicant the renaming of the site to the Chapman Valley Shalom Pet Cemetery would further work in with the overall promotional scenic drive theme

It might also be noted that in the event that circumstances or Council's view on its involvement was to change then it could (being the benefited party to a restrictive covenant) decide to withdraw from the arrangement.

**Figure 10.1.1(c) – Shalom Pet Cemetery upon Lot 8 Chapman Valley Road, Narra Tarra**



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

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and lists its aim as being to maintain and build population while ensuring financial and asset management is robust to allow for effective service delivery as an independent Shire participating in the growth of the region.

The Strategic Community Plan lists the following objectives of relevance in this matter:

- 2.2 Provide support for business development and local employment;
- 2.3 Welcome local tourism and participation in regional strategy;
- 5.2 Be accountable and transparent in managing resources;
- 5.3 Make informed decisions within resources and areas of responsibility.

## **CONSULTATION**

It is recommended, should Council wish to consider this matter further, that it refer the applicant's legal documentation (once received by the Shire) to its own solicitor for advice pertaining to exposure to risk prior to the matter being returned to a future meeting of Council for discussion.

## **RISK ASSESSMENT**

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
<b>Insignificant (1)</b>	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 ROYCE**

**SECONDED: CR BATTEN**

That Council advise the landowner of 1172 (Lot 8) Chapman Valley Road, Narra Tarra that:

- 1 It is willing to give further consideration to the registration of a restrictive covenant and easement relating to the pet cemetery, with the Shire listed as the beneficiary, subject to the landowner's solicitor preparing the necessary documentation (the Shire will then refer the received documentation to its own solicitor for review and comment prior to the matter being returned to a future meeting of Council for further consideration).
- 2 It is unwilling to accept maintenance or liability responsibility for the pet cemetery and the prepared documentation will be considered with regard to ensuring that there is no created requirement for, or creation of a perception that, the Shire has any such maintenance or liability responsibility.
- 3 It supports the creation of a second crossover into Lot 8 (to the south of the pet cemetery) to separate vehicle movements associated with the residence and the cemetery. The second crossover, and associated car parking area, are required to be located and constructed to the requirements of the Shire of Chapman Valley.

**Voting 5/1**

**CARRIED**

**Minute Reference: 02/20-3**



# SHALOM PET CEMETERY

Tel: (08) 9923 3688  
Email: shalompc@bigpond.com

Barton & Marjorie Smith

DATE	12 DEC 2019
FILE	A431
RECORD	CR 1915090

1172 Chapman Valley Rd  
Narra Terra WA 6532  
Western Australia

12<sup>th</sup> December 2019

The CEO and Shire Councillors  
The Chapman Valley Shire  
Nabawa 6532

Dear Councillors,

As the founders and owners of Shalom Pet Cemetery, Barton and I are aware that in the not too distant future, we will be too old to manage the Cemetery and our property at 1172 Chapman Valley Road. We therefore need to make some arrangements for the protection of the Pet Cemetery, so that these are "ready to go" when the time comes to put the property on the market.

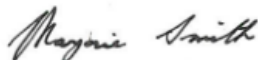
The Pet Cemetery started in 1995 and we have about 2000 pets buried here. We get many owners visiting their pets and also many tourists stop to visit. Many members of the Chapman Valley Shire and Greater Geraldton community have pets interred at the cemetery and we feel that their ability to continue to visit their beloved pets is an important community service.

Our advice has been that we need to place a Covenant for 50 years on the area of the Pet Cemetery. Please find attached the portion of advice from our solicitor, Gaby Bracks, which is relevant to our request to the Shire. It should be noted that our request does not entail the Shire continuing to operate the Pet Cemetery as a going concern, but rather to enable continued public access to the cemetery and protecting the existing graves.

We request that the Shire agree to the registration of a restrictive Covenant and easement with the Shire as the beneficiary of these.

Hoping for your favourable consideration,

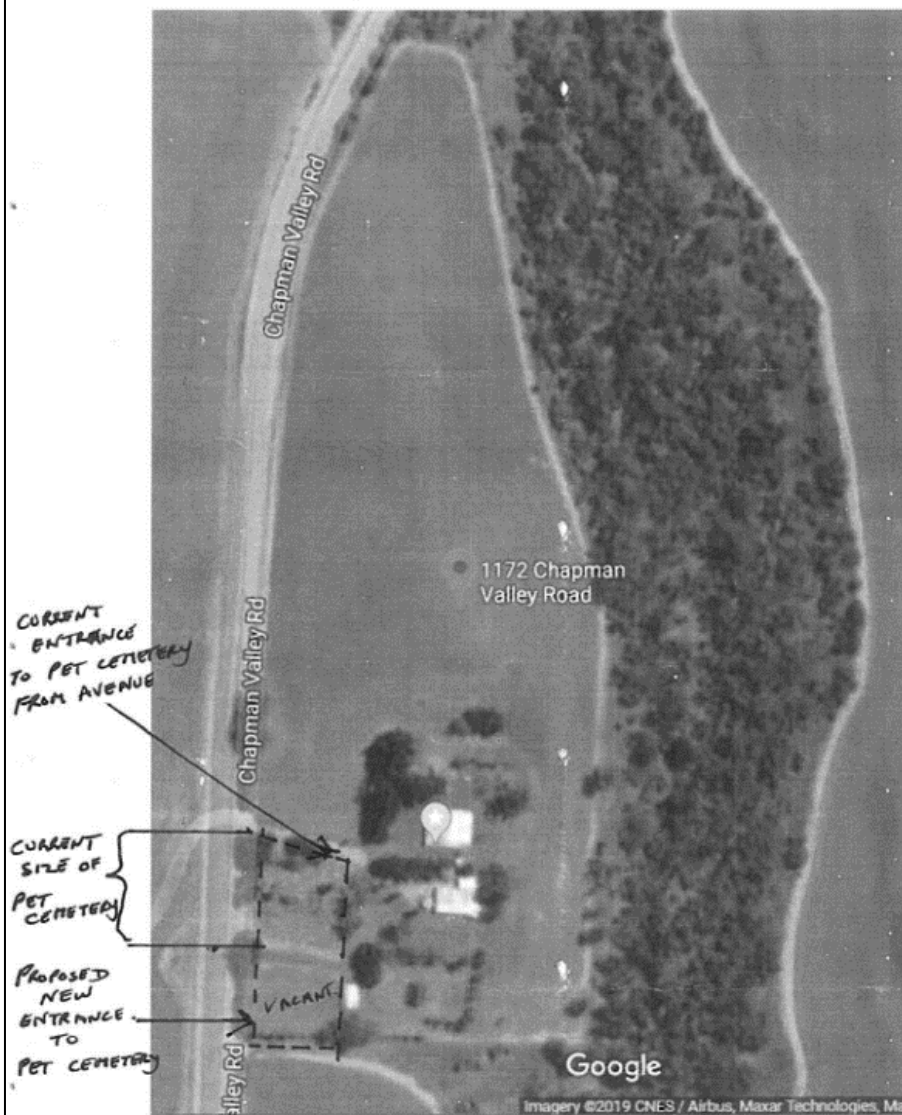
Yours Sincerely,



Marjorie Smith

Pp WMB and M Smith

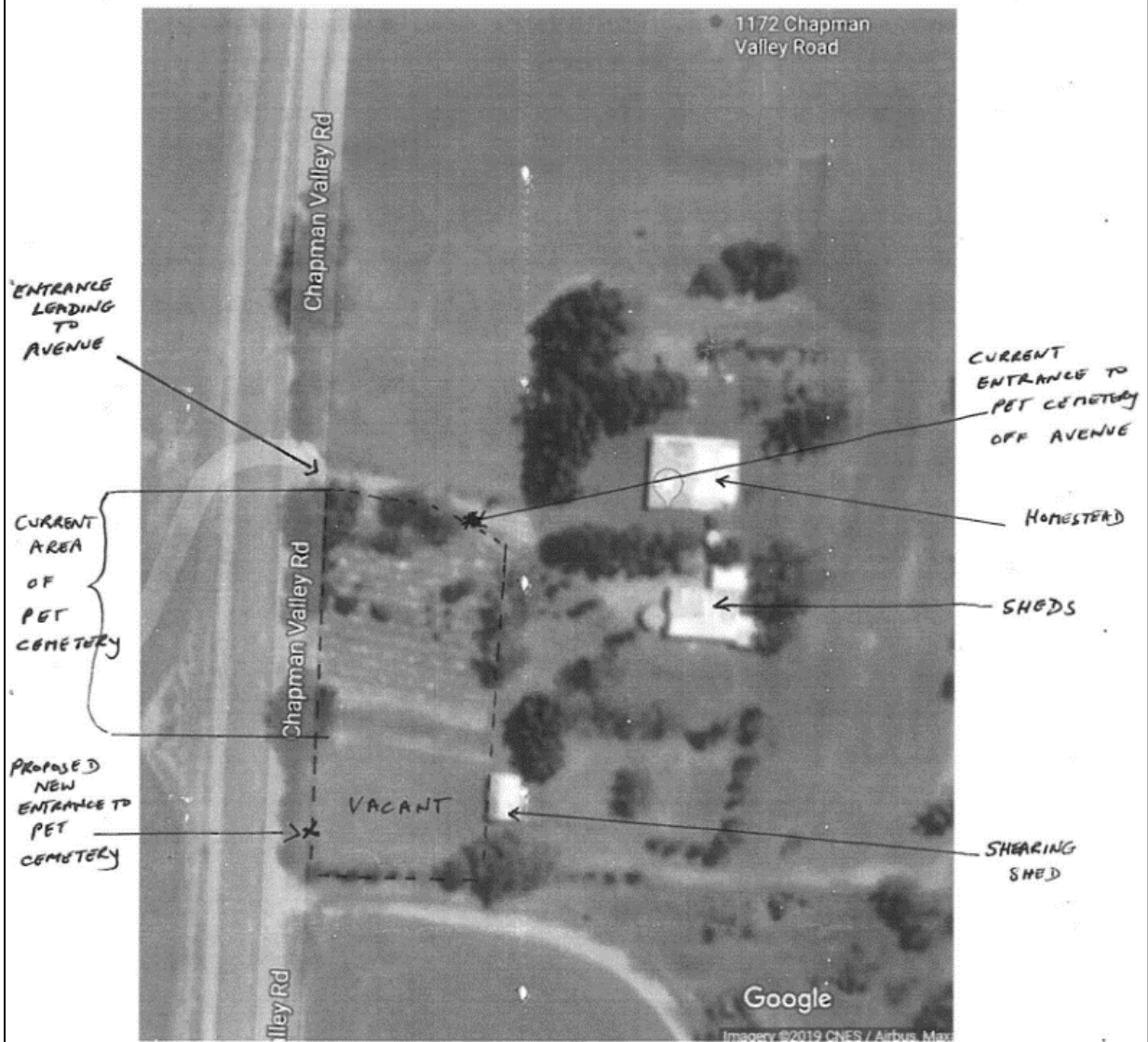
GOOGLE MAP OF 1172 CHAPMAN VALLEY ROAD



--- PROPOSED AREA FOR COVENANT



"ZOOMED IN" GOOGLE MAP OF PET CEMETERY AREA.



----- PROPOSED AREA OF COVENANT

Our Ref: GB:19099

14 November 2019

Mr B & Mrs M Smith  
1172 Chapman Valley Road  
Narrattarra WA 6532

Dear Mr & Mrs Smith,

**Shalom Pet Cemetery**

I refer to our meeting on 9 August 2019 in relation to the pet cemetery on your property at 1172 Chapman Valley Road and to my telephone discussion with Marjorie on 16 October 2019.

I confirm that it is your wish to put in place some arrangement to ensure that if you sell your land, people who have pets buried at the pet cemetery will be able to continue to access the cemetery to visit their pets.

I have reviewed the *Transfer of Land Act WA* and researched options including restrictive covenants and easements.

**Restrictive Covenants and Easements Generally**

In Western Australia, it is generally only possible to lodge a restrictive covenant or an easement where there are 2 affected pieces of land in close proximity to one another – one that receives the benefit of the restrictive covenant or easement and one that is burdened by the restrictive covenant or easement. In this case, you have a burdened piece of land but there is no adjacent land that would benefit from the restrictive covenant or easement.

**Restrictive Covenant or Easement in favour of Local Government or Public Authority**

It is, however, possible under section 129BA of the *Transfer of Land Act* to have a restrictive covenant registered to benefit a local authority in whose district the land is located, like the Chapman Valley Shire, rather than to benefit an adjacent piece of land. Similarly, under section 195 of the *Land Administration Act*, an easement can be granted in favour of a local government or public authority without there needing to be an adjacent piece of land to be benefitted by the easement.

If the local government felt that it was of benefit to the community it may agree to such a restrictive covenant and easement. I recommend, therefore, that as a first step, you approach the Chapman Valley Shire and discuss your situation with them and enquire whether they would consider agreeing to the registration of a restrictive covenant and easement with the Shire as the beneficiary of these.

If the Shire does agree, you should be aware that restrictive covenant must be restrictive – ie: it must

Liability limited by a scheme approved under the Professional Standards Legislation

**P: 0400 974 053 | E: [info@gabriellebracks.com.au](mailto:info@gabriellebracks.com.au) | A: 14 Foreshore Drive, Geraldton WA 6530 | PO Box 38 Walkaway WA 6528**

prohibit something – and cannot include positive covenants requiring the owner of the land to take certain actions such as maintaining or looking after the cemetery. In this case, the restrictive covenant would be along the lines of prohibiting the owner of the land from destroying/removing the cemetery.

The advantage of having a restrictive covenant and easement in favour of a local government or public authority is that these are registered on the title to the land and pass with the land so that all future owners are bound by these.

#### **Positive Covenant**

If the Chapman Valley Shire was unwilling to agree to the restrictive covenant and easement in their favour being registered, the only other way to achieve your wish to have any new owner retain the cemetery and allow access to owners of pets that are buried there is to request or require a purchaser to enter into a Deed of Covenant that sets out the requirement to retain the cemetery and to allow access to the cemetery.

A Deed of Covenant binds the purchaser by contract but does not appear on the title to the land and does not pass with the land. It would therefore need to include a clause requiring any owner of the land to require a new purchaser to agree to the terms of the Deed of Covenant too. If this wasn't done, or there was some other breach of the Deed, it would require a party to the Deed to enforce the Deed of Covenant.

Please consider the matters above. I recommend that your first step is to speak to the Shire of Chapman Valley. How they respond will guide how you proceed from here.

If you have any queries at all or would like to discuss this advice, please contact me on 0400 974 053 or by email at [gaby@gabrielibracks.com.au](mailto:gaby@gabrielibracks.com.au)

In the meantime, I enclose my invoice in relation to our meeting and this advice for your kind attention.

Yours faithfully



GABRIELLE BRACKS



<b>AGENDA ITEM:</b>	<b>10.1.2</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION – LOT 7550 HICKETY ROAD</b>
<b>PROPONENT:</b>	<b>LANDWEST FOR E. WHYATT</b>
<b>SITE:</b>	<b>LOT 7550 HICKETY ROAD, HOWATHARRA</b>
<b>FILE REFERENCE:</b>	<b>A455</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/7-2 &amp; 04/18-2</b>
<b>DATE:</b>	<b>9 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### SUPPORTING DOCUMENTS:

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

#### DISCLOSURE OF INTEREST

Nil

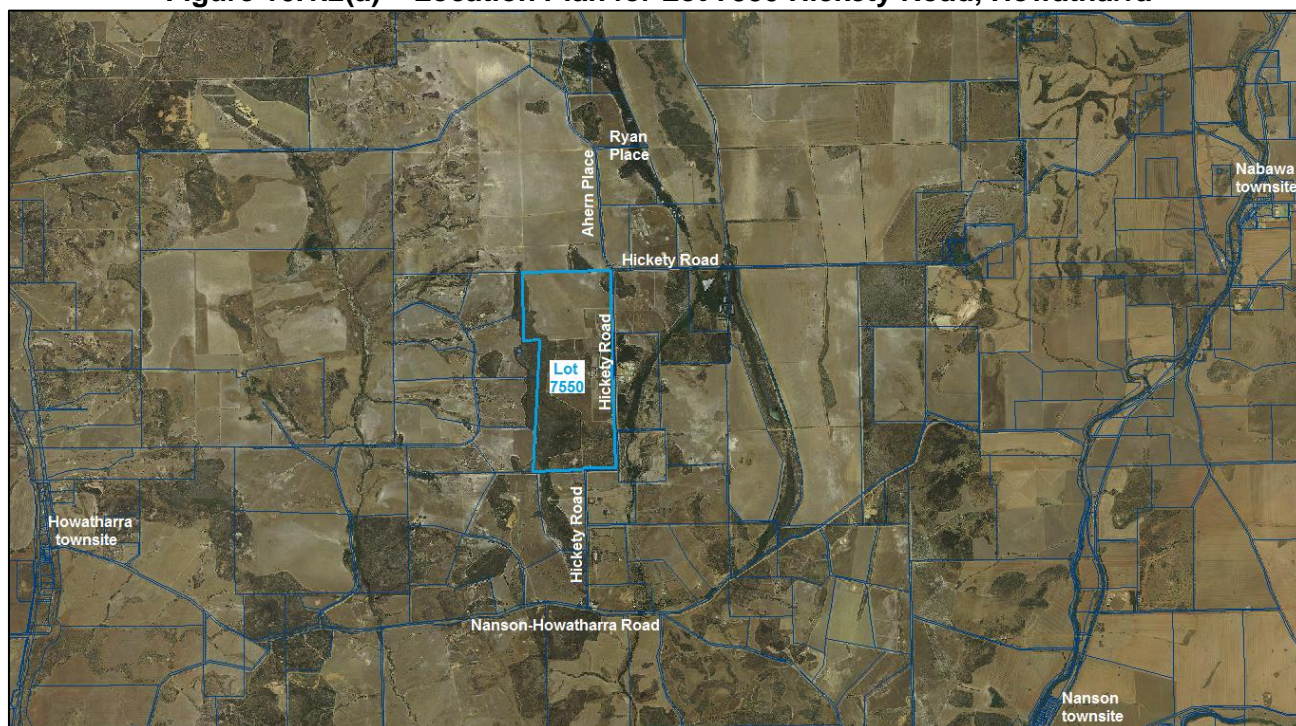
#### BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking comment on an application to subdivide Lot 7550 Hickety Road, Howatharra into 2 lots. This report recommends that Council conditionally support the application.

#### COMMENT

Lot 7550 is a 265.2ha property approximately 7km east of the Howatharra townsite, 7km north-west of the Nanson townsite and 8km south-west of the Nabawa townsite.

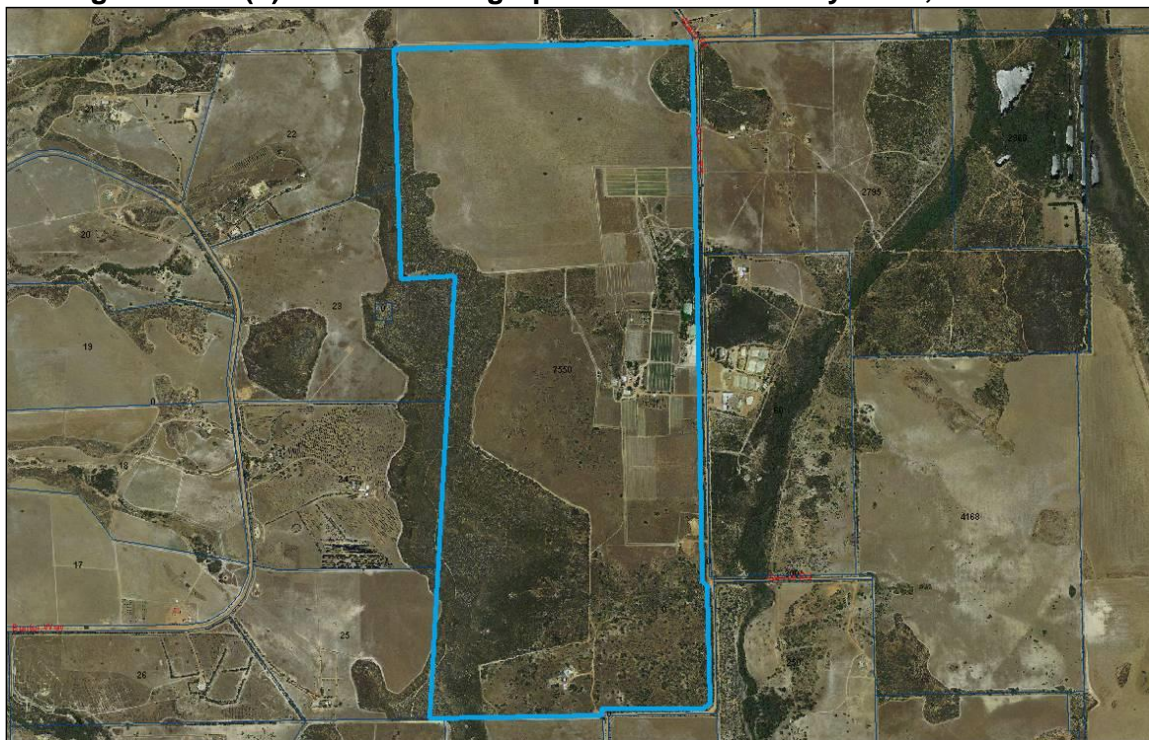
**Figure 10.1.2(a) – Location Plan for Lot 7550 Hickety Road, Howatharra**





Lot 7550 is largely cleared and used for farming and horticultural (market gardening) purposes and contains 2 residences, there is some remnant vegetation along the western boundary of the property where the property rises.

**Figure 10.1.2(b) – Aerial Photograph of Lot 7550 Hickety Road, Howatharra**



The landowner is seeking to subdivide Lot 7550 into 2 lots as follows:

- 19.5ha lot at the southern end of Lot 7550 that would contain the existing southern residence, associated outbuildings and 268,000L rainwater tank and 23,000L groundwater tank; &
- balance 245.996ha lot that would contain the northern residence, associated outbuildings and 14,000L tank along with the horticulture operations that includes a series of spring fed dams with a licence for 88,000kL annually.

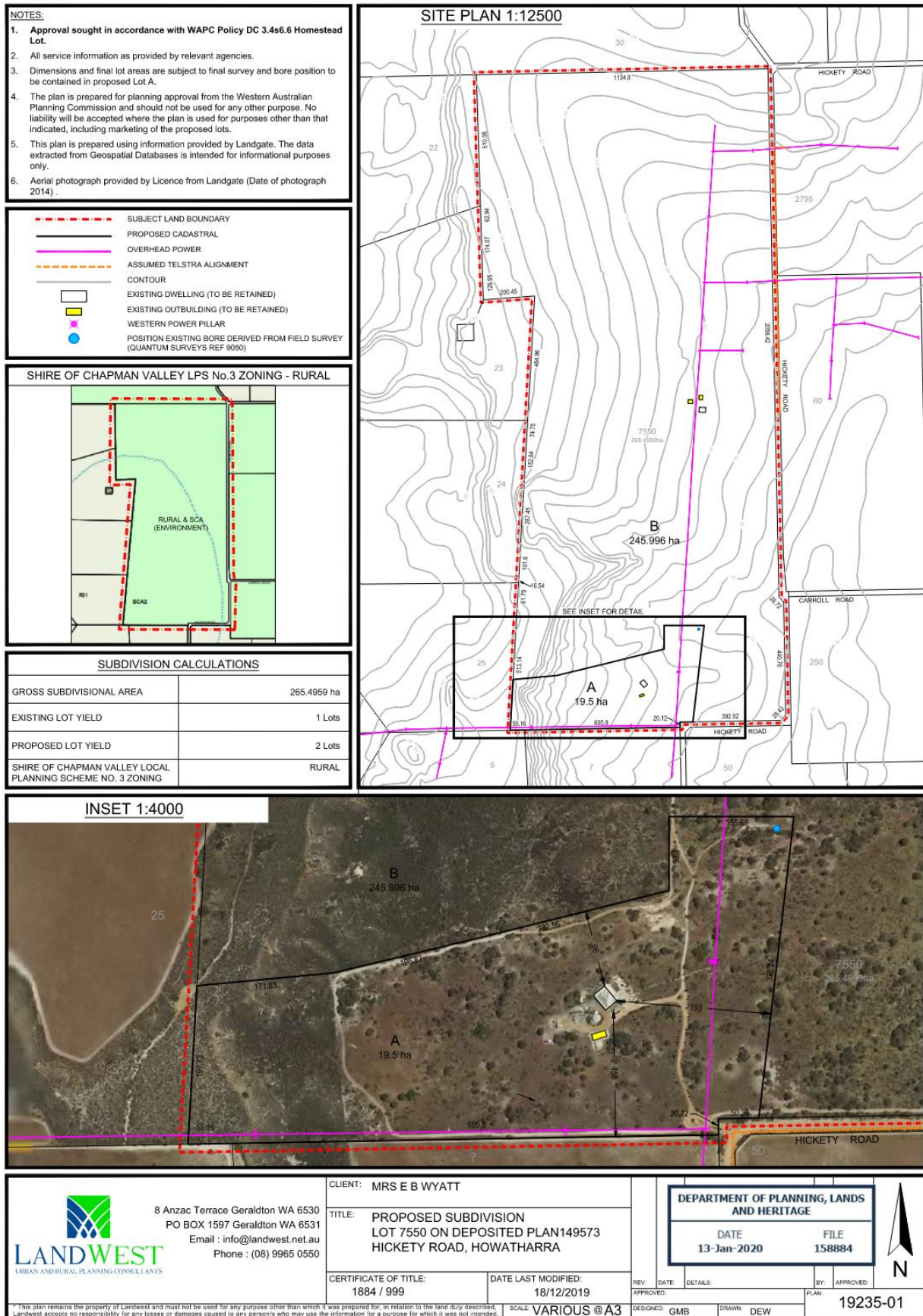
**Figure 10.1.2(c) – View across Lot 7550 looking south-west from Hickety Road**



The proposed subdivision plan is provided in Figure 10.1.2(d) and also within **separate Attachment 10.1.2** along with the consultant's supporting explanatory report.



**Figure 10.1.2(d) – Proposed Subdivision Plan for Lot 7550 Hickety Road, Howatharra**



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

- The subdivision presents no environmental impacts.
- The subdivision presents no heritage impacts.
- The subdivision, subject to ongoing adherence to standard bushfire requirements, presents no additional bushfire hazard risk.
- The subdivision will not create lots that are inconsistent with those already existing in the surrounding area.
- The subdivision proposes no additional vehicle access points.
- The subdivision would not present any additional vehicle movements to the local road network.
- The proposed lots are considered to be adequately serviced through existing power and water infrastructure.
- The subdivision would assist the family already living upon the property in 2 separate residences by providing separation of tenure.
- The subdivision would not prevent the current horticultural land use from continuing.
- The subdivision is consistent with the requirements for a Homestead Lot as contained in the WAPC's Development Control Policy 3.4 – Subdivision of Rural Land.
- The lot sizes accord with Council's strategic planning direction as laid out in the WAPC endorsed Shire of Chapman Valley Local Planning Strategy.
- The residence that would be created upon the Homestead Lot (and would therefore have potential to be independent of the existing horticulture operation) is located 650m from the horticulture operation, with limited potential for emissions impacting, as it is located to the south-west which is upwind of the afternoon prevailing wind direction, and not in line with the occasional morning easterly wind direction.

## STATUTORY ENVIRONMENT

Lot 7550 Hickety Road, Howatharra is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.3.

The objectives for the 'Rural' zone are as follows:

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

The south-west portion of Lot 7550 is also located within the overlying 'Special Control Area 2 - Moresby Range Landscape Protection' zone, for which Table 6 of the Scheme notes:

Purpose and Objective	Additional Provisions
The purpose of Special Control Area 2 is the protection of the Moresby Range and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for development approval on land within Special Control Area 2, the local	(1) Within SCA 2, no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for: (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended), the local government's Bush Fire Notice and/or any fire management plan endorsed by the local government; (b) Clearing as may reasonably be required to accommodate an approved building and curtilage, or

government shall give consideration to the purpose of the Special Control Area.	<p>vehicular access to an approved building or other land use approved by the local government; and/or</p> <p>(c) Clearing as may be allowed under the Department of Water and Environmental Regulation and Conservation Land Clearing Regulations;</p> <p>(d) Trees that are diseased or dangerous.</p> <p>(2) In the determination of any application for development approval within SCA 2, the local government may, having regard to the purpose of the Special Control Area set out in Part 5 and the assessment criteria detailed in the Moresby Range Management Strategy, require modification of development proposals, or impose conditions of approval regarding:</p> <p>(a) The siting of the proposed development;</p> <p>(b) The design and layout of the proposed development;</p> <p>(c) The materials and finishes to be used in the proposed development;</p> <p>(d) The protection of remnant native vegetation or re-vegetation located on the site;</p> <p>(e) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or</p> <p>(f) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.</p>
---	---

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

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

## **POLICY/PROCEDURE IMPLICATIONS**

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

State Planning Policy 2.5 – Rural Planning and State Planning Policy 3.7 – Planning in Bushfire Prone Areas are of relevance to this subdivision application.

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy 1 - State Planning Framework. Development Control Policies are used to guide decision making in relation to subdivision and development applications.

Development Control Policy 3.4 - Subdivision of Rural Land is of relevance to this subdivision, and the applicant is making argument that it can be supported under the following Sections of DC3.4:



## **“5 General policy provisions**

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

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

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

## **6 Circumstances under which rural subdivision may be considered**

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

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

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

### **“6.6 Homestead lots**

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

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

- (a) the land is in the DC 3.4 Homestead lot policy area;*
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*
- (c) there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) the homestead lot has access to a constructed public road;*

- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;
- (g) a homestead lot has not been excised from the farm in the past;
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.

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

## FINANCIAL IMPLICATIONS

Nil

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

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

## STRATEGIC IMPLICATIONS

Lot 7550 Hickety Road, Howatharra is located within Precinct No.3 – Chapman Valley of the Shire of Chapman Valley Local Planning Strategy (2008) the vision for which is:

*"a diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources."*

Figure 7 of the Local Planning Strategy identifies Lot 7550 as 'Proposed Rural Smallholdings (20-40ha)' and the proposed lot size of 19.5ha proposes only marginal (2.5%) variation to the strategic planning direction for this area.

It is noted that for Precinct 3 the Strategy states that:

*"Council may support the subdivision/amalgamation of land within this Precinct, having due regard to the objectives of the Precinct, in the following circumstances:  
 ... (g) For lifestyle/hobby farm purposes as per Figure 3 where the subject land has been appropriately rezoned to 'Rural Residential' (1-4ha) or 'Rural Smallholdings' (20-40ha)."*

However, it should be noted Lot 7550 Hickety Road was previously subject to a rezoning application (Scheme Amendment No.2 to Scheme No.2) that sought to rezone the property from the 'Rural' zone to the 'Rural Smallholdings' zone to allow for subdivision into 3 lots.

The WAPC advised on 20 May 2019 that it *"refuses to grant final approval to Amendment No.2 to Shire of Chapman Valley Local Planning Scheme No.2 as the proposal has not demonstrated connection to a road network that allows for travel and escape routes in two directions, inconsistent with State Planning Policy 3.7: Planning in Bushfire Prone Areas and its associated Guidelines."*

This subdivision application makes argument that the creation of 2 lots (as opposed to the previously mooted 3 lots within the rezoning application documentation) can be considered under the Homestead Lot provisions. It is noted that the subdivision application process would also open the potential for lodgement of an appeal to the State Administrative Tribunal should the WAPC refuse this application, which was not an avenue not available to the applicant when the WAPC refused the rezoning application.

The rezoning application was supported by Council at both its 13 December 2017 and 18 April 2018 meetings and Council's support of this subdivision application would be consistent with its previous stance in relation to this matter.

The Geraldton Region Plan was released in 1999 by the WAPC to provide a framework for the future management, protection and coordination of regional planning. The Region Plan incorporates the Greater Geraldton Structure Plan that was updated in 2011 by the WAPC to account for a number of strategic planning directions. Lot 7550 is located north of the structure plan area and Section 3.2.2 of the 2011 report notes that rural land to the north of the study area has been identified for rural living purposes in the endorsed Shire of Chapman Valley Local Planning Strategy, and are beyond the scope of the Greater Geraldton Structure Plan and are to be considered through wider regional planning.

Lot 7550 is located within the study area for the WAPC's Moresby Range Management Strategy (2009). The Strategy identifies that the south-west corner of Lot 7550 forms part of the Moresby Range sideslopes and the southern portion forms part of the footslope, but does not identify the lot as being within a visually sensitive area. It is considered that the existing Scheme provisions are capable of implementing the recommendations of the Moresby Range Management Strategy relevant to Lot 7550.

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

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting, and the subdivision application is in accordance with its objectives.

## **CONSULTATION**

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

The previous application to rezone Lot 7550 was referred to the Environmental Protection Authority on 19 December 2017 for its assessment as per Section 81 of the *Planning & Development Act 2005*. The EPA advised on 15 January 2018 that the Amendment did not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

The rezoning application was extensively advertised in accordance with the provisions of the *Planning & Development Act 2005* from 7 February 2018 until 23 March 2018 inclusive of the following actions:

- newspaper notice placed in the Mid West Times on 7 February 2018;
- sign placed on-site,
- copy of the application made available for viewing at the Shire office/library;
- copy of the application made available for viewing on the Shire website;
- letters being sent to the 12 surrounding landowners inviting comment;
- letters being sent to the Aboriginal Heritage Directorate, Alinta Energy, Department of Biodiversity Conservation and Attractions, Department of Fire & Emergency Services, Department of Health, Department of Primary Industries and Regional Development, Department of Water and Environment Regulation, Telstra, Water Corporation, Western Power and Westnet Energy inviting comment.

At the conclusion of the advertising period 5 submissions had been received, all from government agencies, and all offering either support or technical comment to the proposed rezoning, and no objections were received.

## RISK ASSESSMENT

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
<b>Insignifi-cant (1)</b>	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 (MOVED EN BLOC)/STAFF RECOMMENDATION

**MOVED: CR BATTEN**

**SECONDED: CR MALUISH**

That Council advise the Western Australian Planning Commission that it supports the subdivision of Lot 7550 Hickety Road, Howatharra (WAPC 158884) as shown upon Plan 19235-01 (WAPC date stamped 13/1/20) subject to the following conditions:

- 1 A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate of Title of proposed Lot A advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"This lot is located within an area that contains operating market garden/s and has the potential to be affected by odours, noise, spray drift and dust that are associated with the continued operation of a market garden"*.
- 2 A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificates of title of proposed Lots A and B advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and additional planning and building requirements may apply to development on this land."*
- 3 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme.
- 4 Uniform fencing being constructed along the boundary between proposed Lots A and B.

**Voting 6/0**

**CARRIED**

**Minute Reference (Moved En Bloc): 02/20-2**

<b>AGENDA ITEM:</b>	<b>10.1.3</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION – LOT 31 HICKETY ROAD</b>
<b>PROPONENT:</b>	<b>LANDWEST FOR R.M. O'NEILL NOMINEES PTY LTD</b>
<b>SITE:</b>	<b>LOT 31 HICKETY ROAD, HOWATHARRA</b>
<b>FILE REFERENCE:</b>	<b>A1047</b>
<b>PREVIOUS REFERENCE:</b>	<b>2/07-15</b>
<b>DATE:</b>	<b>10 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3	Subdivision Application		✓

#### DISCLOSURE OF INTEREST

Nil

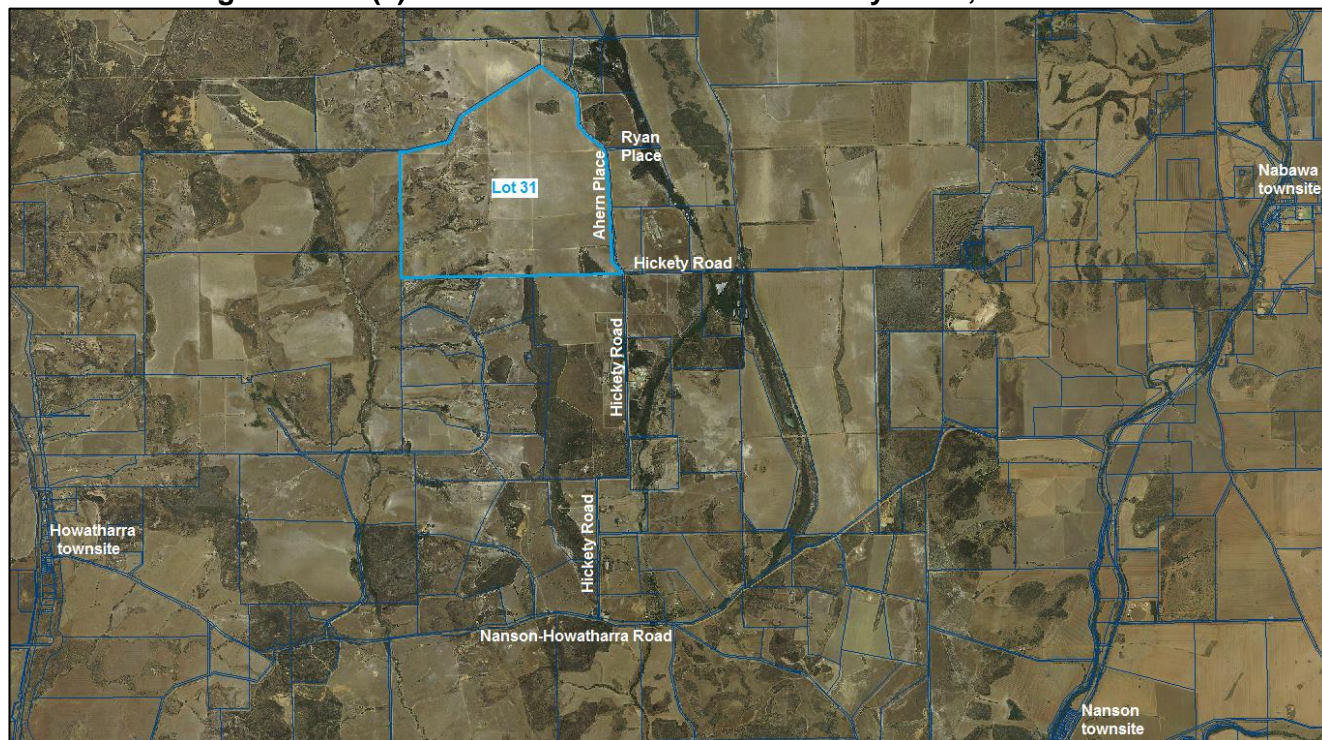
#### BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking comment on an application to subdivide Lot 31 Hickety Road, Howatharra into 2 lots. This report recommends that Council conditionally support the application.

#### COMMENT

Lot 31 is a 542.25ha property located towards the northern end of Hickety Road, where it intersects with Ahern Place.

**Figure 10.1.3(a) – Location Plan for Lot 31 Hickety Road, Howatharra**



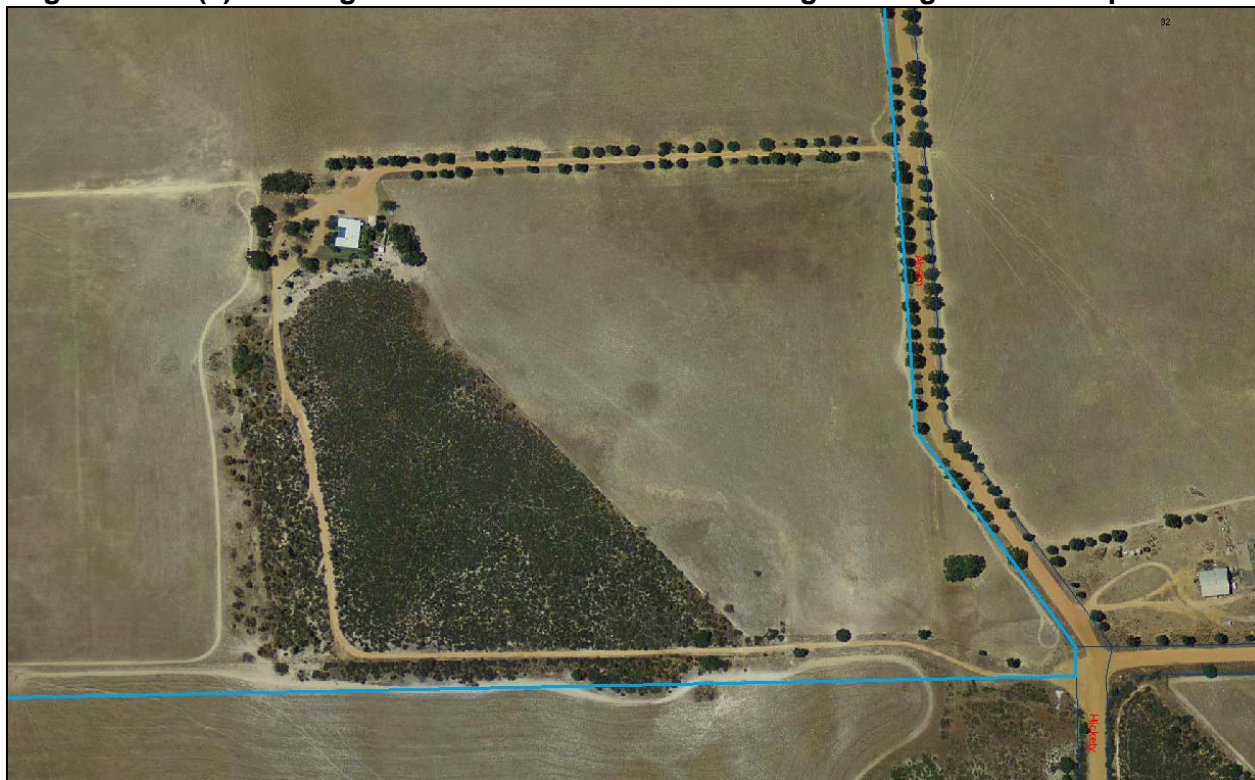


Lot 31 is largely cleared and used for farming purposes, there are some corridors of remnant vegetation along watercourses and outcrops towards the western end of the property. There is a residence and associated outbuildings located in the south-eastern corner of Lot 31.

**Figure 10.1.3(b) – Aerial Photograph of Lot 31 Hickety Road, Howatharra**



**Figure 10.1.3(c) – Enlargement of Aerial Photo illustrating existing residence upon Lot 31**





**Figure 10.1.3(d) – View of proposed Homestead Lot B looking west from Ahern Place**



**Figure 10.1.3(e) – View of proposed Balance Lot A looking south from Ahern Place**

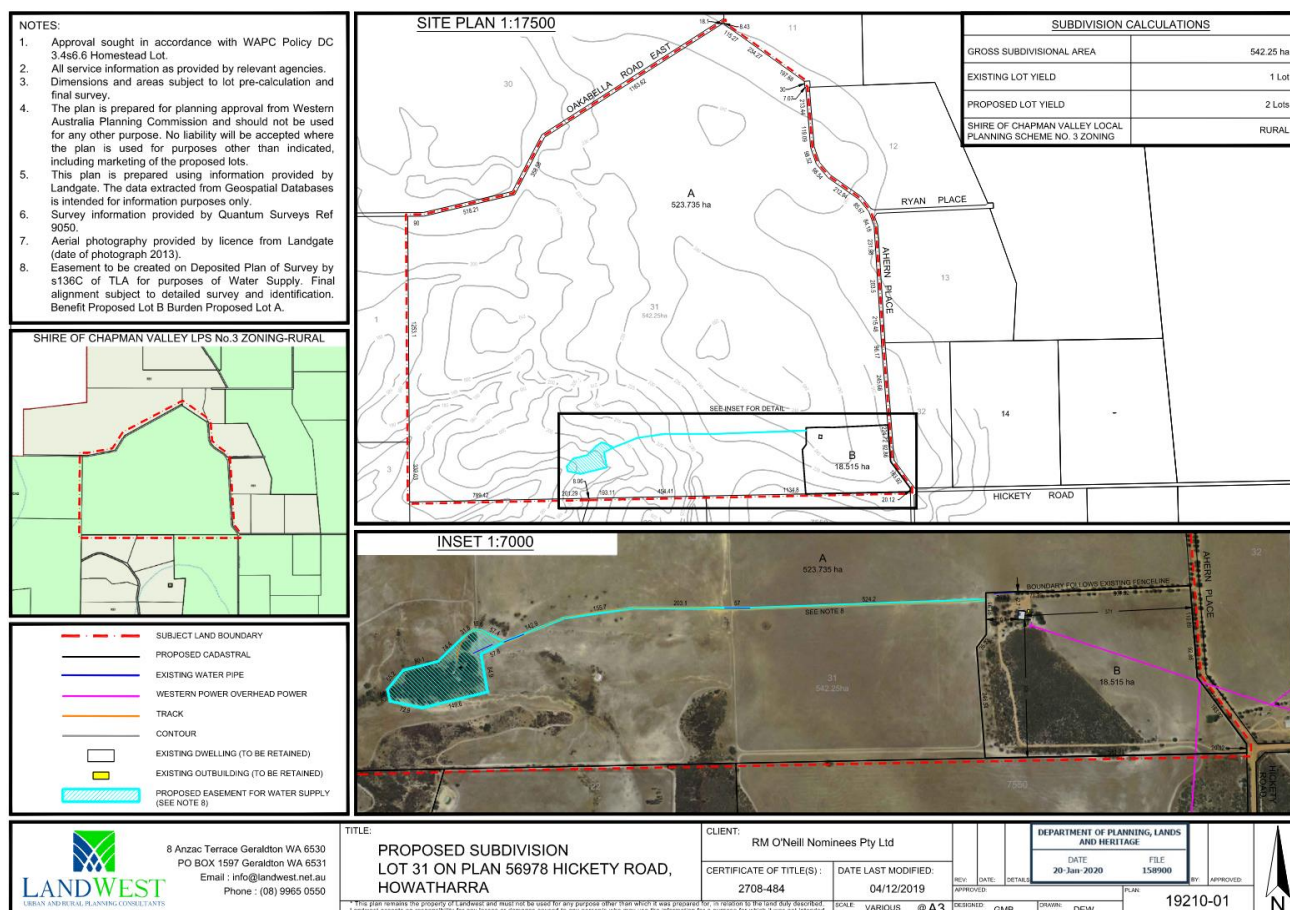


The landowner is seeking to subdivide Lot 31 into 2 lots as follows:

- 18.515ha lot in the southern-eastern corner of Lot 31 that would contain the existing residence, associated outbuildings and water storage capacity of 22,000L, the proposed lot would also gain access via a 1.08km easement containing an existing pipeline to a water supply located to the west; &
- balance 523.735ha lot

The proposed subdivision plan is provided in Figure 10.1.3(f) and also within **separate Attachment 10.1.3** along with the consultant's supporting explanatory report.

**Figure 10.1.3(f) – Proposed Subdivision Plan for Lot 31 Hickety Road, Howatharra**

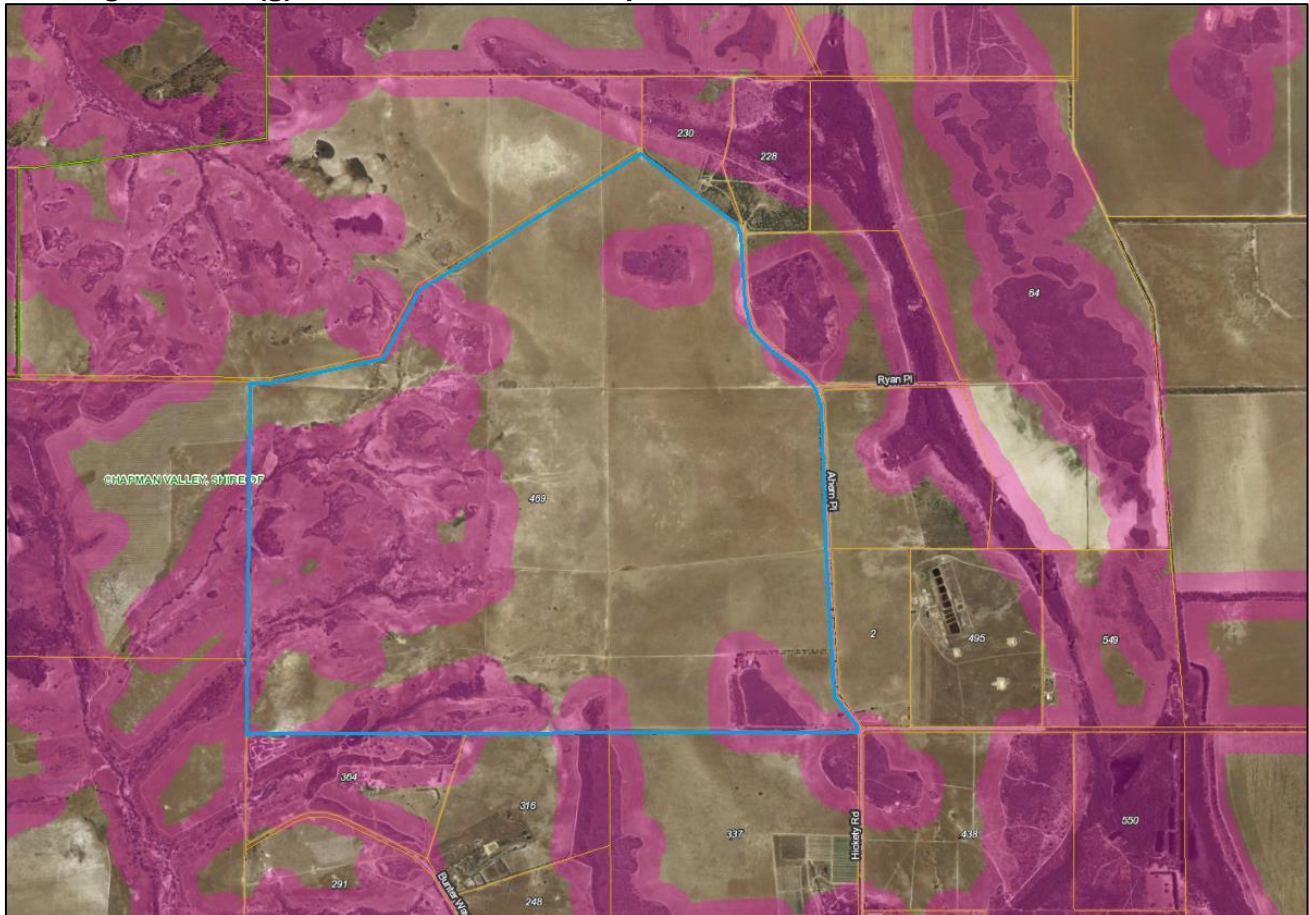


Shire staff raise no objection to the subdivision application based upon the following:

- The subdivision presents no environmental impacts.
- The subdivision presents no heritage impacts.
- The subdivision will not create lots that are inconsistent with those already existing in the surrounding area (noting there are 20ha and 24ha lots immediately north-east of Lot 31, and a 26ha lot immediately opposite/east of the proposed Homestead Lot).
- The creation of 1 additional lot is not anticipated to create significant additional vehicle movements upon the local road network.
- The subdivision is consistent with the requirements for a Homestead Lot as contained in the WAPC Development Control Policy 3.4 – Subdivision of Rural Land.
- The lot sizes propose only minor variation to Council's strategic planning direction as laid out in the WAPC endorsed Shire of Chapman Valley Local Planning Strategy.
- The subdivision, subject to ongoing adherence to standard bushfire requirements, presents no additional bushfire hazard risk, with the potential additional residence that could be introduced through the creation of the vacant balance lot able to be sited in a location that has regard for areas identified as having potential to be bushfire prone.



**Figure 10.1.3(g) – extract from State Map of Bushfire Prone Areas relevant to Lot 31**



## STATUTORY ENVIRONMENT

Lot 31 Hickety Road, Howatharra is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.3.

The objectives for the 'Rural' zone are as follows:

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

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

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

## POLICY/PROCEDURE IMPLICATIONS

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

State Planning Policy 2.5 – Rural Planning and State Planning Policy 3.7 – Planning in Bushfire Prone Areas are of relevance to this subdivision application.

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy 1 - State Planning Framework. Development Control Policies are used to guide decision making in relation to subdivision and development applications.

Development Control Policy 3.4 - Subdivision of Rural Land published in December 2016 is of relevance to this subdivision, and the applicant is making argument that it can be supported under the following Sections of DC3.4:

### *"5 General policy provisions*

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

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

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

### *6 Circumstances under which rural subdivision may be considered*

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

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

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

## “6.6 Homestead lots

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

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

- (a) the land is in the DC 3.4 Homestead lot policy area;*
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*
- (c) there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) the homestead lot has access to a constructed public road;*
- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- (g) a homestead lot has not been excised from the farm in the past;*
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

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

## FINANCIAL IMPLICATIONS

Nil

### • Long Term Financial Plan (LTFP):

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

## STRATEGIC IMPLICATIONS

Lot 31 Hickety Road, Howatharra is located within Precinct No.3 – Chapman Valley of the Shire of Chapman Valley Local Planning Strategy (2008) the vision for which is:

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

Figure 7 of the Local Planning Strategy identifies Lot 31 as ‘Proposed Rural Smallholdings (20-40ha)’ and the proposed lot size of 18.515ha proposes only marginal (7.425%) variation to the strategic planning direction for this area.

It is noted that for Precinct 3 the Strategy states that:

*“Council may support the subdivision/amalgamation of land within this Precinct, having due regard to the objectives of the Precinct, in the following circumstances:*

*...(g) For lifestyle/hobby farm purposes as per Figure 3 where the subject land has been appropriately rezoned to ‘Rural Residential’ (1-4ha) or ‘Rural Smallholdings’ (20-40ha).”*

However, it is further noted that Lot 31 is immediately north of Lot 7550 Hickety Road, Howatharra that previously sought approval through Scheme Amendment No.2 to Scheme No.2 to rezone Lot 7550 from the ‘Rural’ zone to the ‘Rural Smallholdings’ zone to allow for further subdivision.

Whilst that rezoning application was supported by Council at both its 13 December 2017 and 18 April 2018 meetings, the WAPC advised on 20 May 2019 that it *“refuses to grant final approval to Amendment No.2 to Shire of Chapman Valley Local Planning Scheme No.2 as the proposal has not demonstrated connection to a road network that allows for travel and escape routes in two directions, inconsistent with State Planning Policy 3.7: Planning in Bushfire Prone Areas and its associated Guidelines.”*

Rather than seek to rezone the entirety of Lot 31 to ‘Rural Smallholdings’ to enable this subsequent subdivision, this application makes argument under the Homestead Lot provisions of Development Control Policy 3.4 - Subdivision of Rural Land.

It is noted that the subdivision application process also opens the potential for lodgement of an appeal to the State Administrative Tribunal should the WAPC refuse this application, which is not an avenue available to the applicant should the WAPC refuse the much lengthier, more expensive and less certain rezoning application process.

The Geraldton Region Plan was released in 1999 by the WAPC to provide a framework for the future management, protection and coordination of regional planning. The Region Plan incorporates the Greater Geraldton Structure Plan that was updated in 2011 by the WAPC to account for a number of strategic planning directions. Lot 31 is located north of the structure plan area and Section 3.2.2 of the 2011 report notes that rural land to the north of the study area has been identified for rural living purposes in the endorsed Shire of Chapman Valley Local Planning Strategy, and are beyond the scope of the Greater Geraldton Structure Plan and are to be considered through wider regional planning.

Lot 31 is located within the study area for the WAPC’s Moresby Range Management Strategy (2009). The Strategy identifies that the western portion of Lot 31 forms part of the Moresby Range footslopes, but does not identify the lot as being within a visually sensitive area.

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

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting, and the subdivision application is in accordance with its objectives.

## **CONSULTATION**

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

## **RISK ASSESSMENT**

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
<b>Insignifi-cant (1)</b>	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 (MOVED EN BLOC)/STAFF RECOMMENDATION

**MOVED: CR BATTEN**

**SECONDED: CR HUMPHREY**

That Council advise the Western Australian Planning Commission that it supports the subdivision of Lot 31 Hickety Road, Howatharra (WAPC 158900) as shown upon Plan 19210-01 (WAPC date stamped 20/1/20) subject to the following conditions:

- 1 A notification, pursuant to Section 165 of the *Planning and Development Act 2005* is to be placed on the Certificate of Title of proposed Lot A advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"This lot is located within an area that contains operating market garden/s and has the potential to be affected by odours, noise, spray drift and dust that are associated with the continued operation of a market garden"*.
- 2 A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificates of title of proposed Lots A and B advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and additional planning and building requirements may apply to development on this land."*
- 3 An easement, pursuant to Section 136C of the *Transfer of Land Act 1893* is to be placed upon proposed Lot A, benefiting proposed Lot B, for the purposes of water supply and access to water supply.
- 4 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme.
- 5 Uniform fencing being constructed along the boundary between proposed Lots A and B.

**Voting 6/0  
CARRIED**

**Minute Reference (Moved En Bloc): 02/20-2**

<b>AGENDA ITEM:</b>	<b>10.1.4</b>
<b>SUBJECT:</b>	<b>REVIEW OF LOCAL PLANNING POLICIES</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>204.05</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/13-5 &amp; 02/14-31-33</b>
<b>DATE:</b>	<b>9 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### **SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.4(a)	Current Shire of Chapman Valley Local Planning Policies		✓
10.1.4(b)	Draft Shire of Chapman Valley Local Planning Policies		✓

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

With the gazettal of Shire of Chapman Valley Local Planning Scheme No.3 and the release of WALGA's standardised Local Planning Policy template, it is now timely to undertake a review of the Shire's Local Planning Policies. This report recommends the advertising of the revised Local Planning Policies and at the conclusion of the advertising return this matter to Council for consideration.

#### **COMMENT**

The Shire's Local Planning Scheme No.3 was gazetted on 23 July 2019 and was required to be updated to reflect the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Regulations and Scheme No.3 introduced standardised provisions and definitions that are now required to be reflected in the Shire's Local Planning Policies to ensure consistency.

WALGA also released in 2019 a Local Planning Policy template that was prepared through a Working Group comprising representatives of WALGA, the Department of Planning, Lands & Heritage and 8 metropolitan Councils, and sought to produce a standardised policy layout that would provide statewide consistency and robustness to challenge.

A copy of the current Shire of Chapman Valley Local Planning Policies are provided as **separate Attachment 10.1.4(a)** and can also be viewed on the Shire website at:

<https://www.chapmanvalley.wa.gov.au/local-planning-policies.aspx>

A copy of the proposed Shire of Chapman Valley Local Planning Policies are provided as **separate Attachment 10.1.4(b)**.

The draft Shire Local Planning Policies have not been changed significantly in their content or direction, but rather the manner in which they are laid out, so as to align with the new state template for Local Planning Policies, they have also been renumbered to align with the state-wide template.

The only other changes that have been suggested in the draft policies are as follows:

- the 'Development adjacent to the proposed Oakajee to Talling Peak and Oakajee to Narngulu Rail Corridors' policy has been updated to align with the new State Planning Policy 5.4 - Road and Rail Noise that was released in September 2019 (as was previously raised in the September and November 2019 Information Reports).



- the specific fire fighting provisions in the current 'Grouped Dwellings' policy have been removed in the draft policy and reference instead made to the requirements of the superseding State Planning Policy 3.7 – Planning in Bushfire Prone Areas.
- the current 'Cottage Industry' policy is proposed to be deleted, and worked into the draft 'Home Based Business' policy, to avoid unnecessary duplication (this approach also reflects that of the neighbouring City of Greater Geraldton to achieve greater regional consistency).
- the 'Rural Tourism' policy and 'Tree Farm' policy (formerly 'Agroforestry, Plantations and Tree Crops' policy) have been updated so that the definitions align with those as contained in the new Scheme and Regulations.
- the draft 'Ancillary Dwellings' policy has been updated to align with the City of Greater Geraldton 'granny flat' floor areas to achieve greater regional consistency (the changes only propose minor increase for 'granny flats' in the residential zones, and a minor increase in the internal habitable floor area in the rural residential zone but does not propose to increase the overall 'granny flat' area in the rural residential zone) as follows:

Zone	Maximum Habitable Floor Area (current/proposed)	Maximum total roof area (current/proposed)
Residential R10 and higher	60m <sup>2</sup> (70m <sup>2</sup> )	120m <sup>2</sup> (140m <sup>2</sup> )
Residential R5 and lower	60m <sup>2</sup> (80m <sup>2</sup> )	120m <sup>2</sup> (160m <sup>2</sup> )
Rural-Residential	60m <sup>2</sup> (90m <sup>2</sup> )	200m <sup>2</sup> (no change)
Rural Smallholdings	100m <sup>2</sup> (no change)	300m <sup>2</sup> (no change)
Rural (smaller than 20ha)	100m <sup>2</sup> (no change)	300m <sup>2</sup> (no change)
Rural (larger than 20ha)	No limit (no change)	No limit (no change)

*For the purpose of this Policy 'Habitable Floor Area' does not include areas such as bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, clothes drying room within the building.*

## STATUTORY ENVIRONMENT

Schedule 2 Part 2 Division 2 Clauses 3-6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* establish the procedure for creating and amending Local Planning Policies.

### “3 Local planning policies

- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
- (2) *A local planning policy —*
  - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
  - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
- (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
- (4) *The local government may amend or repeal a local planning policy.*
- (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*

### 4 Procedure for making local planning policy

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
  - (a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —*
    - (i) *the subject and nature of the proposed policy; and*
    - (ii) *the objectives of the proposed policy; and*
    - (iii) *where the proposed policy may be inspected; and*

- (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
    - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
    - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
  - (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).
  - (3) After the expiry of the period within which submissions may be made, the local government must —
    - (a) review the proposed policy in the light of any submissions made; and
    - (b) resolve to —
      - (i) proceed with the policy without modification; or
      - (ii) proceed with the policy with modification; or
      - (iii) not to proceed with the policy.
  - (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
  - (5) A policy has effect on publication of a notice under subclause (4).
  - (6) The local government —
    - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
    - (b) may publish a copy of each of those local planning policies on the website of the local government.
- 5 Procedure for amending local planning policy
- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
  - (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.
- 6 Revocation of local planning policy
- A local planning policy may be revoked —
- (a) by a subsequent local planning policy that —
    - (i) is prepared in accordance with this Part; and
    - (ii) expressly revokes the local planning policy;
  - or
  - (b) by a notice of revocation —
    - (i) prepared by the local government; and
    - (ii) published in a newspaper circulating in the Scheme area.”

## **POLICY/PROCEDURE IMPLICATIONS**

Local Planning Policies, while prepared under a Local Planning Scheme, are not part of a scheme. Their primary role is to guide development, clearly articulate what Council aims to achieve through development control, and provide additional information concerning the position a Local Government will likely take on particular planning matters. A Local Planning Policy should not be inconsistent with a Local Planning Scheme, and in instances where this occurs, the provisions of the Scheme would prevail.

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

The advertising cost of amending a Local Planning Policy is covered by the Council's existing planning budget allocation.

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

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

## STRATEGIC IMPLICATIONS

It is always good practice for Council to review its policies be they procedural, financial or planning on a regular basis to ensure they are current, address changing circumstances, current and evolving development trends, community demands and meet Council's expectations.

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

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

## CONSULTATION

Schedule 2 Part 2 Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council advertise the amendment of a Local Planning Policy for a minimum period of 21 days with a notice being placed in a locally circulating newspaper.

## RISK ASSESSMENT

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
<b>Insignificant (1)</b>	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 BATTEN**

**SECONDED: CR HUMPHREY**

That Council resolve, pursuant to Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to prepare the Shire of Chapman Valley Local Planning Policies as contained in Attachment 10.1.4(b) and proceed to give notice to this effect and at the conclusion of the advertising period return this matter to Council for its further consideration.

**Voting 5/1  
CARRIED  
Minute Reference: 02/20-4**

Cr Ian Maluish declared an impartiality interest in this item.

<b>AGENDA ITEM:</b>	<b>10.1.5</b>
<b>SUBJECT:</b>	<b>BILL HEMSLEY PARK MANAGEMENT COMMITTEE</b>
<b>PROPONENT:</b>	<b>PARKFALLS RESIDENTS ASSOCIATION</b>
<b>SITE:</b>	<b>RESERVE 49641 REDCLIFFE CONCOURSE, WHITE PEAK</b>
<b>FILE REFERENCE:</b>	<b>A2040 &amp; 205.02.09</b>
<b>PREVIOUS REFERENCE:</b>	<b>03/19-8 &amp; 07/19-2</b>
<b>DATE:</b>	<b>9 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### **SUPPORTING DOCUMENTS:**

<b>Ref</b>	<b>Title</b>	<b>Attached to Report</b>	<b>Under Separate Cover</b>
<b>10.1.5(a)</b>	<b>Bill Hemsley Park Management Licence</b>		✓
<b>10.1.5(b)</b>	<b>Bill Hemsley Park Management Committee Agreement</b>		✓

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

Council resolved at its 20 March 2019 meeting that the Bill Hemsley Park Management Committee be reviewed. Following discussion by the Bill Hemsley Park Management Committee at its meeting held on 14 June 2019, Council resolved at its 17 July 2019 meeting that this matter be referred to all committee member parties for consideration prior to being presented back to Council. Responses have now been received and this report recommends that the Bill Hemsley Park Management Committee be discontinued.

#### **COMMENT**

The developer of the Parkfalls Estate advised the Shire on 2 August 2019 that:

*“On behalf of the Parkfalls joint Venture I wish to advise that we agree the Management Committee should now be disbanded as the purpose of the committee has been achieved.”*

This response was not unexpected as the developer has now sold all of their lots within the Parkfalls Estate and were therefore looking to wind up their activities, and the trust funds they had provided for the development of Bill Hemsley Park had been expended with their input.

The Parkfalls Residents Association advised the Shire on 6 February 2020 that

*“As a result of a Special meeting held on 6 February 2020 it was resolved that the PRA Inc would voluntarily cancel its incorporation. As a result the PRA Inc will be withdrawing from all arrangements and agreements with the Shire of Chapman Valley. We are still be happy to share the Shire's information on our Facebook page. We would like to thank you for all of your support and will keep you informed as the process unfolds further.”*

With the receipt of these responses from the other Bill Hemsley Park Management Committee members it would be appropriate for Council to disband the committee. The contribution of both external organisations has been of great assistance to the Shire in the creation, design and development of Bill Hemsley Park.

Council resolved at its 18 December 2019 meeting to endorse the following representatives to the Bill Hemsley Park Management Committee.

Bill Hemsley Park Management Committee	<p>Purpose: The role of the Bill Hemsley Park Management Committee (Formerly Parkfalls Management Committee) as agreed at the 17 April 2013 Council meeting is to make recommendation to Council for its consideration as to development and expenditure within the park</p> <p>Delegation – Nil</p>	<p><u>2 x Councillors</u></p> <ul style="list-style-type: none"> <li>• Cr Royce (Chair)</li> <li>• Cr Humphrey</li> <li>• 2 x Parkfalls Residents Association</li> <li>• 1 x Developer (Note: Developer has formally advised they have withdrawn from Committee)</li> </ul> <p><u>Observers:</u></p> <ul style="list-style-type: none"> <li>~ CEO</li> <li>~ Deputy CEO</li> </ul>
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It is noted that the Bill Hemsley Park Management Committee is not a committee of the Council constituted pursuant to Section 5.8 of the *Local Government Act 1995* rather it is an advisory body and the Shire has obtained legal advice confirming its ability to withdraw.

With the Parkfalls Residents Association ceasing as an incorporated body and wishing to withdraw from its agreements with the Shire it is also necessary to address the matter of the Bill Hemsley Park Management Licence and its cancellation.

The Management Licence was executed on 5 June 2018 between the Shire of Chapman Valley and the Parkfalls Residents Association Incorporated and was due to expire on 16 May 2021. Similar to other Management Licences that Council has in place with other community groups for facilities in the Shire, the licence outlines use and maintenance responsibilities, and a copy is provided as **separate Attachment 10.1.5(a)**.

## STATUTORY ENVIRONMENT

The 2011 legal agreement between the Shire and the Parkfalls Estate developer provided the terms for the transfer of the land for the park and payment of funds by the developer to the Shire to be held in trust for expenditure on the park. The subsequent 2013 Management Committee Agreement between the Shire, the Parkfalls Estate developer, and the Parkfalls Residents Association established the process for expenditure of the trust funds.

## POLICY/PROCEDURE IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The Bill Hemsley Park Management Committee Agreement, copy provided as **separate Attachment 10.1.5(b)** established the process by which recommendations to Council on the expenditure of the trust funds had to 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 the subsequent 10 November 2015 and 10 October 2018 endorsements, satisfied Part 4 of the Management Agreement and enabled expenditure of the trust funds which concluded in 2018/2019.

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

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and identified the Bill Hemsley Park development as a strategic new project.

#### **STRATEGIC IMPLICATIONS**

The Bill Hemsley Park Masterplan was adopted by Council at its 21 November 2018 meeting.

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

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and listed developing, managing and maintaining built infrastructure as an objective for which the Shire is responsible to achieve the community's vision.

#### **CONSULTATION**

Council resolved at its 17 July 2019 meeting to consult with the Parkfalls Residents Association and the Parkfalls Estate developer (being the other members of the Bill Hemsley Park Management Committee) and reconsider this matter and the received responses at a later date.

#### **RISK ASSESSMENT**

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

#### **VOTING REQUIREMENTS**

Simple Majority

#### **STAFF RECOMMENDATION**

That Council:

- 1 Write to the Parkfalls Residents Association and the Parkfalls Estate developer thanking them for their assistance and support in the creation, design and development of the Bill Hemsley Park.
- 2 Disband the Bill Hemsley Park Management Committee.

- 3 Upon confirmation of the cancellation of the incorporation of the Parkfalls Residents Association that the Shire cancel the Bill Hemsley Park Management Licence.

## **COUNCIL RESOLUTION**

**MOVED: CR MALUISH**

**SECONDED: CR DAVIDSON**

That Council:

- 1 Write to the Parkfalls Residents Association and the Parkfalls Estate developer thanking them for their assistance and support in the creation, design and development of the Bill Hemsley Park.
- 2 Disband the Bill Hemsley Park Management Committee.
- 3 Cancel the Bill Hemsley Park Management Licence and refund to the Parkfalls Residents Association the \$700.00 bond held by the Shire.
- 4 Council continue to investigate options for future communication and facility use with constituents in the Shire.

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-5**

*Reason for Deviation for Staff Recommendation: Additional clarity required on purpose of resolution and future community communication.*



<b>AGENDA ITEM:</b>	<b>10.1.6</b>
<b>SUBJECT:</b>	<b>PROPOSED REMOVAL OF RATES EXEMPTION</b>
<b>PROPONENT:</b>	<b>ESTATE OF M. SCAFFIDI</b>
<b>SITE:</b>	<b>LOT 10786 NORTH WEST COASTAL HIGHWAY, BULER</b>
<b>FILE REFERENCE:</b>	<b>A1585</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/08-3</b>
<b>DATE:</b>	<b>10 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

#### DISCLOSURE OF INTEREST

Nil.

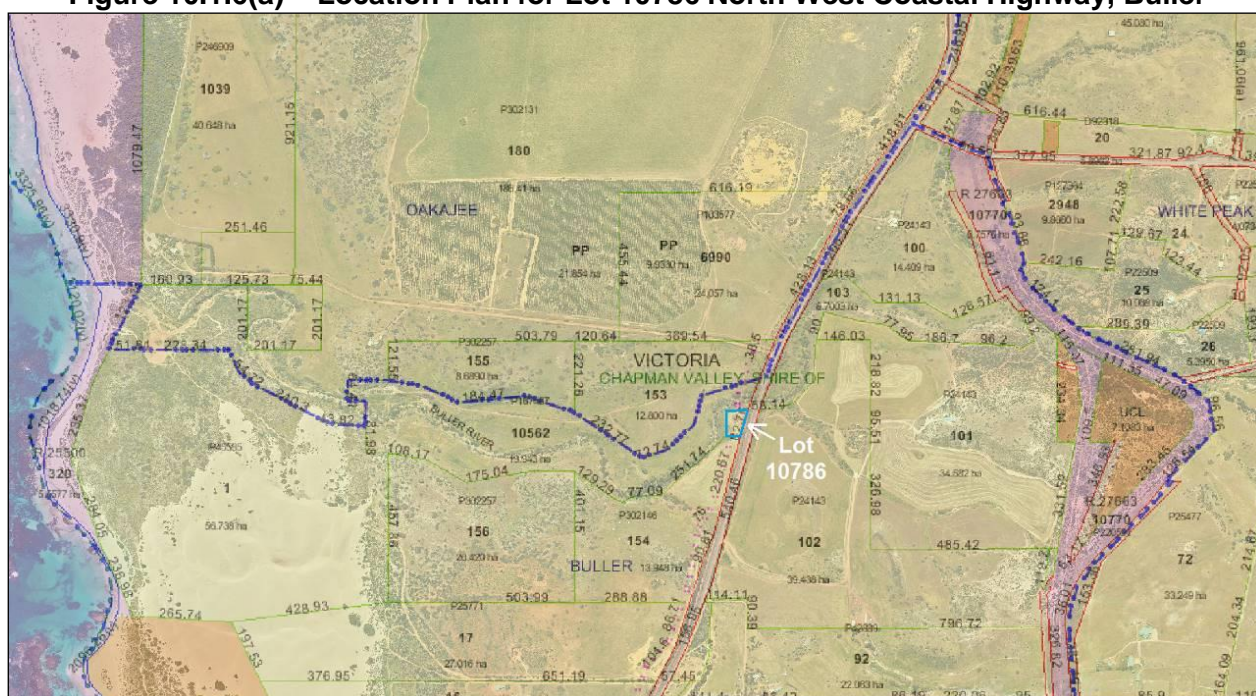
#### BACKGROUND

Lot 10786 North West Coastal Highway, Buller is currently exempted from the payment of rates. This report recommends that Council seek the Minister for Local Government's cancellation of the rates exemption. This report also recommends that Council seek the Minister for Water's assistance in the State Government's acquisition of Lot 10786 which has its development potential curtailed by the Geraldton-Northampton water pipeline which runs through the centre of the property.

#### COMMENT

Lot 10786 was purchased by Michael Scaffidi on 24 June 1981 and is a vacant 4,050m<sup>2</sup> property on the western side of North West Coastal Highway located immediately south of the Buller River.

**Figure 10.1.6(a) – Location Plan for Lot 10786 North West Coastal Highway, Buller**



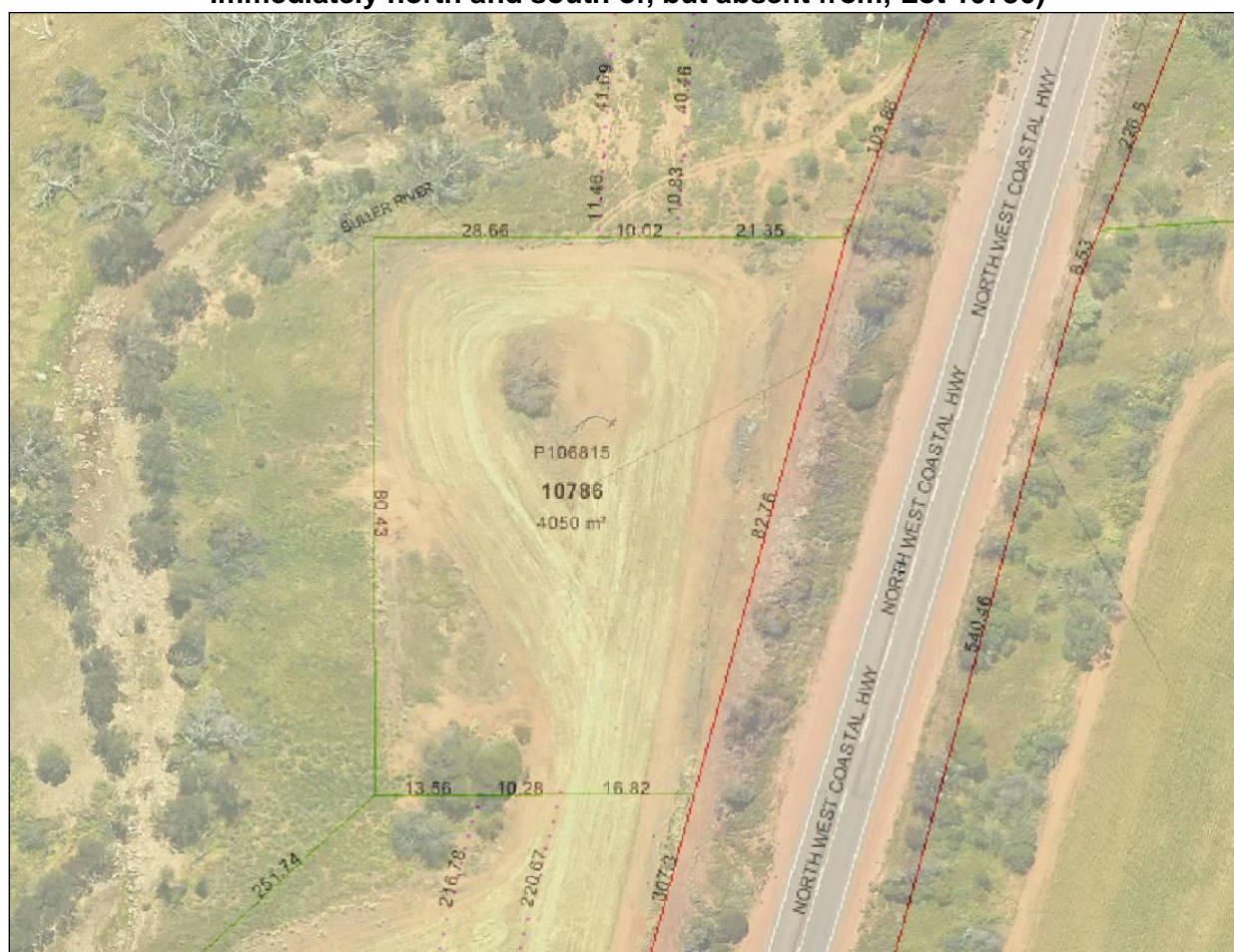
Lot 10786 is zoned 'Rural' and this zoning would generally be considered to provide a level of development potential to the property. However, the Geraldton-Northampton scheme water pipeline runs through the centre of the property, and this coupled with the lot's relatively small size, configuration, and immediate proximity to the North West Coastal Highway and associated noise, curtails its ability (and attractiveness) for development.

The scheme water pipeline through Lot 10786 has not been secured within an easement as it is understood that when the landowner passed away on 13 July 2007 the Water Corporation's discussions were still in progress and may have been halted due to uncertainties over who was managing the affairs for the property. The purchase of the land and/or placement of an easement was therefore not concluded prior to the land being entered onto for the undertaken pipeline works.

Council resolved at its 17 December 2008 meeting to write off the outstanding rates of \$3,186.63 for Lot 10786 and commence the process of requesting that the Minister for Local Government exempt Lot 10786 from rates in accordance with Section 6.26(4) of the *Local Government Act 1995* as Council deemed the land undevelopable.

The report presented to Council in 2008 noted that Lot 10786 was located within the Oakajee Industrial Estate Buffer and also contained the Geraldton-Northampton water pipeline running directly through the middle of the property.

**Figure 10.1.6(b) – Aerial Photo of Lot 10786 North West Coastal Highway, Buller  
(illustrating the water pipeline easement upon the lots  
immediately north and south of, but absent from, Lot 10786)**



On 20 March 2009 the Minister's approval for the exemption of Lot 10786 from payment of local government rates was gazetted.

On 20 November 2013 the Shire of Chapman Valley Local Planning Scheme No.2 was gazetted that amended the boundary of the Oakajee Industrial Estate Buffer so that Lot 10786 was no longer within

the buffer, and immediately outside/south of it. Lot 10786 was zoned 'Rural' under Scheme No.2 and this zoning was maintained in superseding Shire of Chapman Valley Local Planning Scheme No.3 that was gazetted on 23 July 2019.

Whilst this zoning can be considered to provide some form of development potential to Lot 10786, the matters of the scheme water pipeline, the lot's size, and immediate proximity to the heavy haulage route of the North West Coastal Highway remain, and it was therefore still considered appropriate to exempt Lot 10786 from rates.

On 20 May 2019 the Shire wrote to the settlement agent acting on behalf of Marilyn Scaffidi, the widow of Michael Scaffidi, who had been unable to locate the Certificate of Title for Lot 10786 during the attending to affairs, and provided the requested information to be of assistance to their application for a replacement Certificate of Title. Marilyn Scaffidi was registered as the Administrator of the Estate on the Certificate of Title for Lot 10786 on 18 June 2019.

The Shire also advised in its correspondence to the settlement agent that as Lot 10786 was impacted by the Geraldton-Northampton water pipeline, the Shire would approach the Water Corporation requesting that they make contact to enter into discussions over land purchase. The Shire wrote to the Water Corporation on 20 May 2019 providing background information and seeking its assistance in resolving this matter as it was considered undesirable that this property might be sold to a new party with a level of development expectation.

On 11 November 2019 the Water Corporation advised that it had been in contact with the current landowner of Lot 10786 and following an independent valuation agreed a purchase price but the negotiation would not result in a completed Contract of Sale as the seller would not agree to the Water Corporation's contamination clause. The Water Corporation also advised that it had alternatively requested an easement but it was unclear whether that option would be taken up, as the consideration would be significantly below the selling price of the land.

The Shire considered it a reasonable concern raised by the landowner of Lot 10786 (and advised the Water Corporation as such on 27 November 2019) that the landowner was unwilling to sign a clause confirming that the land was not contaminated, when contractors working for the party asking them to sign the clause, had previously entered onto their property and conducted works and placed infrastructure without their supervision or finalised authorisation.

The Water Corporation responded on 28 November 2019 that its position regarding the pipeline through Lot 10786 is that it would like to be granted an easement to give some extra protection as it would then appear on the Certificate of Title as a registerable document. However the Water Corporation further advised that it already had significant powers under its Act which put certain responsibilities on the landowner to not endanger the pipeline so the granting of a Deed to the Water Corporation was not essential, and it had a number of pipelines throughout the State which rely on the Act to afford protection.

The Water Corporation further advised that an offer for the creation of an easement had been put to the landowner of Lot 10786 and was currently under consideration by them. The Water Corporation advised it had no desire to own the land outright and that it would not pursue the purchase of the land unless the landowner changed their mind, and this option will remain open to them for a further 12 months.

In an attempt to progress this matter the Shire wrote to the Water Corporation on 9 December 2019 and suggested the following potential options for further consideration:

- whether the Shire might sign a Statutory Declaration to the effect that to its knowledge there had been no land use upon the property that had caused contamination, if this would then satisfy the Water Corporation's requirements and enable purchase to proceed (an example was provided by the Shire based upon previous Statutory Declarations provided by the Shire to the Department of Lands when undertaking road widenings); or



- alternatively, if the concern was the Water Corporation did not want to be left holding an asset it did not require (and an internal Water Corporation contamination declaration procedure had not been resolved) then it could potentially approach the landowner to the south and enquire whether they would wish to acquire the property from the Water Corporation. If the adjoining landowner was interested, then as part of the overall conveyancing undertaken by the Water Corporation's settlement agent, it could be set up through 2 prior signed agreements that the land passed from the current landowner to the Water Corporation who install the pre-prepared easement upon the title then transfer the land to the southern neighbour; or
- (in the event the southern adjoining landowner was not interested) the Water Corporation could instead transfer the lot as a freehold title to the Shire or Development WA (formerly LandCorp) or Main Roads WA, or convert it to Crown Reserve for management by the Shire or Development WA or Main Roads WA (once Water Corporation had made the necessary arrangements for the creation of the pipeline easement to be enacted at time of conveyancing).

The Water Corporation responded on 3 January 2020 that it considered the Shire signing a Statutory Declaration would not satisfy its requirements as the Shire had never owned the land, and transferring the land back to the State in the form of a Crown Reserve was also unsatisfactory as it would not be accompanied by an assurance by the current landowner regarding contamination. Water Corporation also advised that the suggestion of purchasing and passing the land on to the adjoining landowner, or another third party such as the Shire, would not be satisfactory as the Water Corporation would be unable to say the land was not contaminated (due to the current landowner not signing the Water Corporation's clause) and this was not allowed by its policies.

**Figure 10.1.6(c) – View of Lot 10786 looking north from North West Coastal Highway**



## STATUTORY ENVIRONMENT

Council can continue the rates exemption pursuant to Section 6.26(2)(k) of the *Local Government Act 1995* which makes allowance for the Minister to exempt land from rates, or request under Section 6.26(4) that the Minister make declaration to cancel the exemption.

### *“6.26 Rateable land*

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
  - (a) *land which is the property of the Crown and —*
    - (i) *is being used or held for a public purpose; or*
    - (ii) *is unoccupied, except —*



- (I) *where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
  - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land;*
- and*
- (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
  - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
  - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
  - (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
  - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
  - (g) *land used exclusively for charitable purposes; and*
  - (h) *land vested in trustees for agricultural or horticultural show purposes; and*
  - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
  - (j) *land which is exempt from rates under any other written law; and*
  - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
  - (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
  - (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
  - (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.”*

## **POLICY/PROCEDURE IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Lot 10786 North West Coastal Highway, Buller, were it to be subject to rates, would be likely be assessed at the Unimproved Value minimum rate which is currently \$400 per annum.

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

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

## STRATEGIC IMPLICATIONS

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

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

## CONSULTATION

The Water Corporation have a pipeline running through Lot 10786 and the easement required to protect this infrastructure would be approximately 820m<sup>2</sup> which represents 20% of the property. This when coupled with the fact it runs through the centre of the property, along with the lot's shape and proximity to the North West Coastal Highway and associated noise reduces the potential (and attractiveness) for development upon the property.

The Shire has consulted with the Water Corporation in regards to it potentially purchasing Lot 10786 North West Coastal Highway, Buller to resolve this issue.

## RISK ASSESSMENT

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
<b>Insignificant (1)</b>	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 HUMPHREY**

**SECONDED: CR MALUISH**

That Council resolve to:

- 1 Write to the Department of Local Government seeking the Minister's cancellation of the rates exemption for Lot 10786 North West Coastal Highway, Buller under Section 6.26(4) of the *Local Government Act 1995*.
- 2 Write to the Minister for Water seeking assistance through the State Government's acquisition of Lot 10786 North West Coastal Highway, Buller which is a small, privately owned lot that has its development potential curtailed by the Geraldton-Northampton water pipeline which runs through the centre of the property.
- 3 Write to the landowner of Lot 10786 North West Coastal Highway, Buller advising of the Shire's requests to Ministers.

**Voting 6/0  
CARRIED**

**Minute Reference: 02/20-6**

# **10.2**

## **Manager Finance & Corporate Services February 2020**

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### **Contents**

#### **10.2 AGENDA ITEMS**

- 10.2.1 Financial Reports for December 2019 & January 2020
- 10.2.2 Budget Review
- 10.2.3 Finance, Audit & Risk Management Committee

<b>AGENDA ITEM:</b>	<b>10.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL MANAGEMENT REPORT FOR DECEMBER 2019 &amp; JANUARY 2020</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>19 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

#### **SUPPORTING DOCUMENTS:**

<b>Ref</b>	<b>Title</b>	<b>Attached to Report</b>	<b>Under Separate Cover</b>
<b>10.2.1(a)</b>	<b>December 2019 Financial Management Report</b>		✓
<b>10.2.1(b)</b>	<b>January 2020 Financial Management Report</b>		✓
<b>10.2.1(c)</b>	<b>Confidential List of Accounts December 2019</b>		✓
<b>10.2.1(d)</b>	<b>Confidential List of Accounts January 2020</b>		✓

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

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

#### **COMMENT**

The financial position at the end of December 2019 & January 2020 are detailed in the monthly management report provided as a separate attachment for Council's review.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995 Section 6.4*

*Local Government (Financial Management) Regulations 1996 Section 34*

#### **POLICY/PROCEDURE IMPLICATIONS**

There are no policy implications

#### **FINANCIAL IMPLICATIONS**

As presented in the Financial Management Report for December 2019 & January 2020

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

No significant effect on the LTFP

#### **STRATEGIC IMPLICATIONS**

Nil



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

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

**CONSULTATION**

Not applicable

**RISK ASSESSMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION/ STAFF RECOMMENDATION**

**MOVED: CR DAVIDSON**

**SECONDED: CR BATTEN**

That Council received the financial management report supplied under separate cover for the months of December 2019 & January 2020 comprising the following:

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

**Voting 6/0  
CARRIED  
Minute Reference: 02/20-7**

<b>AGENDA ITEM:</b>	<b>10.2.2</b>
<b>SUBJECT:</b>	<b>ANNUAL BUDGET REVIEW 2019/2020</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>306.13</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>19 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

#### **SUPPORTING DOCUMENTS:**

<b>Ref</b>	<b>Title</b>	<b>Attached to Report</b>	<b>Under Separate Cover</b>
<b>10.2.2</b>	<b>Budget Review Report</b>		✓

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

The Local Government Act and Regulations require a local government to review its annual budget between 1<sup>st</sup> January and 31<sup>st</sup> March in each year. Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

*“33A Review of budget*

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- (3) A Council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*  
*\* Absolute Majority required*
- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”*

#### **COMMENT**

Prudent management of the Shire's Annual Budget includes a full review of the Shire's progress halfway through the financial year. This review process has been undertaken having regard for:

- actual revenues and expenditures for the first six (6) months of the financial year,
- forecast revenue and expenditure levels for the remaining six (6) months of the year,
- the more significant (in dollar terms) variances to budget rather than the minor 'under & over's' which will generally balance out.

Council's adopted budget, at times will need variations made, to reflect changes which occur after the original budget has been adopted. There are several amendments identified in the review document (Budget Review Report) which accommodate unforeseen situations, grant variations, reallocation of works and services since the Original Budget was adopted.

The items listed in the **Attachment 10.2.2 Budget Review Report** have been identified as variations required to the Annual Budget however, having a nil overall effect on the 2019/2020 Adopted Budget. The Budget Review Report provides information on the identified revenue and expenditure expectations for the full year and is based on the review period 1 July 2019 to 31<sup>st</sup> December 2019. The report

highlights identified amendments and provides detailed explanations for these variances by Program (although also noted by Nature or Type in the financial statements). The financial statements are provided as a guidance only to reflect a general revised full year budget based on the proposed amendments being adopted with no further changes to the budget for the remaining year.

This report seeks Council consideration of variations for the mid-year budget review and determination of whether or not to authorise these proposed variations according to both operating and capital revenue/expenditure.

The original 2019/2020 budget as adopted by Council forecast a closing position of \$1,204,318; after the annual financial audit the actual audited closing position is \$1,419,387, increasing the carried forward surplus by an amount of \$215,069. The change in position is due to the estimating of 30 June 2019 creditors paid in July 2019, also some additional revenue from grant funding providers.

Those items removed/deferred to balance the 2019/20 Statutory Budget at the time of adoption are supplied under separate cover for your reference. The staff recommendation does not refer to these items for consideration in the budget review. The additional surplus funds are recommended to be placed into the Plant/Light Vehicle Reserve Funds to offset forecast high plant replacement costs over the next few financial years. The items removed from the draft budget, to balance this at the time, may be reconsidered in the 2020/21 budget (or any future budget). However, if Council does want to bring any of these deferred line items into 2019/20 amended budget this can be accommodated (subject to sufficient time for completion).

The fixed asset depreciation expense budget provision across all infrastructure, land & building, plant & equipment classes requires amendment primarily due to the consideration of remaining useful life cycles for Infrastructure at the 30<sup>th</sup> June 2019. The asset register has now been updated with depreciation rates recalculated for all Roads Infrastructure components. It is recommended the overall budget for asset depreciation be amended to reflect this change and further review take place at the end of year. This is a non-cash item; however, has impacts on Council's ratios at the end of the financial year.

## STATUTORY ENVIRONMENT

*Local Government Act (1995) – Division 2 - Annual Budget - Section 6.2*

*Local Government (Financial Management) Regulations - Review of Budget - Reg 33A*

## POLICY IMPLICATIONS

The budget is based on the principles contained in all Councils Plans for the Future.

## FINANCIAL IMPLICATIONS

A summary of Proposed Budget amendments is attached with a NIL overall budget effect.

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

No significant effect on the LTFP

## STRATEGIC IMPLICATIONS

Nil

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

All the attached proposed amendments are consistent with the Corporate Business Plan.

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

## CONSULTATION

All Senior Staff have been consulted to determine the various proposed budget amendments requested.

## RISK ASSESSMENT

Risk Rating Level 1 - Insignificant is appropriate as associated risk would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget. The proposed changes to the 2019/2020 Adopted Budget does not have a financial impact, simply a NIL affect overall. The proposed increase adjustments to expenditures are offset by reducing expenditure allocations elsewhere in the budget; increase to income not previously allocated and additional opening surplus, with the view to ensuring a budget outcome for the year achieves or delivers an improved overall result than the original budget.

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

## VOTING REQUIREMENTS

Absolute Majority

## STAFF RECOMMENDATION

That Council:

- 1 Council adopts the 2019/2020 Statutory Budget Review, which includes all amendments listed in the Budget Review Report attached.
- 2 The 2019/2020 fixed asset depreciation budget allocation be amended in accordance with the recent revaluations. This is a non-cash item therefore will have a nil effect on Council's operating budget.

## COUNCIL RESOLUTION

**MOVED: CR ROYCE**

**SECONDED: CR MALUISH**

That Council:

- 1 Council adopts the 2019/2020 Statutory Budget Review, which includes all amendments listed in the Budget Review Report attached.
- 2 The 2019/2020 fixed asset depreciation budget allocation be amended in accordance with the recent revaluations. This is a non-cash item therefore will have a nil effect on Council's operating budget.
- 3 The budget reallocation to the Plant/Light Vehicle Reserve fund be reduced to accommodate statutory funding cap required from local government towards flood damage claim to be placed into the Roadworks Reserve.

**Voting 6/0  
CARRIED  
Minute Reference: 02/20-8**

*Reason for Deviation from Staff Recommendation: Council required variation to funds to be transferred to Plant/Light Vehicle and Roadworks Reserves if the current funds held in the Roadworks Reserve do not meet the amount required to be paid by the Shire in the event of flood damage occurring.*

<b>AGENDA ITEM:</b>	<b>10.2.3</b>
<b>SUBJECT:</b>	<b>FINANCE, AUDIT &amp; RISK MANAGEMENT COMMITTEE MINUTES</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>403.05</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>19 FEBRUARY 2020</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MANAGER FINANCE &amp; CORPORATE SERVICES</b>

#### **SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.2.3	Finance, Audit & Risk Management Committee Minutes - 6 February 2020		✓

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

The Shire of Chapman Valley Finance, Audit & Risk Management Committee met on the 6<sup>th</sup> February 2020 in the Council Chambers Nabawa. The Minutes of the meeting have been included. **(Supplied under separate attachment).**

#### **COMMENT**

The Minutes and recommendations from the Finance, Audit & Risk Committee meeting dated 6<sup>th</sup> February 2020 are presented for Council consideration.

#### **STATUTORY ENVIRONMENT**

*Local Government Act 1995 & Local Government Audit Regulations 1996.*

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

No implications envisaged.

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

No effect on LTFP

#### **STRATEGIC IMPLICATIONS**

No implications envisaged.



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

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

## CONSULTATION

Committee Members and Senior Staff.

## RISK ASSESSMENT

Low risk as it is considered the Council remains in a sound financial position and management procedures are sound.

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/ COMMITTEE RECOMMENDATION

**MOVED: CR FARRELL**

**SECONDED: CR DAVIDSON**

That Council receives the Minutes of the Finance, Audit & Risk Management Committee meeting held on the 6 February 2020 and endorse the following recommendations i.e.

- 1 The 2019 Compliance Audit Return be signed by the CEO and Shire President.
- 2 The 2019 Compliance Audit Return be received and recorded in the Minutes of Council.
- 3 The 2019 Compliance Audit Return is submitted to the Department of Local Government, Sport & Cultural Industries.
- 4 The Committee recommend Council endorse a change of membership status of the External, Independent Member on the Shire of Chapman Valley's Finance, Audit & Risk Management Committee to a voting member

**Voting 6/0  
CARRIED  
Minute Reference: 02/20-9**

# **10.3**

## **Chief Executive Officer**

### **February 2020**

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## **Contents**

### **10.3 AGENDA ITEMS**

10.3.1 Corporate Business Plan Review

10.3.2 Annual Electors Meeting

10.3.3 Policy & Procedures Review

<b>AGENDA ITEM:</b>	<b>10.3.1</b>
<b>SUBJECT:</b>	<b>CORPORATE BUSINESS PLAN REVIEW</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>313.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>02/18-5</b>
<b>DATE:</b>	<b>19 FEBRUARY 2020</b>
<b>AUTHORS:</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>
<b>10.3.1</b>	<b>Draft Corporate Business Plan</b>		<b>✓</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

Council adopted the current Corporate Business Plan (CBP) at the February 2018 OCM after a full review process of the Strategic Community Plan (SCP) during 2017 i.e.

*MOVED: CR FORTH*

*SECONDED: CR MALUISH*

*Council endorse the Corporate Business Plan as presented.*

*Voting 6/0*

*CARRIED*

*Minute Reference:02/18-5*

A CBP Status Report is presented to Council as an information item in the CEO's Staff Report every month, which details where the specific projects identified by Council as requiring attention are at.

The Draft Revised Draft CBP provided at **Attachment 10.3.1** retains the status of past specific projects and lists (in **RED**) recommended new projects for the future, whilst retaining the SCP Objectives, Strategies & Actions.

#### **COMMENT**

The full review of the Shire's Council SCP & CBP concluded with these plans being formally adopted by Council at the November 2017 & February 2019 OCMs respectively.

Under legislation Council is required to undertake a review of its SCP as follows:

*"19C Strategic Community Plans, requirements for (Act s.5.56)*

- 4) A local government is to review the current strategic community plan for its district at least once every 4 years."*

Therefore, there is no need, nor is it being recommended, for the SCP to be reviewed until the 2021/2022 Financial Year.

Whereas the CBP is to be reviewed annually and then a full review is scheduled to be undertaken at the time the SCP is reviewed i.e. every 4 years:

**“19DA Corporate Business Plans, requirements for (Act s. 5.56)**

- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.”

Council incorporates the annual review of its CBP as part of the Annual Budget Workshop and Budget Adoption process. There have been no amendments made to the SCP Objectives, Strategies or Actions (all of which are repeated in the CBP).

The Department of Local Government Guidelines on the IPR Review process recommends:

*“The following diagram depicts an indicative 4 year road map for the IPR process. This is for reference only as each local government has significant discretion over the design of the process. For example, while community surveys are considered good practice, they are not mandatory. A local government may choose to conduct a community survey every year, every 2 years, every 4 years or not at all.*  
**Indicative IPR “Roadmap”**



The Draft CBP has been included in both the November and December 2019 Concept Forums to provide Council with the opportunity to have a more detailed review of the CBP at the 2 year mark (i.e. *Mini Strategic Review*) of the 4 year period of the plan. At the time of writing this agenda item no feedback was received on the Draft CBP.

The recommended amendments to the CBP remain consistent with the SCP Objectives, Strategies or Actions. It is only the specific projects and items listed in the Short, Medium and Long Term stages and the No Timeline (Ongoing) aspects of the Plan, which are being recommended for amendment.

A copy of the Draft CBP is provided at **Attachment 10.3.1** with all the recommended amendments shown in **RED Text**. It should also be noted where two (2) additional columns have been included to track the progress of the items listed in the CBP (past & future) i.e.:

- Completed – 2017 to 2019; &
- Status Report – 2019-2023

## STATUTORY ENVIRONMENT

Section 5.56 of the *Local Government Act 1995* states:

### *“5.56 Planning for the Future*

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”*

It is intended under the Western Australian Integrated Planning and Reporting Framework that the Strategic Community Plan will replace the Plan for the Future under the process as set out by the *Local Government (Administration) Regulations 1996*.

Section 19C of the *Local Government (Administration) Regulations 1996* states:

### *“19C Strategic community plans, requirements for (Act Section 5.56)*

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —*
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and*
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
  - (c) demographic trends.*



- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*  
*\*Absolute majority required.*
- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.”*

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

All relevant projects endorsed in the CBP for short, medium and long term will be included in the Long Term Financial and Asset Management Plans (if applicable) and considered as part of the Annual Budget cycle.

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

The LTFP forms part of the overall Integrated Planning & Reporting requirements of a local government authority and, where applicable, any changes made to the Strategic Community Plan and Corporate Business Plan will flow on through to the LTFP, Asset Management Plan and Workforce Plan and Annual Budgets.

## **STRATEGIC IMPLICATIONS**

Other than it being a legislative requirement to adopt and review Integrated Planning & Reporting it is also strategically sound for these plans to be in place and relevant to provide Council and the community with an understanding of the future direction of the Shire.

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

Below is an extract from the Strategic Community Plan adopted in November 2017:

***Community Vision and Values***

*The emerging community vision has validated the previously identified aspiration to be ‘a thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper’ and valuing the rural lifestyle with the safety, peace and quiet being the most highly valued attributes.*

## **CONSULTATION**

The CEO met with relevant Senior Staff to ensure they have had the opportunity to discuss the Draft CBP prior to presenting this Draft to the November & December 2019 Concept Forum.

As the CBP is a document from Council directing the CEO on priorities and timeframes to implement items identified in the CBP this Plan now needs to be finalised and endorsed by Council.

## RISK ASSESSMENT

Having Integrated Plans, which lack content, integrity and ownership can (and has) result in the Shire being questioned on its future strategic direction. Specifically, how this direction is to be resourced.

It is imperative Council continually works on improving all its Integrated Plans to remove the risk of being accused of lacking strategic direction.

In this instance, I believe 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 BATTEN**

**SECONDED: CR DAVIDSON**

Council endorse the revised Corporate Business Plan as presented with recommended changes.

**Voting 6/0**  
**CARRIED**  
**Minute Reference: 02/20-10**

<b>AGENDA ITEM:</b>	<b>10.3.2</b>
<b>SUBJECT:</b>	<b>ANNUAL ELECTORS MEETING MINUTES</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>413.01</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/19-6 &amp; 12/19-7</b>
<b>DATE:</b>	<b>19 FEBRUARY 2020</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>
<b>10.3.2</b>	<b>Minutes – Annual Electors Meeting – 6 February 2020</b>		<b>✓</b>

#### **DISCLOSURE OF INTEREST**

Nil

#### **BACKGROUND**

At the 18 December 2019 OCM Council resolved the following:

*MOVED: CR DAVIDSON*

*SECONDED: CR ROYCE*

*Council:*

- 1 *Accepts the Annual Report for the 2018/2019 Financial Year as required by s5.54 of the Local Government Act 1995 as presented.*

*Voting 7/0*

*CARRIED*

*Minute Reference: 12/19-6*

*MOVED: CR BATTEN*

*SECONDED: CR FORTH*

*Council:*

- 1 *Receives and accepts the Auditors Financial Report for 2018/2019.*
- 2 *Receives and accepts the Auditors Management Report 2018/2019.*
- 3 *Set the date for the Annual General Meeting of Electors for Thursday 6<sup>th</sup> February 2020 commencing 6.00pm at the Nabawa Council Chamber and advertise this meeting accordingly.*
- 4 *Request the CEO give local public notice of the availability of the Annual Report as required by s5.55 of the Act;*
- 5 *Provides a copy of the Shire of Chapman Valley 2018/2019 Annual Report to the Director General of the Department of Local Government.*

*Voting 7/0*

*CARRIED*

*Minute Reference: 12/19-7*

Council held its Annual Electors Meeting on the 6 February 2020 and a copy of the unconfirmed minutes from the meeting have been provided under separate cover as **Attachment 10.3.2**.

#### **COMMENT**

As required by legislation, this item is being presented to the first Ordinary Council Meeting following an Annual Electors meeting to enable consideration of the issues raised (if any).

## STATUTORY ENVIRONMENT

Section 5.33 of the *Local Government Act 1995* requires that:

- “(1) All decisions made at an electors meeting are to be considered at the next ordinary council meeting or, if that is not practicable –
- (a) At the first ordinary council meeting after that meeting; or
  - (b) At a special meeting called for that purpose.
- which ever happens first.*
- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Nil

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

No effect

## STRATEGIC IMPLICATIONS

Nil

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

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

## CONSULTATION

Meeting was advertised and attended by elector(s), elected members and staff.

## RISK ASSESSMENT

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

## VOTING REQUIREMENTS

Simple Majority

## **COUNCIL RESOLUTION/STAFF RECOMMENDATION**

**MOVED: CR BATTEN**

**SECONDED: CR HUMPHREY**

The Minutes of the Annual Electors meeting dated 6 February 2020 be received and note no actions being required from this meeting.

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-11**



AGENDA ITEM:	10.3.3
SUBJECT:	REVIEW OF COUNCIL POLICIES & PROCEDURES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	07/19-4
DATE:	11 FEBRUARY 2020
AUTHOR:	MAURICE BATTILANA

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

To allow Council to review and consider changes to the Shire Policy & Procedures Manuals

At the July 2019 OCM the following was resolved:

*MOVED: CR HUMPHREY*

*SECONDED: CR FORTH*

*Council endorses the amendments, deletions and additions to the Shire of Chapman Valley Policies & Management Procedures as presented.*

*Voting 6/0*

*CARRIED*

*Minute Reference: 07/19-4*

#### COMMENT

During discussions at the July 2019 OCM on this item it was mentioned the confusion throughout the existing Policy & Procedures of the wording “**Council**” and “**Shire**”. I have been through the existing Policies & Procedures and concur with the comment on this issue needing to be dealt with.

The intention of this report is seeking Council endorsement for the Chief Executive Officer to amend all Policies and Procedures to appropriately amend the wording “**Council**” and “**Shire**” as an administrative process, rather than have these areas individually presented to Council for consideration and endorsement.

When reading through the existing Policies and Procedures there is a significant number of areas where the wording “**Council**” and “**Shire**” needs changing.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995 – Section 2.7(2)(b)*

*Role of Council*

- 1) *The council:*
  - (a) *Governs the local government’s affairs; and*
  - (b) *Is responsible for the performance of the local government’s function.*
- 2) *Without limiting subsection (1), the council is to:*

- a) *Oversee the allocation of the local government's finances and resources; and*
- b) **Determine the local government policies.**

The legislation has no specific period for the review of Policies, yet Council has attempted to undertake a review annually.

## POLICY IMPLICATIONS

All the Shire of Chapman Valley existing policies & procedures are reviewed annually by Senior Staff, with only those being recommended for amendments, adoption or deletion presented to Council for consideration. In this instance it is being recommended the changes to the Policies & Procedures relevant wording of **“Council”** or **“Shire”** be undertaken as an administrative task.

The full review of all Policies and Procedures is currently being undertaken to both review the relevance of existing Policies & Procedures and to introduce new Policies & Procedures being imposed through new legislation. It is anticipated this review process will be presented to Council within the next few months for consideration.

## FINANCIAL IMPLICATIONS

No effect on financial operations of the Shire.

### Long Term Financial Plan (LTFP):

No effect on LTFP of the Shire.

## STRATEGIC IMPLICATIONS

It is important Councillors and staff are fully conversant with Policies and Procedures of the organisations in the first instance and for these to be accessible to the Elected Members, Staff and the community to ensure all ambiguity are removed regarding how the Shire operates.

It is also important Councillors and staff review the policies & procedures to ensure these remain current and relevant.

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

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

## CONSULTATION

Not applicable as this is considered an administrative task to be undertaken by the Chief Executive Officer.

## RISK ASSESSMENT

There is a risk associated with the organisation's Policies and Management Procedures being antiquated and not relevant, which could lead to poor operations and possible areas of non-compliance with legislation. However; I believe this risk is considered **“insignificant”** in this instance i.e.

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 ROYCE**

**SECONDED: CR BATTEN**

Council endorses the Chief Executive Officer to amend all existing Policies and Procedures to best reflect the most appropriate wording of **“Council”** or **“Shire”** to be undertaken as an administrative task.

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-12**

**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**

**13.0 DELEGATES REPORTS**

- Cr Batten – Moresby Range Visitors Master Plan Working Group Meeting.  
Yuna Water Supply Stakeholders Meeting.
- Cr P Humphrey - Batavia Local Emergency Management Committee Meeting

**MIDWEST RESCUE HELICOPTER**

**COUNCIL RESOLUTION**

**MOVED: CR DAVIDSON**

**SECONDED: CR HUMPHREY**

Council deal with a late item presented to the meeting in regard to supporting the community led project for an emergency rescue helicopter to service the Midwest Region.

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-13**

**COUNCIL RESOLUTION**

**MOVED: CR HUMPHREY**

**SECONDED: CR DAVIDSON**

The Council write to the Minister for Emergency Services in support of the community led project for an emergency rescue helicopter to service the Midwest Region.

**Voting 6/0**

**CARRIED**

**Minute Reference: 02/20-14**

**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

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

Nil

**16.0 CLOSURE**

The President thanked Elected Members and Staff for their attendance and closed the meeting at 10:09am