



# ORDINARY COUNCIL MEETING

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## CONFIRMED MINUTES

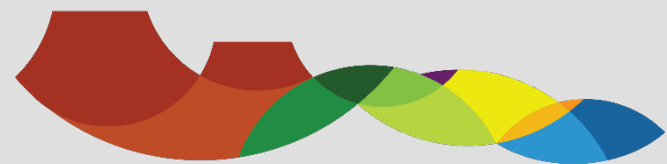
**9:00am Wednesday  
20 May 2020**

**Electronic Meeting  
(WebEx)**

**MAY 2020**

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**SHIRE OF CHAPMAN VALLEY**  
*Maurice Battilana*  
**CHIEF EXECUTIVE OFFICER**



SHIRE OF  
**Chapman Valley**

*love the rural life!*

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

# DISCLAIMER



SHIRE OF  
**Chapman Valley**  
*love the rural life!*

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.

**Maurice Battilana**  
**CHIEF EXECUTIVE OFFICER**

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## ORDER OF BUSINESS

### 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The President, Cr Farrell, welcomed Elected Members and Staff and declared the meeting open at 9.13am.

#### COUNCIL RESOLUTION

**MOVED: Cr. Warr**                      **SECONDED: Cr. Humphrey**

Council adjourn meeting at 9.14am to resolve IT Communication Issues

**Voting 7/0**  
**CARRIED**  
**Minute Reference: 05/20-1**

#### COUNCIL RESOLUTION

**MOVED: Cr. Forth**                      **SECONDED: Cr. Maluish**

Council move to reconvene meeting at 9.34am

**Voting 7/0**  
**CARRIED**  
**Minute Reference: 05/20-2**

### 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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

#### 3.1 Attendees

Member
Cr Anthony Farrell (President)
Cr Kirrilee Warr (Deputy President)
Cr Nicole Batten
Cr Beverley Davidson
Cr Darrell Forth
Cr Peter Humphrey
Cr Ian Maluish

### 3.2 Apologies

Member
Cr Trevor Royce

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

Councillor	SCM Month & Year	Date Approved	Minute Reference
Cr. Nicole Batten	July 2020 OCM	18/03/2020	03/20-1

## 4.0 PUBLIC QUESTION TIME

### 4.1 Response to Previous Public Questions on Notice

Nil

### 4.2 Public Question Time

#### 4.2.1 Kate Watson – Coronation Beach Camping Fees

*“Dear Shire of Chapman Valley Councillors,*

*I’m writing in relation to item 10.3.5 of your meeting on the 18th March 2020 relating to the changes of the Camping Areas Management Procedure (CMP-019).*

*In particular, the decision to charge rate payers camping fee’s at Coronation Beach.*

*It appears that a decision has been made, based on two isolated incidents, and has not taken into account the long-term rate payers who utilise the facility and abide by the procedures.*

*Free camping at Coronation beach is seen as a benefit by many rate payers of the Shire of Chapman Valley. It now appears that the Council is expecting rate payers to pay fees due to isolated incidents that were not resolved by the management team.*

*Given that there is a Coronation Beach Master Planning Steering Group established, I am curious as to why the Council did not elect to ask the group to review the related procedures to ensure any changes were considered in line with the overall Master Plan?*

*I’d like to request that Council reconsider the decision and explore alternative options that would allow Shire of Chapman Valley rate payers to continue to utilise the facility free of charge, but which would provide management with clear guidelines with which to manage the facility.*

*Regards,*

Kate Watson”

Response

Dear Kate

*The resolution to charge everyone for the use of the Coronation Beach Camping Reserve was carefully considered by Council with the rationale being Council does not offer such free use of any other facility throughout the whole shire to ratepayers, therefore bringing Coronation in line with this position. The incidents you referred to simply triggered the need for Council revisit the camping fees at Coronation Beach and was not the reason upon which the change was made.*

*In regards to the suggestion the Working Group should have been consulted as part of the camping fee review. Setting fees and charges was not part of the scope given to the Working Group, therefore was not required. The Working Group was established to look at what on-ground design, infrastructure and multi-user facilities may be required into the future for Coronation Beach camping & day use areas. Fees & Charges are reviewed (at least annually) and set by Council.*

*Also, Council did consider several alternative scenarios prior to the preferred option eventually being adopted. I believe you have already received a copy of the scenarios presented to Council in the Agenda regarding camping fee charge option for Coronation Beach.*

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

Cr. Ian Maluish requested a leave of absence from the June 2020 Ordinary Council meeting

### **COUNCIL RESOLUTION**

**MOVED: Cr. Batten**

**SECONDED: Cr. Forth**

Cr. Maluish be granted leave of absence for the June 2020 Council Meeting.

**Voting 7/0  
CARRIED  
Minute Reference: 05/20-03**

## **6.0 DISCLOSURE OF INTEREST**

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

Section 5.60A:

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

Section 5.60B:

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

- (a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or
- (b) a proposed change to the zoning or use of land that adjoins the person’s land; or
- (c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person’s land.”

Regulation 34C (Impartiality):

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

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

## 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 7.1 Petitions

Nil

### 7.2 Presentations

Nil

### 7.3 Deputations

Nil

## 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

Moved: Cr. Forth

Seconded: Cr. Davidson

### 8.1 Ordinary Meeting of Council held on Wednesday 18 March 2020

The Minutes of the Ordinary Meeting of Council held Wednesday 18<sup>th</sup> March 2020 be confirmed as true and accurate.

### 8.2 Special Meeting of Council held on Monday 6 April 2020

The Minutes of the Special Meeting of Council held Wednesday 6<sup>th</sup> April 2020 be confirmed as true and accurate.

Voting 7/0  
CARRIED  
Minute Reference: 05/20-04



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

**Moved: Cr. Forth**

**Seconded: Cr. Batten**

Council to deal with the following Agenda Items En Bloc:

10.1.4 Proposed Carport (Incorporating Sea Container)

10.2.4 Write Off Outstanding Debt

**Voting 7/0**

**CARRIED**

**Minute Reference: 05/20-05**

## **10.0 OFFICERS REPORTS**

# **10.1**

## **Deputy Chief Executive Officer**

### **May 2020**

#### **10.1 AGENDA ITEMS**

**10.1.1 PROPOSED WATER TANKS**

**10.1.2 PROPOSED WINDSURFING CLUB FACILITY**

**10.1.3 REVIEW OF LOCAL PLANNING POLICIES**

**10.1.4 PROPOSED CARPORT (INCORPORATING SEA CONTAINER)**

### 10.1.1 Proposed Water Tanks

PROPONENT:	M. GOULD & C. HOUSTON
SITE:	24 (LOT 15) STIRLING PLACE, WAGGRAKINE
FILE REFERENCE:	A1711
PREVIOUS REFERENCE:	NIL
DATE:	8 MAY 2020
AUTHOR:	SIMON LANCASTER

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Received Application & Neighbours' Letters of Support	✓	

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

The Shire is in receipt of an application to site 2 x 32,000L water tanks upon 24 (Lot 15) Stirling Place, Waggrakine. The application has been brought before Council as the proposed location for the water tanks is forward of the residence and 2m from the side property boundary. This report recommends that the application be approved.

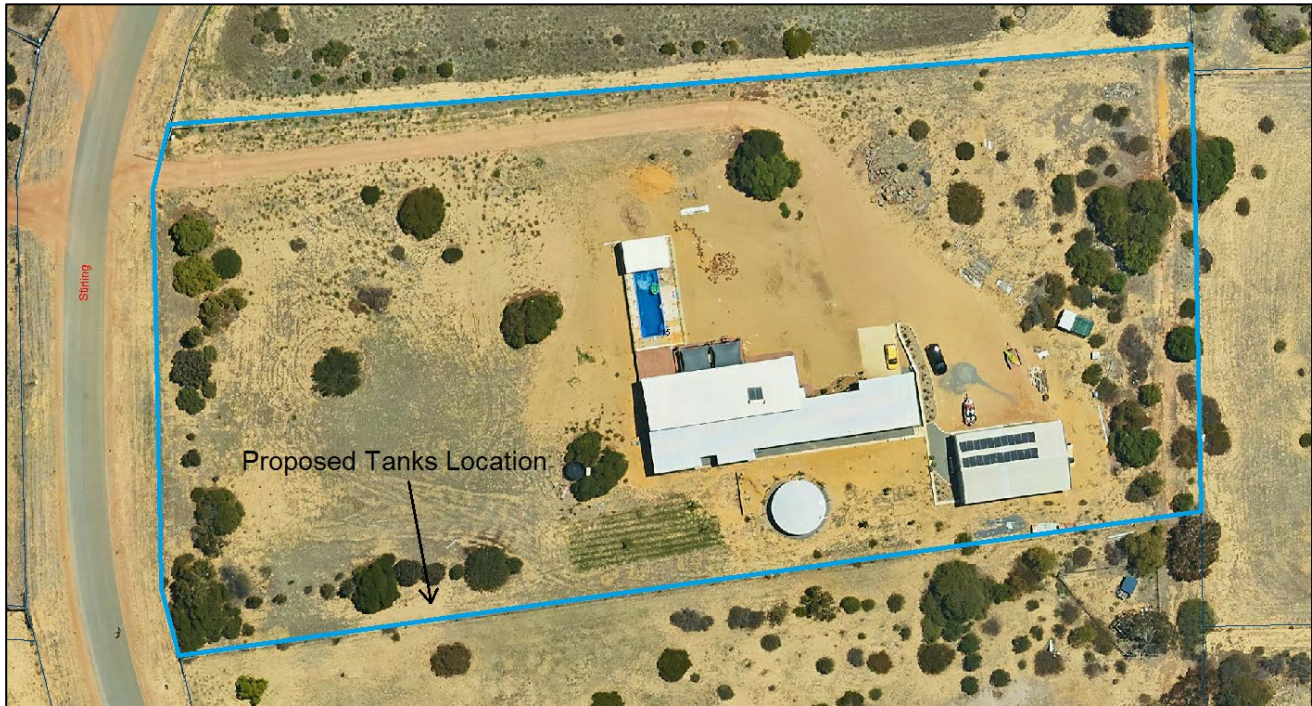
**Figure 10.1.1(a) – Location Map for 24 (Lot 15) Stirling Place, Waggrakine**



## COMMENT

Lot 15 is a 1.1306ha property on the eastern side of Stirling Place that contains a residence, shed and swimming pool. The property slopes down from the 70m contour at its rear/eastern boundary along its 150m length to the 65m contour at its western street frontage.

Figure 10.1.1(b) – Aerial Photograph of 24 (Lot 15) Stirling Place, Waggrakine



The property contains an existing water tank and the applicant is seeking to become further self-reliant through the addition of 2 x 32,000L water tanks (2.4m wall height, 3m total height, 3.925m diameter).

The Shire does not generally require application to be lodged for the siting of water tanks in rural-residential areas, so long as the tanks are located behind or alongside the building line as viewed from the road, they are ground based (i.e. not on stands that would require structural engineering) and are matching colours to the adjacent building.

This application proposes to site the 2 tanks approximately 35m forward of the residence and 2m from the side property boundary. The minimum side boundary setback for the 'Rural Residential' zone is 5m meaning this application exceeds the delegated authority of Shire staff and has therefore been presented to Council for its consideration.

The applicant has advised that they are seeking to site the tanks in their requested location so that they can retain the current vegetation and avoid the effluent disposal system. The applicant has also noted that the tanks would be screened from the road by existing vegetation and would be coloured Slate-Grey to match the Woodland-Grey residence.

A copy of the received application, including additional supporting information, site photographs and signed written support for the proposal from both the immediately impacted side neighbour and the neighbour across the road, is provided as **Attachment 10.1.1**.

**Figure 10.1.1(c) – View looking north-east towards Lot 15 from Stirling Place**



#### **STATUTORY ENVIRONMENT**

24 (Lot 15) Stirling Place, Waggrakine is zoned 'Rural Residential' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- “- To provide for lot sizes in the range of 1 ha to 4 ha.*
- To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- To set aside areas for the retention of vegetation and landform or other features which distinguish the land.”*

Schedule 3 of the Scheme sets the minimum side boundary setback for the 'Rural Residential' zone as being 5m. The applicant is seeking a reduction in this distance to 2m and the application has therefore been presented to Council.

Section 34 'Variations to site and development requirements' of the Scheme notes the following:

- “(2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.*
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.*

- (4) *If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must –*
- (a) *consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and*
  - (b) *have regard to any expressed views prior to making its determination to grant development approval under this clause.*
- (5) *The local government may only approve an application for development approval under this clause if the local government is satisfied that –*
- (a) *approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and*
  - (b) *the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

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

- “(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following –*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate.”*

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

A water tank would not generally be regarded as an outbuilding, however the principles of the Shire of Chapman Valley ‘Outbuildings’ Local Planning Policy might still be considered in the assessment of this application, particularly following clauses:

- “4.7 An outbuilding is required to be sited behind the ‘front building line’ of a dwelling on lots less than 4ha in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.”*

“4.9(c) For lots zoned ‘Rural-Residential’, ‘Rural Smallholding’ and ‘Rural’ the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.”

**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**

The Shire of Chapman Valley Local Planning Strategy identifies Lot 15 as being located within ‘Precinct 7 – South West’ the vision for which is:

*“The planned expansion of the south west area of the Shire, whilst taking into consideration the plans and policies of other local and regional government authorities.”*

The Strategy lists the following environmental objectives for the South West Precinct:

- “7.3.1 Encourage re-vegetation and retention of existing vegetation in order to minimise soil erosion and to stabilise existing landforms along the coast and the western portion of the Moresby Range
- 7.3.2 Protect and enhance the visual amenity in areas of visual prominence.
- 7.3.4 Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc) are avoided through appropriate environmental controls.
- 7.3.5 Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum.”

• **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 approval of this application would align with Objective 3.1 of the Strategic Community Plan as follows:

Objective	Strategy	Action	Timeline	Responsibility	Status	Desired State
Preserve the Natural Environment and address environmental risks as they arise.	Install rainwater tanks on new and existing buildings	Encourage landowners to install rainwater tanks on new and existing buildings. Shire to lead by example by installing rainwater tanks in their buildings.	Ongoing	Council	This would need to be legislated for it to be enforceable. Advocacy role only.	Increase take-up of rainwater tanks installed on new and existing buildings

**CONSULTATION**

The applicant has approached their immediately impacted side neighbour and the neighbour across the road and obtained from both their written support for their proposal, copies of which are included within Attachment 10.1.1.

Council can conduct a wider advertising of this proposal if it considers that further consultation is required.

## 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

**MOVED: Cr. Forth**

**SECONDED: Cr. Batten**

## COUNCIL RESOLUTION/STAFF RECOMMENDATION

That Council grant formal planning approval for the siting of 2 water tanks upon 24 (Lot 15) Stirling Place, Waggrakine subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 20 May 2020 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of noise, water or otherwise.
- 4 The water tanks shall be complementary in colour to the main residence to the approval of the local government.
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 6 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

**Voting 5/2  
CARRIED  
Minute Reference: 05/20-06**



Please find attached the following:

- application form
- Adjoining landowner consent signed. We showed our neighbour our plans and location of the tanks, in which he had no concerns.
- tanks specs and also the location on aerial shot.
- Pic 1 shows across our property and the trees the tanks will be behind
- Pic 2 is from the road on our boundary and shows that the tanks will be out of view behind the trees.
- Pic 3 is from the road at an angle from our neighbour's (Ben Tomasino) property, also showing that the tanks will be discreet in their location.

Further information:

- Colour: Slate Grey (Woodland grey) - the same colour as the house
- Boundary set back approx 2m. Also, 20m from house.
- Desired location: behind the trees near the south boundary. We chose this location so we can retain the current vegetation and screen the tanks making them more discreet.
- The purpose of the tanks is to capture the rainwater from the north-facing roof and pool gazebo roof, to enable us to be more self-sufficient. We also will be planting many more trees on the block, so this extra water will help in maintaining these. Furthermore, the extra water may be sourced to assist in fire fighting purposes if necessary.
- Minor cut/fill to achieve level pad - will need to seek advice from earthworks in regards to FFL/NGL



22/04/2020

Mail - Mark Gould - Outlook

## Premium Water Tank Range

- Callina +0457 142 982  
- Slate Gray (Woodland Gray)

**coerco**  
agriculture

**20 Year**  
PREMIUM

### Features

- One piece construction
- Attractive Heritage design
- Corrugated for strength and traditional appearance
- UV stabilised to withstand our harsh climate
- Durable and impact resistant polyethylene for long life
- Manufactured in accordance with Australian standards
- Bulk supporting lid design eliminates need for centre support pole
- Available in all standard colours

### Premium Corrugated Tanks


Code	Capacity Litres	Capacity Gallons	Diameter mm	Wall Height mm	Total Height mm	Retail Pricing (incl GST)
RT1000	1000	260	1000	1260	1360	\$525.50
RT2000	2000	520	1400	1705	2080	\$800.80
RT2500S	2500	660	1850	950	1255	\$800.80
RT3800	3800	1000	1800	1800	2150	\$994.40
RT4900	4900	1300	1850	1800	1825	\$1,036.10
RT4900S	4900	1300	2400	1050	1360	\$1,131.90
RT9000	9000	2300	2400	2100	2430	\$1,736.90
RT9000S	9000	2300	2950	1375	1825	\$1,853.90
RT9500	9500	2500	2600	1800	2150	\$1,896.60
RT13500	13500	3500	2950	1875	2325	\$2,201.10
RT20500	22500	5900	3650	2350	2825	\$2,997.50
RT32000	32000	7050	3950	2400	3000	\$4,228.10
RT40000	45000	10000			Tank Combination (1 x RT22500	\$5,886.10
RT94000	94000	14100			Tank Combination (2 x RT32000	\$8,285.60

\* - Premium Flat Walled Tanks

https://outlook.live.com/mail/0/inbox/id/4QMADAwATE/NT3LUJYmYrYWM1M0wMAMDAKAE/YAAAMAYfnc1JNSJ7BksZw%2Bs%2FBwCgrf6wd4dHf


Meeting of Council 20<sup>th</sup> of May 2020 – Confirmed Minutes

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## Slimline Tanks

**10 Year**  
Warranty  
SLIMLINE TANK





### Features


- Attractive space saving design
- Ideal for under eave line or pathway situations
- Manufactured in accordance with Australian standards
- Available in all standard colours


Slimline Tanks					
Code	Description	Dimensions (mm)	Wall Height (mm)	Total Height (mm)	Retail Pricing (inc GST)
RTS800	800R Slimline Tank	605 1250	1300	1450	<b>\$589.50</b>
RTS1500	1,500R Slimline Tank	875 1325	1950	2000	<b>\$775.50</b>
RTS3000	3,000R Slimline Tank	805 3615	2070	2120	<b>\$1,430.00</b>


### Standard Fittings


  
90mm PVC Mesh Overflow

  
Strainer Basket


  
Bib Cock Tap

  
25mm Brass Outlet (for tap)

  
Screw On Lid

  
25 mm Drain Bung

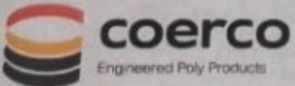
### Standard Tank Colours



Back Light Grey™, Monument Charcoal™, Mist Grey (Ironstone)™, Dark Grey™, Slate Grey (Woodland Grey)™, Heritage Red (Merlot Red)™, Damridge Blue (Blue Ridge)™, Mountain Blue (Deep Ocean)™, Mist Green (Pine Escapes)™, Reverb™ (Wireless)™, Heritage Green (Cottage Green)™, Smooth Green (Classic Ocean)™, Mono (Facerank)™, Sage™, Desert Sand (Sand Bank)™, Wheat (Harvest)™, Carbon (Bushland)™

Optional COLORBOND® colours are available but may be subject to surcharge and/or delivery delay. Due to printing differences, some colours may vary. COLORBOND® and colour names are registered trademarks of Blue Scope Steel Ltd. Colour names are trademarks of Blue Scope Steel Ltd. Coerco colours represented match COLORBOND® steel colours.

match house colour Woodland grey.



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February 2020

<https://outlook.live.com/mail/0/inbox/id/AQMkADAwATEyNTk3LWJyMQtYWM1Mi0wMAITMDAKAEYAAAMXvjPnc1JNSJ7BtxsZw%2Bs%2FBwCgF6wdAdcHF>



## ADJOINING LANDOWNERS CONSULTATION FORM

Shire Reference: A1711 & A1712

### Adjoining Property Owner Details

Name: Ben Tomasino  
Lot No.: 16 Street No.: 8 Street Name: Stirling place  
Suburb: Waggrakine Postcode: 6530

### Proposed Development

Proposal: 2x water tanks (32,000L each) nestled in trees close to boundary  
Lot No.: 15 Street No.: 24 Street Name: Stirling place  
Suburb: Waggrakine Postcode: 6530

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

Plans Attached

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

### Adjoining Property Owners Comments

I/we have inspected the plans and comment as follows:  Support  Object  Indifferent

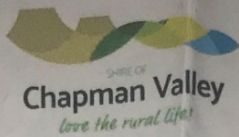
(Attach additional information and plans if necessary)

Signed: [Signature] Date: 28<sup>th</sup> April Phone: [Redacted]  
Print Name: Ben Tomasino

Please return to: Chief Executive Officer or [cs@chapmanvalley.wa.gov.au](mailto:cs@chapmanvalley.wa.gov.au)  
Shire of Chapman Valley or (fax) 9920 5155  
PO Box 1  
NABAWA WA 6532

**NOTE:** The local government, in determining the application, will take into account the comments of adjoining owners but is not obliged to support the views of adjoining owners.

Submissions Close:



### ADJOINING LANDOWNERS CONSULTATION FORM

Shire Reference: A1711

#### Adjoining Property Owner Details

Name: ANTHONY ROGERS  
Lot No.: \_\_\_\_\_ Street No.: 25 Street Name: Stirling Place  
Suburb: Waggrakine Postcode: 6530

#### Proposed Development

Proposal: 2 x water tanks along south boundary.  
Lot No.: 15 Street No.: 24 Street Name: Stirling Place  
Suburb: Waggrakine Postcode: 6530

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

Plans Attached

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

#### Adjoining Property Owners Comments

I/we have inspected the plans and comment as follows:  Support  Object  Indifferent

(Attach additional information and plans if necessary)

Signed: [Signature] Date: 30/04/20 Phone: \_\_\_\_\_  
Print Name: ANTHONY ROGERS

Please return to: Chief Executive Officer  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532  
or [ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au)  
or (fax) 9920 5155

NOTE: The local government, in determining the application, will take into account the comments of adjoining owners but is not obliged to support the views of adjoining owners.

Submissions Close:



## 10.1.2 Proposed Windsurfing Club Facility

PROONENT:	GERALDTON WINDSURFING CLUB
SITE:	RESERVE 50066 CORONATION BEACH
FILE REFERENCE:	A1956
PREVIOUS REFERENCE:	NIL
DATE:	11 MAY 2020
AUTHOR:	SIMON LANCASTER

### SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	Geraldton Windsurfing Club correspondence	√	

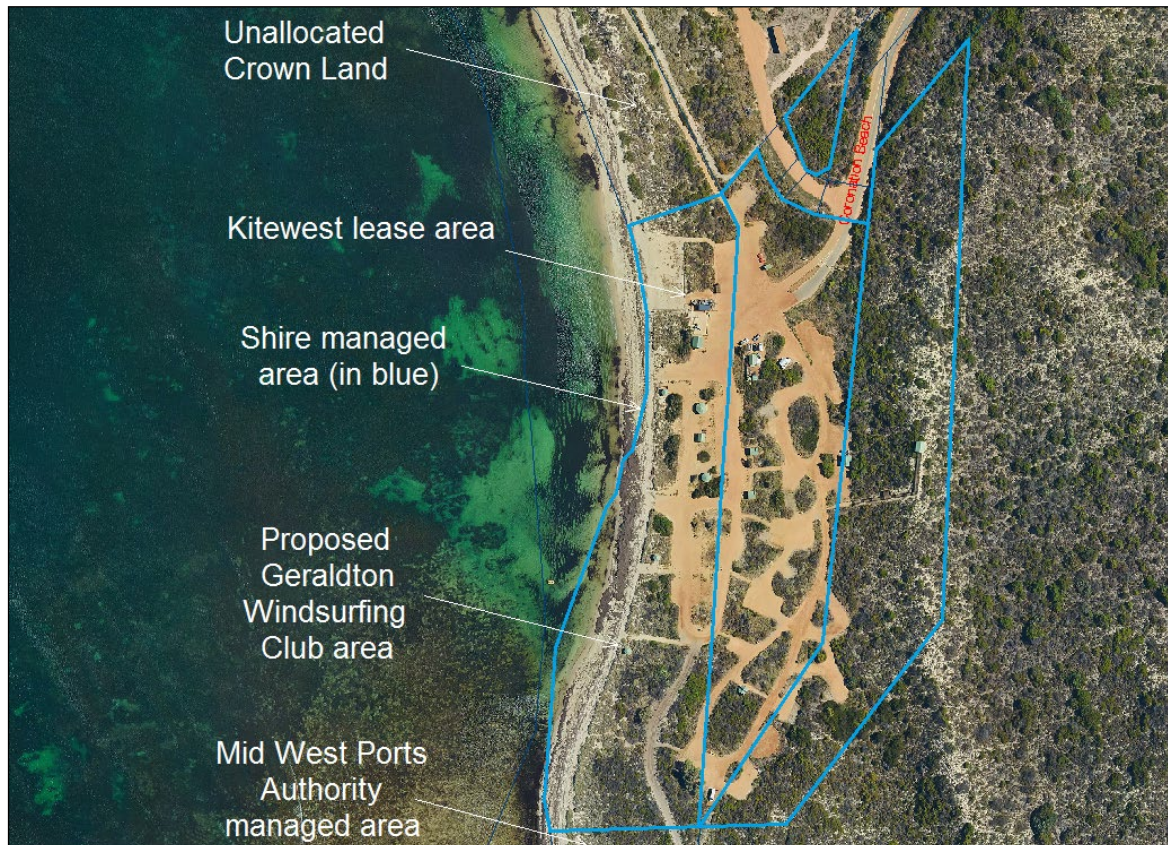
### DISCLOSURE OF INTEREST

Nil.

### BACKGROUND

The Geraldton Windsurfing Club have written to the Shire seeking support for the establishment of a storage and training area at Coronation Beach. This report recommends that Council give support in principle, to enable further discussion concerning appearance, footprint and timeframe, with a view to ultimately a lease document being prepared by the Shire for consideration by the Club and Council.

**Figure 10.1.2(a) – Aerial photo of Coronation Beach illustrating proposed storage area**



## COMMENT

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

The Windsurfing Club have written to Council seeking a letter of support for the establishment of a storage and training area at Coronation Beach, a copy of which is provided as **Attachment 10.1.2**.

**Figure 10.1.2(b) – Aerial photo of southern gazebo area at Coronation Beach**



The Windsurfing Club is proposing to site 2 sea containers that have been donated by Geraldton Senior School in a L-shaped configuration 7m to the east of the southern-most gazebo at Coronation Beach. Works would be undertaken to the sea containers to give them a similar appearance to the KiteWest sea container

One of the sea containers would be used to store equipment to enable the Windsurfing Club to conduct training and coaching and the other to store a dinghy and associated equipment.

The area in front of the sea containers is proposed to be developed with a deck and shade sail area and also used for rigging.

The Windsurfing Club have selected the proposed location as it is in front of an area of shallow water over the reef, and siting it immediately behind the beach would prevent users, including children who are learning to windsurf, from crossing the vehicle thoroughfare whilst carrying equipment. Another factor is that the selected site is the southern-most windsurfing launch area which means that people learning to windsurf would have the maximum separation distance from the kitesurfing launch area which is towards the northern end of Coronation Beach i.e. windsurfing novices carried by the prevailing southerly wind have a safer environment and the maximum time to master sailing across the wind.



Council support in principle for the Windsurfing Club's proposal would enable them to pursue potential sources of funding for the project and if they were successful the Club would like to site the sea containers in September 2020 with a view to being operational for the summer 20/21 windsurfing season.

Should Council consider that this project has merit, Shire staff would begin discussions with the Windsurfing Club on matters including the details of the proposed works, the timeframe for the completion of the works, the exact footprint for the Club's activities, and whether there might be overlapping areas where the Shire, the Greenough Regional Prison Crew and the Windsurfing Club might be able to work together.

Shire staff would also commence drafting of a lease agreement, similar to those prepared for other sporting groups in the Shire of Chapman Valley, that would address matters such as insurance, liability, areas of responsibility, areas of exclusivity, club and user conduct, risk management etc.

In the event that discussions reach an agreed outcome the lease agreement would be presented to Council, and then the Windsurfing Club for comment and ultimately approval. It is considered that the sea containers should not be sited at Coronation Beach until a lease agreement is signed and in effect. This would be consistent with Council's relationship with other sporting and community groups that use Shire facilities and reserves, and also similar to the approach taken with KiteWest who operate a kitesurfing school at Coronation Beach.

**Figure 10.1.2(c) – KiteWest operation at Coronation Beach**



## STATUTORY ENVIRONMENT

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

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

The establishment of a storage and training area to assist the Windsurfing Club would in keeping with the intent of this zoning.

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

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

Council may consider it appropriate that an annual lease fee should be charged to the Windsurfing Club as this would be consistent with other sporting and community groups operating in the Shire of Chapman Valley. Lease fees charged by Council vary in each case dependent upon the level of services required, the floor area, the type of facilities, level of use etc. It is suggested that in this instance a minimal fee might be appropriate given there would not be water/power servicing to the facility, the footprint would be relatively small and the ongoing maintenance cost relatively low.

## 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

The Shire working with the Geraldton Windsurfing Club to meet the needs of users at Coronation Beach would align with Section 2.9 'Community Involvement' of the Shire of Chapman Valley Coastal Management Strategy and Action Plan (2016):

*"The Shire should work with other coastal land managers (including NACC) to encourage involvement of community groups (including user groups such as the Geraldton Windsurfing Club, Geraldton Longboard Club, Geraldton 4WD Club etc.) to help address coastal issues where possible. This can also help to increase community knowledge of the coastal environment, and achieve community level behavioural change, which can result in increased care for the environment and a reduction in harmful activities."*

Provision of a windsurfing rigging area to better cater for use and demand has been one of the shared goals of the Shire and the Club, as it has been considered that the creation of a more formalised rigging area will assist in preventing current practices of people rigging up on dune vegetation which can damage both plants and sails. Discussions as part of the Coronation Beach Masterplan process have looked at low-key measures such as fencing off an area and laying jute matting, or similar materials, such as used by Main Roads WA when stabilising excavated slopes alongside roads. This form of matting prevents weed growth and assists in stabilising and biodegrades over time, at which point a replacement roll can be laid. This form of site coverage is more environmentally sustainable and cost effective than other measures (such as lawn, artificial grass, rubber matting, concrete) and more in keeping with the nature based amenity of Coronation Beach which has repeatedly been raised by the Coronation Beach Masterplan Steering Group as a key attraction of the area.

It is considered that the establishment of a training, education and meeting place for the Windsurfing Club at Coronation Beach can assist in meeting the following key issues identified by the Shire of Chapman Valley Coastal Management Strategy and Action Plan:

*“Environmental Management*

*Appropriate management of recreational land uses to reduce and mitigate environmental degradation*

*Land Use & Facilities*

*Protection and enhancement of recreational activities popular in the area such as windsurfing, kiteboarding and longboarding.*

*The need to identify provision of facilities with appropriate controls to sustainably provide for tourist and recreational demands.*

*Community Involvement*

*The need to continue and enhance community involvement in coastal management, particularly coastal land owners as well as user groups and community groups with an interest in coastal management issues.” (page 16)*

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

- **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 approval of this application would align with Objective 1.2.

Objective	Strategy	Outcome	Timeline
Strengthen our advocacy role and regional partnerships to support the provision of local services and facilities	Be present in conversations and gatherings related to the provision of essential and desired services for Chapman Valley residents and visitors	Participate in and advocate for regional resource sharing and cross-boundary cooperation.	Ongoing

**CONSULTATION**

Shire staff have met on-site with the Coronation Beach Caretaker seeking comment given their extensive knowledge on the use and behaviour patterns in this area.

Discussions included the possible adjustment of the proposed clearing area to provide clearer access to the path to the beach as it was felt that if the rigging area has accessibility issues it may be used to a lesser degree.

It was agreed that the Windsurfing Club’s proposal in general had merit and there was ability to resolve project details on-site as discussions continued on the exact dimensions of any clearing; which parties would undertake the clearing; the realignment of some of the existing fencing; and the structural/aesthetic issues pertaining to the sea containers e.g. the Club might wish to reconsider shade sails which have a finite lifespan in this coastal setting in favour of a more solid lean-to/verandah structure spanning the sea containers.

**Figure 10.1.2(d) – Windsurfing Club initial concept on left & potential modification on right**



Council may also wish to raise this proposal for discussion with the Coronation Beach Masterplan Steering Group before the matter advances beyond a ‘support in principle’ phase.

**RISK ASSESSMENT**

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

**VOTING REQUIREMENTS**

Simple majority required.

*CEO Maurice Battilana left the Meeting at 10.02am*

*CEO Maurice Battilana returned to the Meeting at 10.04am*

**MOVED: Cr. Forth**

**SECONDED: Cr. Warr**

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

That Council:

- 1 Advise the Geraldton Windsurfing Club that it supports in-principle the establishment of a storage and training area at Coronation Beach as outlined in its correspondence.

- 2 Instruct Shire staff to continue discussions with the Windsurfing Club on the following issues so that this matter may be returned to Council for more formal consideration at a later meeting:
- (a) details of the proposed building works (including visual improvements to the exterior cladding of the sea containers and the connecting structure between the sea containers);
  - (b) the dimensions of the proposed clearing area (and potential treatments to assist in stabilisation and weed suppression including jute matting or similar) and its fencing;
  - (c) the timeframe for the completion of the works;
  - (d) potential partnerships between the Shire, the Greenough Regional Prison Crew and the Windsurfing Club to achieve outcomes; &
  - (e) drafting of a lease agreement between the Shire and Club (drawing upon similar agreements prepared for other sporting and community groups in the Shire of Chapman Valley to address matters such as insurance, liability, areas of responsibility, areas of exclusivity, club and user conduct, risk management etc.).

**Voting 6/1**

**CARRIED**

**Minute Reference: 05/20-07**



Geraldton Windsurfing Club  
Non-profit organisation

CEO

Chapman Valley Shire

3270 Chapman Valley Road, NABAWA

PO Box 1, NABAWA WA 6532 [ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au) (9920 5011)

Attention: Simon Lancaster Email: [dceo@chapmanvalley.wa.gov.au](mailto:dceo@chapmanvalley.wa.gov.au)

Dear Mr Lancaster,

The Geraldton Windsurfing Club (GWC) – Windsurfing Storage at Coronation Beach

Following on from the Shires progress to further develop the Coronation Beach Master Plan, the Geraldton Windsurfing Club (GWC) write to request the Shire of Chapman Valley provide a letter of support for GWC to locate Windsurfing Storage at Coronation Beach.

The letter of support will assist with community grant applications to retrofit and locate the sea containers at Coronation Beach (similar in appearance to Kite West container). If the GWC are successful in receiving funding, the containers are planned to be retrofitted and installed by September 2020. The primary purpose, additional benefits and location is further described below.

The Geraldton Windsurfing Club (GWC) are currently focusing on providing an opportunity to introduce windsurfing to children/youth and assisting those at early stages of learning the sport (training and coaching). Coronation Beach is an ideal place to windsurf for all abilities during a summer day; from lighter, early morning breeze to when the afternoon sea breeze fills in.

It would be ideal for windsurfing equipment to be stored at Coronation beach; taking away the need to transport and store elsewhere. The GWC have recently obtained two new sets of junior rigs and boards through purchasing and in-kind support, adding to the existing equipment, and plan to purchase more before the start of next season. One sea container will provide storage for windsurfing rigs and boards, the other container is proposed for a dingy (with outboard motor) and additional storage.

The sea containers will also provide a presence for the GWC to develop further, and provide an additional facility for local, regional and international windsurfers during the summer. In the winter season the shade and deck may continue to be used by the winter sports, campers and day trippers. Two sea containers provides the benefit of additional protection from the elements and support for shade.

The GWC have recently been donated two sea containers from Geraldton Senior School. The sea containers are proposed to be retrofitted including roofing / shade between the two sea containers and a deck beneath the shade.

The proposed location for the sea containers is attached with some general concept arrangements. The GWC will provide further detail plans on the proposal, following the Shire's support for the proposal.

The proposed location for the containers considers the following;

- It is suitable for the GWC direction for the near to medium term.
- It is adjacent to where the shallow water over the reef ends at the beach. This is the southern most area windsurfers are able to launch from the beach, which is the furthest separation from the kitesurfing launch area to the north.
- It offers children/youth easy and safe removal of windsurfing equipment from the sea containers to the beach without crossing carparks or driveways. Once on the water, beginners initially may drift down wind (from south to north along the beach with the prevailing well known southerly) until they learn to sail across the wind (from east to west, or out to sea and back to the beach). The separation from kitesurfers provides a safe environment for learning and provides sufficient time for instruction and to ensure learners do not travel too close to the kite launching area, and Cray boat mooring.
- It provides a reasonable location to launch the dingy (with outboard motor), only requiring pushing the dingy out of the sea container to the waters edge.
- The location makes the most of being close to the carpark, pathway, gazebo and southern toilet.

The GWC propose the initial site clearing/preparation of this area to be completed in conjunction with the Shires potential project to gravel the southern access track (leading to south Coronation Beach surfing and kitsurfing spot) to the southern extent of the campground. These improvements are understood to avoid 4WD's stopping in the carpark immediately at the entrance to the track to let down tires, and provide a surface for vehicles to travel with greater control (ie. not on the soft sand) which improves the safety of the carpark area, and interaction with foot traffic at the path crossing points.

The GWC thanks the Shire for considering the proposal, and look forward to working with the Shire to provide a Windsurfing facility at Coronation Beach that will compliment this unique World Class location.

Yours Sincerely  
GWC Committee & Working Group  
Peter Kenyon – President  
Alan Griffith - Secretary  
Mark Willson - Treasure

**The Geraldton Windsurfing Club (GWC)**

**Developing a GWC Centre & Storage Facility at Coronation Beach**

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### 10.1.3 Review of Local Planning Policies

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	12/13-5, 02/14-31-33 & 02/20-4
DATE:	8 MAY 2020
AUTHOR:	SIMON LANCASTER

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Current Shire of Chapman Valley Local Planning Policies		✓
10.1.3(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 became necessary to undertake a review of the Shire's Local Planning Policies. Council resolved at its 19 February 2020 meeting to advertise its Local Planning Policies for comment and they are now returned to Council for consideration with recommendation they be adopted.

#### 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 10.1.3(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 advertised draft Shire of Chapman Valley Local Planning Policies are provided as separate **Attachment 10.1.3(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 Tallering 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. These 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.

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, legislative requirements, community demands and meet Council's expectations.

The periodic review of Council's Local Planning Policies to achieve a level of regional consistency with neighbouring local governments also aligns with the vision for 'Precinct 7 – South West' as outlined in the Shire of Chapman Valley Local Planning Strategy:

*“The planned expansion of the south west area of the Shire, whilst taking into consideration the plans and policies of other local and regional government authorities.”*

- **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.

The advertising of the reviewed Local Planning Policies commenced on 4 March 2020 with a notice being placed in the Mid West Times, and the draft policies placed on the Shire website, and concluded on 31 March 2020.

1 submission was received, from Kerry Micke Building Designs, expressing support for the draft Ancillary Dwellings policy as follows:

*"I believe by increasing the size allowance you are encouraging better designs and allowing for better future planning. For example a young family wanting to move to Chapman valley can now build a bigger ancillary dwelling and start living out there while saving to build their future home. The increase in roof area is also beneficial as it allows the design to be played with to create a more visually appealing from the street. If the ancillary dwelling is attached to a shed, it will allow, for example a verandah to continue onto the shed which is more visually satisfying than a plain shed wall."*

No submissions were received in relation to the other advertised policies.

## RISK ASSESSMENT

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

## VOTING REQUIREMENTS

Simple Majority

**MOVED: Cr. Forth**

**SECONDED: Cr. Batten**

## COUNCIL RESOLUTION / STAFF RECOMMENDATION

That Council resolve, pursuant to Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the Shire of Chapman Valley Local Planning Policies as contained in Attachment 10.1.3(b) and proceed to give notice to this effect.

**Voting 6/1  
CARRIED  
Minute Reference: 05/20-08**

**10.1.4**

**Proposed Carport (Incorporating Sea Container)**

<b>PROPONENT:</b>	<b>M &amp; N BRADLEY</b>
<b>SITE:</b>	<b>31 (LOT 321) WESTLAKE PLACE, WHITE PEAK</b>
<b>FILE REFERENCE:</b>	<b>A1827</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/18-3</b>
<b>DATE:</b>	<b>11 MAY 2020</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.4(a)	Submitted application	√	
10.1.4(b)	Sea Containers Local Planning Policy	√	

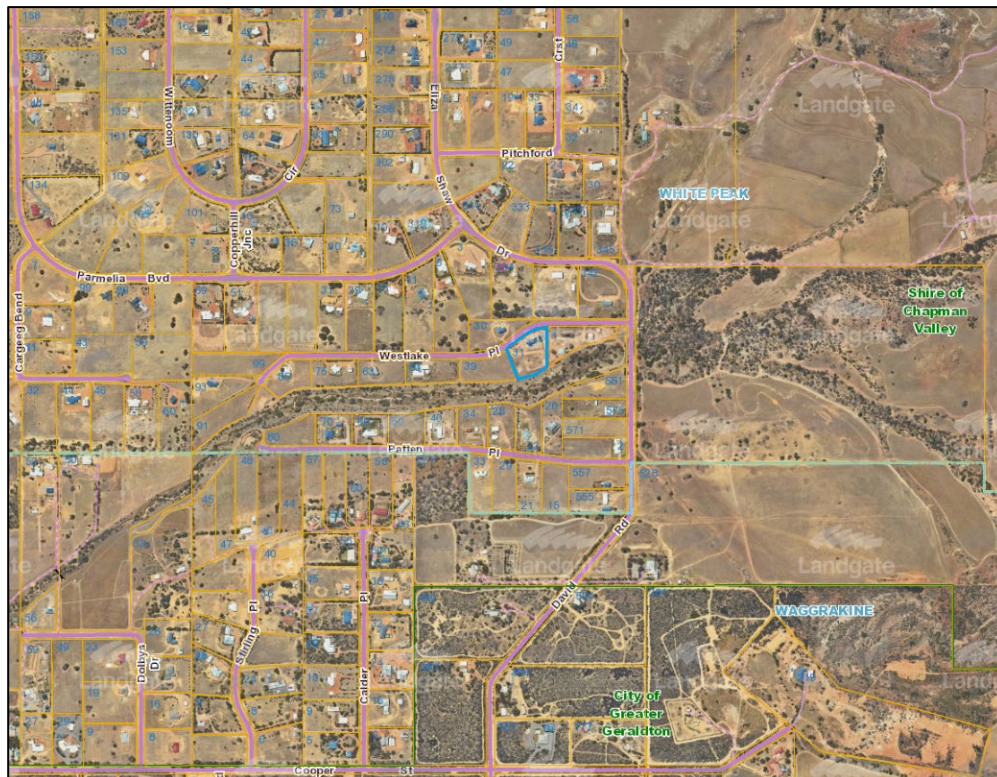
**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council is in receipt of an application seeking the permanent siting of a sea container and undertaking of additional works to create a carport upon 31 (Lot 321) Westlake Place, White Peak. This report recommends approval of the application.

**Figure 10.1.4(a) - Location Plan for 31 (Lot 321) Westlake Place, White Peak**





**COMMENT**

Lot 321 is a 8,597m<sup>2</sup> property with a 114.21m curving frontage along its northern boundary to Westlake Place and the Dolby Creek reserve along its rear/southern boundary.

The development history for Lot 321 is as follows:

- 12 December 2018 Council approved application for residence, 88m<sup>2</sup> shed and retaining wall that proposed the partial siting (20m length) of the retaining wall and a 16m<sup>2</sup> portion of the shed outside the building envelope for Lot 321.
- 16 January 2019 Building Permit issued for retaining wall.
- 1 February 2019 Building Permit issued for residence.
- 5 July 2019 Building Permit issued for 42m<sup>2</sup> shed (landowners did not proceed with originally proposed 88m<sup>2</sup> shed resulting in the shed being entirely within building envelope).
- 24 April 2020 Shire wrote to landowner advising that the sea container upon Lot 321 did not comply with Council Policy.
- 11 May 2020 Landowner lodged application for permanent siting of sea container upon Lot 321 and undertaking of external works to create carport.

**Figure 10.1.4(b) – Aerial Photograph of 31 (Lot 321) Westlake Place, White Peak**



The applicant is seeking to permanently site a '20 foot' (6.1m in length, 2.4m in width, and 2.6m in height) sea container upon Lot 321 for storage of household items. The sea container is already sited upon the property 12m from the residence, within the internal colorbond fenced garden area.

The applicant is proposing to erect a 7x10m open-sided carport over the top of the sea container with post height of 3.4m and gable roof height of 4.3m. The roof of the carport would be blue to match the roof of the residence and shed (Colorbond Deep Ocean) and also the blue colour of the sea container. The carport would be 8m from the residence.

A copy of the applicant's supporting correspondence along with their submitted plans and site photographs have been included as **Attachment 10.1.4(a)**.

The carport structure would comply with Shire requirements pertaining to boundary setback, building envelope, materials, colours, outbuilding floor area and height. The reason for this application being presented to Council relates to the request to permanently site a sea container upon the property.

Council policy does permit the siting of a sea container upon the property, where it is painted matching colours to the existing approved development upon the property, and where the sea container is sited not more than 2m behind/alongside an approved structure (i.e. residence or shed). As this application proposes that the sea container would be sited with a setback greater than 2m from the existing buildings it exceeds the delegated authority of Shire staff and has been presented to Council for its determination.

In support of the application it could be considered that:

- the sea container is sited within the internal garden colorbond fenced area of Lot 321;
- the established garden area (including existing shadehouse) prevents the sea container being sited the required policy separation distance of not more than 2m behind the shed;
- the sea container whilst not the same colour as the surrounding fence is the same colour as the roof of the residence and shed;
- the applicant is proposing to house the sea container under a 70m<sup>2</sup> carport to reduce the sea container's impact from the road and give it more of the appearance of a standard outbuilding;
- there is ability for the landowner to undertake further landscaping to assist in screening the sea container along the eastern property boundary;
- if the carport had been constructed prior to the sea container being sited upon the property it would have then been compliant with the 'Sea Container' policy siting requirements.

**Figure 10.1.4(c) – View of Lot 321 looking south from Westlake Place**



**Figure 10.1.4(d) – View of Lot 321 looking south-west from Westlake Place**



## STATUTORY ENVIRONMENT

31 (Lot 321) Westlake Place, White Peak is zoned 'Rural Residential' under Shire of Chapman Valley Local Planning Scheme No.3 ('the Scheme') the objectives for which are listed in Table 1 as being:

- *To provide for lot sizes in the range of 1 ha to 4 ha.*
- *To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*
- *To set aside areas for the retention of vegetation and landform or other features which distinguish the land."*

Schedule 5 of the Scheme notes the following for the 'Rural Residential 1' zone:

*"2(b) All buildings constructed on the land shall be sympathetic to existing landscape features, predominantly landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours."*

Section 37 of the Scheme states:

### **5.8 Appearance of Land and Buildings**

5.8.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.

5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the local government.

5.8.3 Where in the opinion of the local government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the local government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity."

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

- "(g) any local planning policy for the Scheme area;...*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...*
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

## **POLICY IMPLICATIONS**

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

The Shire of Chapman Valley Local Planning Policy 'Sea Containers' has been provided as **Attachment 10.1.4(b)**.

The 'Sea Containers' policy has the following objectives:

- "3.1 To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.*
- 3.2 Establish guidelines for the placement of sea containers or other similar re-locatable storage units on land within the municipality."*

Section 4.2 of the 'Sea Container' policy requires the following:

- "4.2 A sea container proposed to be permanently sited upon a property is required to comply with the following criteria:*
  - (a) A maximum of one (1) sea container on a lot (excepting industrial or rural zoned land).*
  - (b) The sea container is to be sited behind the front building line of an existing or under construction built development upon the property and must not impinge on any boundary setbacks as required by the Local Planning Scheme.*
  - (c) The sea container is to be positioned at a maximum separation distance of 2m.*
  - (d) The sea container is to be used for general storage purposes only associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.*
  - (e) The sea container is required to be painted or clad in materials the same colour as the existing structure up against which the sea container is positioned."*

Section 4.6 of the 'Sea Container' policy therefore becomes relevant:

- "4.6 Should the sea container NOT meet the requirements of Clauses 4.2 & 4.3 of this policy a planning application is required to be lodged."*

The proposed location for the permanent siting of the sea container is greater than 2m from an existing structure (but not a proposed structure) and therefore this matter has been brought to Council for its deliberation.

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**

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**

- **Strategic Community Plan:**

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

### **CONSULTATION**

Council may wish to advertise the application to surrounding landowners inviting comment prior to making its determination.

### **RISK ASSESSMENT**

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

### **VOTING REQUIREMENTS**

Simple majority required.

### **COUNCIL RESOLUTION (MOVED EN BLOC)/STAFF RECOMMENDATION**

**MOVED: Cr. Forth**

**SECONDED: Cr. Batten**

### **STAFF RECOMMENDATION**

That Council grant formal planning approval for the carport (designed to incorporate the permanent placement of a sea container) upon 31 (Lot 321) Westlake Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 20 May 2020 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and planning approval for that use/addition.
- 3 The carport is required to use materials and colours complementary to the existing residence and shed, and be to a finish, to the approval of the local government.
- 4 The sea container is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.

- 5 Landscaping is required to be installed and maintained for the purpose of softening the visual impact of the development to the approval of the local government.
- 6 The works must be completed within 6 months of the date of this decision (i.e. prior to 20 November 2020).

Advice Note:

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

**Voting 7/0**  
**CARRIED**  
**Minute Reference (Moved En Bloc): 05/20-05**

**COVER LETTER:**

To whom it may all concern, at the Shire of Chapman Valley.

We Mrs Natalie Bradley and Mr Mark Bradley

of 31 Westlake Place White Peak are writing to advise that we have 1 Sea container 6.1m in length, 2.4 in width and 2.6 in height Box type Storage container for the sole purpose of the storage of house and shed items.

The proposed site is to be permanently situated in our fenced backyard in the 2000m square envelope on our rural residential property of 31 Westlake Place White Peak.

We have a existing 6m by 7m shed and it is completely full with no remaining space.

The proposal is to have the sea container housed under a carport as an out building.

**PURPOSE :**

The merits intended are to store items that do not fit into the existing shed, household items and materials around property to be kept safe and not damaged. We like to keep our property well presented and orderly.

So with intentions of placing a carport style amenity that will cover the sea container with open walls to imitate a veranda style undercover area that is appealing to us in our fenced backyard.

The sea container is Blue the same colour as the roof of the house and shed as well as the fence trimmings in colour bond. It is only 4 years old. Quite new compared to some of the containers we looked at.

**MATERIALS:**

The roof of the proposed carport will be new colour bond sheeting ocean blue, the same as other roofs. With steel upright posts- eye/beams 120 ml by 60ml.

Perlins- treated pine timber 100 ml by 50 ml Text Screws and Gutter with down pipes in ocean blue colour bond and connected to our stormwater pipes. A roof capping attached to the apex of the roof ocean blue.

**DIMENSIONS:**

7m width, 10m length - with 2.5 m between poles

3.4 high - upright post out of the ground with a further 600ml concreted into the ground of the upright posts.

4.3m height - Apex height roof.

**SCOPE/OBJECTIVES :**

The objective to building a cover over the sea container is for the provision of having a quality amenity that is acceptable to the streetscape, neighbourhood and neighbours.

We have carefully placed and situated the the sea container inside our existing fenced backyard. The carport with veranda will add to our backyard as we are planning to place a deck and garden around the sea container to make the outbuilding much more appealing.

**HOURS :** construction starts as soon of approval is past or granted and should take approximately 3 days to prepare and completed 24 hours of construction over the 3 days and 1 labourer of hired help with construction.

**POLICY:**

The sea container policy of the sea container Carport proposal is to be permanently sited upon the property under the Shire Outbuildings Local Planning

Policy 4.5 With the sea container Carport to be situated behind existing buildings ie: house, shed and fenced yard.

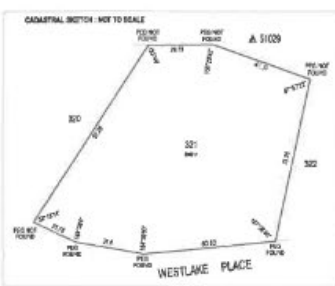
Thank you. If there is anything I have miss please let us know.

Yours Sincerely,

Natalie and Mark Bradley.



Fences +-----+



**RESERVE ATTACH (RAIL) 12.8 METRE**  
CONTRACT AS PER AS 389-2006

**FLOOR**  
- CONCRETE SLAB

**WALLS**  
- CHECK WALLS PROVIDE A SEAL WHERE TO MEET HOLES & JOINTS WITH WEATHERSTRIPPING  
- TIMBER WALLS TO BE CLAD IN BRICK OR CONCRETE CRACK RESISTING

**WINDOWS & SLIDING DOORS**  
- IF YOU ARE COVERT THE RAFT (GLASS) IN NEW & EXISTING WINDOWS TO BE METAL JOINT DESIGN (RESIDENTY TIMBER WITH METAL SHARPENERS)  
- ALL OPENABLE PORTIONS OF WINDOWS NOT TO HAVE A MINIMUM WEIGHT INTERNALLY FOR EXTERNALLY WITH MAXIMUM OF 100kg  
- ALL GLAZING TO BE 20mm FROM FLOOR LEVEL TO HAVE GRADE OF SAFETY GLASS MIN 6mm

**DOORS**  
- ALL DOORS TO BE SUBMITTAL EVIDENCE OF TIMBER DOOR WITH NEW PROFILES AS PER AS 2006  
- FULLY FRAMED GLAZED DOORS TO BE FROM METAL DESIGN (STANDARD DESIGN) - 20mm FROM FLOOR & DOORS: STANDARD P.A.S. 2006

**GARAGE DOORS**  
- DOORS TO BE TENSILE TEST FROM AN APPROVED SUPPLIER  
- FRAMES NOT TO BE OF METAL OR WOODEN MATERIALS  
- GLAZING TO BE FULLY FRAMED GLAZED TO BE FROM METAL DESIGN (STANDARD DESIGN) - 20mm FROM FLOOR & DOORS: STANDARD P.A.S. 2006  
- ALL GLEZE ACCESS DOORS SHOULD PROVIDE VENTILATION SLOTS

**ROOF**  
- ROOF TO BE SUBMITTAL EVIDENCE OF TIMBER DOOR WITH NEW PROFILES AS PER AS 2006  
- ALL ROOF JOINTS SHALL BE SEALED TO PREVENT DRINKING WATER FROM INGRESS  
- METAL ROOF ONLY PROVIDE MINIMUM WOODEN UNDER GAUGES TO ALL ROOF OVERHANGS AND VALUES AND GUTTERS  
- OVERHANGS FROM FRONT & SIDING ONLY SHALL BE AT LEAST 100mm FROM NEUTRAL AXIS OF WALL WITH AN OVERHANG OF 20mm  
- ALL ROOF TO BE FULLY SEALED AND LOCATED UNDER WATERPROOFING THIS ROOF AND OVER SUFFICIENT FOR A METAL ROOF  
- A LEAK GUARANTEE SHALL BE PROVIDED TO BE 10 YEAR

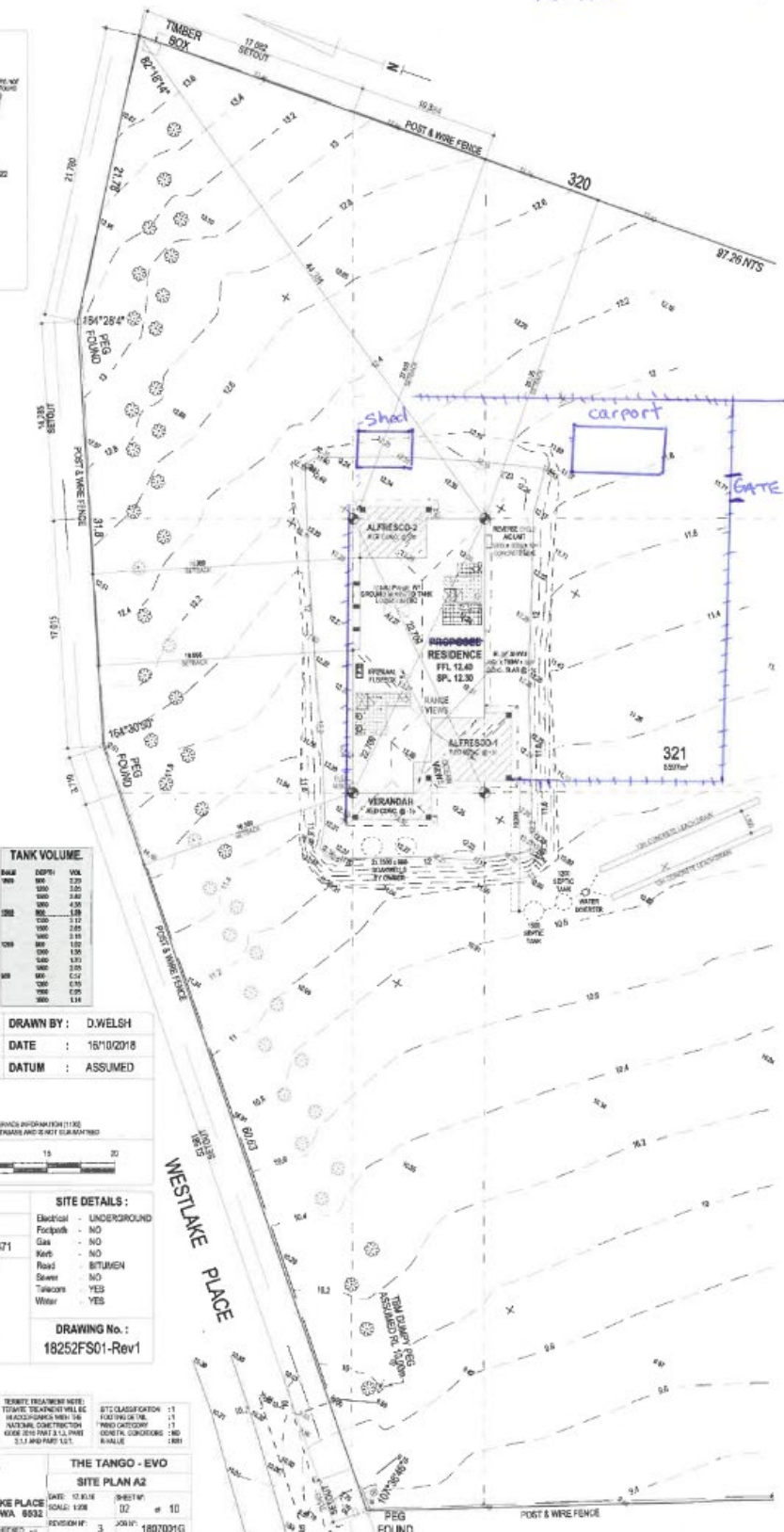
**ROOF LIGHTS**  
- ALL OVERHANGS TO BE IN GRADE 10 SAFETY GLASS COMPLYING WITH AS 2006

**BASE**  
- FEAR WINDS GREATER THAN 30km/h SHALL BE FITTED WITH AN OVERHANG OF 20mm FROM NEUTRAL AXIS OF WALL WITH AN OVERHANG OF 20mm  
- JOINTS OF BASE TO BE FULLY SEALED

**WATER & GAS SUPPLY PIPES**  
- ALL NEW PIPES SHALL BE METAL

- LEGEND**
- T.M.
  - TERSIT/MONITOR
  - ⊙ POWER POINT
  - METEOROLOGICAL
  - ⊙ UNOBTAINED DATA INDICATOR
  - ⊙ CLIENT'S STAKE
  - TREE
  - TOP OF BANK
  - BOTTOM OF BANK
  - FENCE
  - EDGE OF CROSSOVER
  - ROAD SHOULDERS
  - EDGE OF BITUMEN
  - ROAD DRAINAGE
  - ASSUMED WATER ALIGNMENT

- TRANSVERSE NOTES**
1. Location as shown on the site plan
  2. Distance to be measured in metres (m) for every 100m of traverse
  3. Direction to be measured as clock face
  4. If at any one time, the traverse does not lie in a straight line, the traverse shall be split into two or more sections
  5. The length of each section shall be 100m or less
- TANK VOLUME**
- | SIZE  | VOL   |
|-------|-------|
| 1000  | 2.27  |
| 1500  | 3.30  |
| 2000  | 4.34  |
| 2500  | 5.37  |
| 3000  | 6.41  |
| 3500  | 7.45  |
| 4000  | 8.49  |
| 4500  | 9.53  |
| 5000  | 10.57 |
| 5500  | 11.61 |
| 6000  | 12.65 |
| 6500  | 13.69 |
| 7000  | 14.73 |
| 7500  | 15.77 |
| 8000  | 16.81 |
| 8500  | 17.85 |
| 9000  | 18.89 |
| 9500  | 19.93 |
| 10000 | 20.97 |
- TWO TANKS REQUIRED**  
TOTAL TANK VOLUME = 15,760L



**TITLE :** CONTOUR & FEATURE SURVEY **DRAWN BY :** D.WELSH  
**BUILDER :** REDINK HOMES MIDWEST JN-1807001G **DATE :** 18/10/2018  
**CLIENT :** BRADLEY **DATUM :** ASSUMED

**NOTES :**  
 FORWARD & PEG POSITIONS NOT GUARANTEED  
 SEE COMMENTS OF FIELD NOTES FOR DIMENSIONS AND FURTHER INFORMATION  
 SURVEY LOCATED VISIBLY & PUBLICLY ONLY. ROAD, SIGNALS, POWER LINES AND ENGINEERING SURFACE PROGRAM FROM 2000  
 POSITION OF UNOBTAINED DATA INDICATED BY THIS DRAFTER. YOU SHOULD OBTAIN EVIDENCE AND NOT GUARANTEE

**SCALE :** 1:250 @ A2

**LOCATION :** LOT 321 WESTLAKE PLACE, WHITE PEAK  
**AUTHORITY :** SHIRE OF CHAPMAN VALLEY  
**DEPOSITED PLAN :** 72480 **VOLUME/FOLIO :** 2789-671

**Quantum SURVEYS**  
 P (08) 9085 0277  
 F (08) 9085 0088  
 PO Box 695  
 Carleton Place WA 6031  
 info@quantumsurveys.com.au  
 quantumsurveys.com.au

**DRAWING No. :** 1825F501-Rev1

**redink** THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.

**OWNER :** BRADLEY  
**DATE :** 18/10/2018

**CLIENT :** THE TANGO - EVO

**DESCRIPTION :** CONTOUR & FEATURE SURVEY  
**DATE :** 18/10/2018

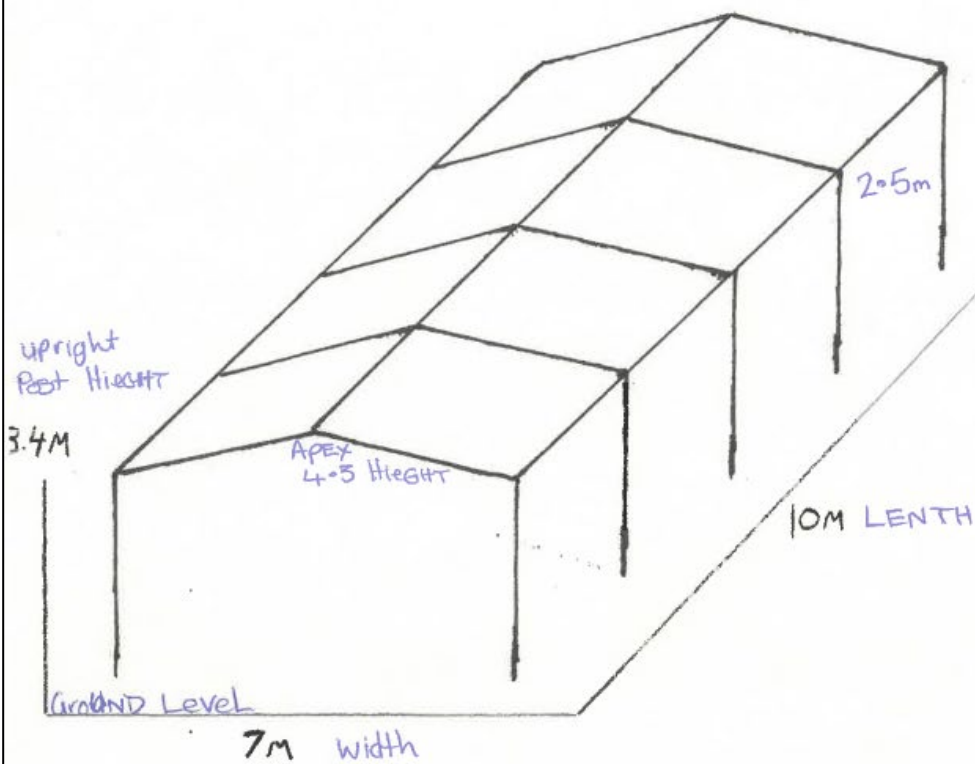
**SITE PLAN A2**  
 SHEET NO. 10 OF 10  
 SCALE: 1:250  
 REVISION: 3 JOHN 1807001G

Scale 1:100

Ground Level Elevation - 11.8m

Gutters and down pipes - Ocean Blue - Connected to Storm Water Drainage

Roof - colourbond ocean Blue



FOOTINGS - 600ML DEEP  
CONCRETE 300ML x 300ML x  
600m



## SEA CONTAINERS

### LOCAL PLANNING POLICY



#### 1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

#### 2. SCOPE

A Local Planning Policy is not part of the Scheme and 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.

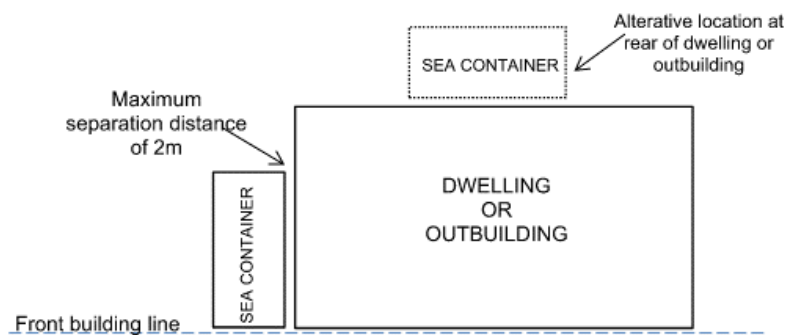
#### 3. OBJECTIVE

- 3.1 To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.
- 3.2 Establish guidelines for the placement of sea containers or other similar relocatable storage units on land within the municipality.

#### 4. POLICY STATEMENT

- 4.1 For the purposes of this Policy a sea container shall include a sea container (both '20 foot' (6.1m in length, 2.4m in width, and 2.6m in height) and '40 foot' (12.2m in length, 2.4m in width and 2.6m in height) in dimension) or any other relocatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is NOT addressed in this Policy but subject to the separate necessary applications and approvals for a dwelling.
- 4.2 A sea container proposed to be permanently sited upon a property is required to comply with the following criteria:
  - (a) A maximum of one (1) sea container on a lot (excepting industrial or rural zoned land).

- (b) The sea container is to be sited behind the front building line of an existing or under construction built development upon the property and must not impinge on any boundary setbacks as required by the Local Planning Scheme.
- (c) The sea container is to be positioned at a maximum separation distance of 2m.
- (d) The sea container is to be used for general storage purposes only associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
- (e) The sea container is required to be painted or clad in materials the same colour as the existing structure up against which the sea container is positioned.



- 4.3 A sea container proposed to be temporarily sited upon a property is only required to comply with Clauses 4.2(a), 4.2(b) and 4.2(d) (but not Clauses 4.2(c) and 4.2(e)) providing the sea container is removed within 12 months of its initial siting upon property and a current building permit has been issued for that property.
- 4.4 The permanent placement of a sea container or other similar relocatable storage unit will not be permitted on land zoned residential.
- 4.5 A sea container is considered in the calculation of the total aggregate outbuilding area as permitted under the Shire's 'Outbuildings' Local Planning Policy.
- 4.6 Should the sea container NOT meet the requirements of Clauses 4.2 & 4.3 of this policy a planning application is required to be lodged.

## 5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.3

*Planning & Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Adopted for advertising at the 19 March 2009 meeting of Council.*

*Adopted at the 19 August 2009 meeting of Council.*

*Adopted for advertising and amended at the 19 February 2014 meeting of Council.*

*Adopted for advertising and amended at the 18 March 2015 meeting of Council.*

# **10.2**

## **Manager of Finance & Corporate Services**

### **March 2020**

#### **10.2 AGENDA ITEMS**

- 10.2.1 FINANCIAL REPORTS FOR MARCH AND APRIL 2020**
- 10.2.2 LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES**
- 10.2.3 TOURISM AND EVENTS ADVISORY GROUP**
- 10.2.4 WRITE OFF OUTSTANDING DEBT**
- 10.2.5 2020/2021 PROPOSED FEES AND CHARGES**
- 10.2.6 PROPOSED DIFFERENTIAL RATE 2020/2021**
- 10.2.7 OVERDRAFT FACILITY**

## 10.2.1

### Financial Management Report for March & April 2020

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.00
PREVIOUS REFERENCE:	Nil
DATE:	20 May 2020
AUTHOR:	DIANNE RAYMOND

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.1(a)	March & April 2020 Financial Management Reports		✓
10.2.1(b)	Confidential List of Accounts March & April 2020		✓

#### 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 March & April 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 March & April 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

**MOVED: Cr. Maluish**

**SECONDED: Cr. Davidson**

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

That Council receives the financial management report supplied under separate cover for the months of March & April 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 7/0**

**CARRIED**

**Minute Reference: 05/20-09**

**10.2.2**

**Local Government Elected Members Allowances**

<b>PROPONENT:</b>	SHIRE OF CHAPMAN VALLEY
<b>SITE:</b>	SHIRE OF CHAPMAN VALLEY
<b>FILE REFERENCE:</b>	401.04
<b>PREVIOUS REFERENCE:</b>	MINUTE REFERENCE 04/19-11
<b>DATE:</b>	20 MAY 2020
<b>AUTHOR:</b>	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Nil			

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Council resolved the following at the April 2019 OCM which formed allocations for Elected Members Allowances in the 2019/2020 Budget

*MOVED: CR MALUISH*

*SECONDED: CR FORTH*

1. Council approves the following Elected Members allowances for the 2019/2020 Draft Budget:

	<i>Annual Attendance fees in lieu of Council meeting fees</i>	<i>Annual Allowance (President)</i>	<i>Annual Allowance (Deputy President) - 25% of President</i>	<i>Annual Communication Allowance</i>	<i>Annual Travel Allowance</i>
<i>President</i>	<i>Maximum set by WASAT</i>	<i>\$10,000</i>		<i>\$500</i>	<i>\$50</i>
<i>Deputy President</i>		<i>NA</i>	<i>\$2,500</i>	<i>\$500</i>	<i>\$50</i>
<i>Other Elected Members</i>		<i>NA</i>		<i>\$500</i>	<i>\$50</i>

2. That payments be made six-monthly in arrears (i.e. December and June).

Voting 5/0  
**CARRIED**  
 Minute Reference: 04/19-11

## COMMENT

On the 8<sup>th</sup> April 2020 the WASAT determination for 2020/2021 was handed down with no changes to the fees set in the previous year. The inquiry's considerations were heavily influenced by the issues of Coronavirus (COVID- 19) with its impacts felt across the nation. The Tribunal, although recognising the need for remuneration to public offices, also regarded restraint in these challenging times. With the Premier previously announcing a freeze on all state fees and charges to reduce effects on West Australians and the uncertainty around the flow on effect to the State's economic circumstances in the future it is prudent and responsible for local government to follow suit.

## STATUTORY ENVIRONMENT

*Local Government Act 1995 – Sections 5.98, 5.98A, 5.99 & 5.99A*

*Salaries and Allowances Act 1975*

## POLICY/PROCEDURE IMPLICATIONS

There are no policy implications.

## FINANCIAL IMPLICATIONS

The 2020/2021 Draft Budget allocations will be set as per the Council Resolution; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2020/2021 Budget

### Long Term Financial Plan (LTFP):

No significant effect on the LTFP as funds are budgeted annually to cover these costs

## STRATEGIC IMPLICATIONS

It is important Elected Members are remunerated for their contribution to local government.

### 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

Council budget for the funds to accommodate the current level of Elected Members Allowances annually therefore the Risk rating is considered Level 1 – Insignificant.

Measures of Consequence							
	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment

Rating (Level)							
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

**MOVED: Cr. Maluish**

**SECONDED: Cr. Forth**

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

1. Council approves the following Elected Members allowances for the 2020/2021 Draft Budget:

	Annual Attendance fees in lieu of Council meeting fees	Annual Allowance (President)	Annual Allowance (Deputy President) - 25% of President	Annual Communication Allowance	Annual Travel Allowance
President	Maximum set by WASAT	\$10,000		\$500	\$50
Deputy President		NA	\$2,500	\$500	\$50
Other Elected Members		NA		\$500	\$50

2. That payments be made six-monthly in arrears (i.e. December and June).

**Voting 7/0  
CARRIED  
Minute Reference: 05/20-10**

### 10.2.3

### Tourism and Events Advisory Group

PROPONENT:	TOURISM & EVENTS ADVISORY GROUP
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	NOT APPLICABLE
DATE:	20 MAY 2020
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.3(a)	Unconfirmed Briefing Notes Tourism & Events Advisory Group		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The Tourism & Events Advisory Group met on 18 March 2020 to discuss potential budget items for Council consideration in the 2020/2021 Draft Budget and set future priorities within the tourism and events focus.

#### COMMENT

The Shire of Chapman Valley Tourism & Events Advisory Group comprises of the following Council appointed representatives:

Cr Nicole Batten (Presiding Member)  
Cr Kirrilee Warr  
Cr Darrell Forth

Chief Executive Officer  
Deputy Chief Executive Officer  
Community Development Officer

The purpose of the Advisory Group is as follows:

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

A copy of the Unconfirmed Briefing Notes of the Tourism & Events Advisory Group held on the 18th March 2020 is provided at **Attachment 10.2.3(a)**.

#### STATUTORY ENVIRONMENT

Not relevant

## POLICY/PROCEDURE IMPLICATIONS

No policy or procedure implications

## FINANCIAL IMPLICATIONS

Minimal financial implications are envisaged at this stage as costs are for investigative works only; however, staff have not had the opportunity to obtain estimated costs for any of these items. The 2020/2021 Draft Budget allocations will be set as per the Council Resolution, however these can be altered when Council considers adopting the 2020/2021 Budget.

### Long Term Financial Plan (LTFP):

Additional ongoing resources will have an effect on the LTFP

## STRATEGIC IMPLICATIONS

It is important to maintain and build our population through supporting local organisation's to develop and prosper which enhances our sense of the Chapman Valley community.

### Strategic Community Plan/Corporate Business Plan:

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

## CONSULTATION

The Community Development Officer has regular dialogue with groups and individuals within the community to support the advocacy role of tourism.

## RISK ASSESSMENT

Council budget for the funds to accommodate the Tourism annually therefore a Risk rating is considered Level 2 Minor.

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

## VOTING REQUIREMENTS

Simple Majority

## ADVISORY GROUP RECOMMENDATIONS

Council receives the Briefing Notes of the Tourism & Events Advisory Group held on the 18<sup>th</sup> March 2020 and endorse the following recommendations within these Briefing Notes:

### 1. Minute Ref: TEAG 03/20-01

The Advisory Group recommend Council:

- i. Develop a Scope of Works and Plan for historical interpretive signage, memorabilia, etc. for consideration to be located at the Yuna Hall precinct;
- ii. Establish a group to steer the project comprising of representatives from:
  - CABY
  - CVHS
  - Naaguja Corporation
  - Community Facebook Group
  - Shire Elected Members from the TEAG & Staff
- iii. Contingency amount to be placed in future budget(s) to assist with implementing the Plan

**2. Minute Ref: TEAG 03/20-02**

The Advisory Group recommend Council:

- i. Develop guidelines (separate to the existing Community Growth Fund Guidelines) to assist with community events, communication strategies, tourism & area promotion, etc.
- ii. Allocate a contingency amount in the 20/21 Draft budget an amount of \$5,000 for consideration to fund these items

**3. Minute Ref: TEAG 03/20-03**

The Advisory Group recommend Council amend the Fees & Charges for Camping Fees associated with Camping Sites listed in Corporate Management Procedure CMP-019 as following:

- i. Donation only at the Yuna Hall, Yuna Golf Club & Nabawa Oval.
- ii. All other Camping site are subject to camping fees set by Council

**4. Minute Ref: TEAG 03/20-04**

The Advisory Group recommend Council provide free public Wi-Fi services to the following areas and budget accordingly to establish the services and cover ongoing operational cost at these sites:

- Coronation Beach Nature Based Camping Reserve;
- Nanson Museum Precinct;
- Bill Hemsley Park Precinct;
- Nabawa Townsite;
- Yuna Multipurpose Community centre

**COUNCIL RESOLUTION**

**MOVED: Cr. Maluish**

**SECONDED: Nil**

Council receives the Briefing Notes of the Tourism & Events Advisory Group held on the 18th March 2020 and only endorse Item 1 i.e.

**1. Minute Ref: TEAG 03/20-01**

The Advisory Group recommend Council:

- i. Develop a Scope of Works and Plan for historical interpretive signage, memorabilia, etc. for consideration to be located at the Yuna Hall precinct;
- ii. Establish a group to steer the project comprising of representatives from:
  - CABY
  - CVHS
  - Naaguja Corporation
  - Community Facebook Group
  - Shire Elected Members from the TEAG & Staff
- iii. Contingency amount to be placed in future budget(s) to assist with implementing the Plan

**MOTION LAPSED – NO SECONDER**

**COUNCIL RESOLUTION**

**MOVED: Cr. Batten**

**SECONDED: Cr. Davidson**

Council receives the Briefing Notes of the Tourism & Events Advisory Group held on the 18<sup>th</sup> March 2020 and consider for future budgets the following recommendations within these Briefing Notes:

**1. Minute Ref: TEAG 03/20-01**

The Advisory Group recommend Council:

- i. Develop a Scope of Works and Plan for historical interpretive signage, memorabilia, etc. for consideration to be located at the Yuna Hall precinct;
- ii. Establish a group to steer the project comprising of representatives from:
  - CABY
  - CVHS
  - Naaguja Corporation
  - Community Facebook Group
  - Shire Elected Members from the TEAG & Staff
- iii. Contingency amount to be placed in future budget(s) to assist with implementing the Plan

**2. Minute Ref: TEAG 03/20-02**

The Advisory Group recommend Council:

- i. Develop guidelines (separate to the existing Community Growth Fund Guidelines) to assist with community events, communication strategies, tourism & area promotion, etc.



- ii. Allocate a contingency amount in the 20/21 Draft budget an amount of \$5,000 for consideration to fund these items

**3. Minute Ref: TEAG 03/20-03**

The Advisory Group recommend Council amend the Fees & Charges for Camping Fees associated with Camping Sites listed in Corporate Management Procedure CMP-019 as following:

- i. Donation only at the Yuna Hall, Yuna Golf Club & Nabawa Oval.
- ii. All other Camping site are subject to camping fees set by Council

**4. Minute Ref: TEAG 03/20-04**

The Advisory Group recommend Council provide free public Wi-Fi services to the following areas and budget accordingly to establish the services and cover ongoing operational cost at these sites:

- Coronation Beach Nature Based Camping Reserve;
- Nanson Museum Precinct;
- Bill Hemsley Park Precinct;
- Nabawa Townsite;
- Yuna Multipurpose Community centre

**Voting 7/0**

**CARRIED**

**Minute Reference: 05/20-11**

***Reason for Deviation from Advisory Group Recommendation:*** Council preferred to reconsider the items listed rather than endorse them at this stage

The President adjourn meeting at 10.35am

The President reconvened the meeting at 10.45am

## 10.2.4 Write Off Outstanding Debt

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	311.00
PREVIOUS REFERENCE:	NIL
DATE:	20 MAY 2020
AUTHOR:	DIANNE RAYMOND

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
Nil			

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

The shire incurred costs from a contractor to remove an abandoned vehicle and in accordance with CMP-027 Disposal of Abandoned Vehicles an invoice for cost recovery was issued to the vehicle owner.

### COMMENT

Sundry debtor DB82 invoice number 8788 was raised for costs incurred for removal of an abandoned vehicle left burnt out within the Shire boundaries. The shire incurred costs from the contractor to remove the vehicle and in accordance with CMP-027 Disposal of Abandoned Vehicles an invoice for reimbursement was issued to the vehicle owner. Discussion with the owner of the vehicle at the time advised the vehicle had been stolen from their residence with the theft being a financial burden in itself. Subsequent to the invoice being issued further telephone and written correspondence was received to advise due to the COVID-19 householders work hours have been limited exacerbating their poor financial situation. The vehicle owner requested they should not have to pay for an outcome which was not within their control and requested the debt be removed.

The COVID-19 pandemic will result in many cases of financial hardship from March 2020 and more community members will experience difficulty in making payments of household accounts. A payment arrangement was offered however no amount has been received to date. The question remains as to whether the ratepayers of the Shire should carry the burden of cost for the removal of an abandoned vehicle. The outstanding amount of \$330.00 remains on the debtors ledger.

### STATUTORY ENVIRONMENT

#### 6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,
- which is owed to the local government.

*\* Absolute majority required.*

- (2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

**POLICY/PROCEDURE IMPLICATIONS**

CMP-027 Disposal of Abandoned Vehicles

MANAGEMENT PROCEDURE No.	CMP-027
MANAGEMENT PROCEDURE	DISPOSAL OF ABANDONED VEHICLES
RESPONSIBLE OFFICER	SENIOR RANGER
PREVIOUS POLICY/PROCEDURE No.	6.110
RELEVANT DELEGATIONS	1011

**OBJECTIVES:**

To provide guidance to officers responsible for the disposal of abandoned vehicles in the custody of the Shire and to delegate authority to the Chief Executive Officer to undertake the disposition process on behalf of the Shire. (*Local Government Act (1995) section 3.40 to 3.47*)

**MANAGEMENT PROCEDURE STATEMENT/S:**

The Shire impounds vehicles, which are abandoned in the district or are placed in positions which cause obstructions. After all statutory processes have been followed the Shire may then dispose of the vehicles in order to defray the costs of this operation.

Following compliance with all statutory provisions relating to the impounding of abandoned vehicles and their custody, the Shire will dispose of such vehicles in the most efficient and economic manner.

The vehicles are to be advertised for sale to the highest bidder in a suitable newspaper. Bids for the purchase of vehicles are to be treated as though they were tenders for the purposes of reception, storage, opening and recording of offers.

The highest bid for any vehicle shall be accepted.

Bidders are to arrange removal of the vehicle from the Shire premises (or where it impounded) at a mutually agreed date and time at the bidder's expense.

Any vehicles that have not been disposed of after advertising as above may be disposed of by any appropriate means.

Authority to administer this Operational Procedure and accept bids for abandoned vehicles and arrange for their disposal is delegated to the Chief Executive Officer.

**FINANCIAL IMPLICATIONS**

A minor loss of revenue for the small debt write off totalling \$330.00

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

Nil

**STRATEGIC IMPLICATIONS**

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

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

**CONSULTATION**

Not applicable

**RISK ASSESSMENT**

Council budget for the funds to accommodate the current level of Elected Members Allowances annually therefore the 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**

Absolute Majority

**COUNCIL RESOLUTION (MOVED EN BLOC)/STAFF RECOMMENDATION**

**MOVED: Cr. Forth**

**SECONDED: Cr. Batten**

**STAFF RECOMMENDATION**

That Council authorise the write off for the sundry debt totalling \$330.00 for Debtor DB82, which forms part of the outstanding Sundry Debtors Ledger, in accordance with section 6.12(1)(c) of the Local Government Act 1995.

**Voting 7/0  
CARRIED**

**Minute Reference (Moved En Bloc): 05/20-05**

## 10.2.5

## 2020/2021 Proposed Fees and Charges

PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	NIL
DATE:	20 MAY 2020
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.5(a)	2020/2021 Proposed Fees and Charges		✓
10.2.5(b)	Correspondence Football West		✓

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and programs and to raise revenue through rates and fees and charges. In preparation for the compilation of the 2020/2021 Annual Budget the Proposed Schedule of Fees and Charges for 2020/2021 is attached for review and approval to list in the 2020/2021 Draft Budget.

### COMMENT

A considerable number of Council's fees and charges are set by legislation and as such have remained the same as last year due to the freeze on fees and charges set by the State Government (a copy of the State Government media statement released 31 March 2020 is attached for information only). These generally include fees and charges associated with Planning, Building and Health regulations. With the Premier announcing a freeze on all state fees and charges to reduce effects of COVID-19 on West Australians and the uncertainty around the flow on effect to the State's economic circumstances in the future it is prudent and responsible for local government to be conservative in its' approach to this area of revenue.

A forecast of revenue for fees and charges is estimated at a 20% reduction due to restrictions in place along with the economic decline. This is based on an approximate 13% budget revenue reduction with a further 7% non-collection of fees (most likely around the rubbish charges issued with rate notices) Correspondence has already been received from the Chief Executive Officer, Football West *Attachment 10.2.5(b)* for consideration and support to local sporting clubs with no doubt more to come from other lease & license holders. A summary of the recent collections and forecast for 2020/2021 is listed below:

Fees and Charges Summary			
Year	Budget	Actuals	Reduction in revenue
30.06.2019	(301,432)	(321,608)	
30.06.2020	(311,307)	(283,262)	12%
30.06.2021	(246,000)	(246,000)	20%

The proposed 2020/2021 Proposed Fees & Charges listed under separate attachment at 10.2.5 (a) (2020/2021 Proposed Fees and Charges) are based on a 'no increase' to the 2019/2020 endorsed fees and charges with some areas supporting no fee or charge for 1 July 2020 to 30<sup>th</sup> June 2021. The Minister for Local Government, Culture and the Arts has issued a Ministerial Order in relations to rates interest charges. The attached draft fees & charges reflects the latest updates with penalty interest on overdue rates being set at 8% (in line with the Australian Taxation Office penalty rates); interest on instalments is set at 5.5% and both these items are reflective of the latest update and subject to the endorsement of the Hardship Policy within the Chief Executive Officer agenda item 10.3.2 (as per the ministerial order). The timeframe around economic recovery from the COVID-19 is at this stage unknown, however the Commonwealth Governments national three step plan will implement easing of restrictions, yet border restrictions remaining in place for a six month period.

## **STATUTORY ENVIRONMENT**

*Section 6.16 is the primary piece of legislation under the Local Government Act 1995 that requires fees and charges to be reviewed and adopted as part of the budget process.*

### **6.16. Imposition of fees and charges**

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.  
*\* Absolute majority required.*
- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.*\* Absolute majority required.*

### **6.17. Setting the level of fees and charges**

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
  - (a) the cost to the local government of providing the service or goods;
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
  - (a) under section 5.96;
  - (b) under section 6.16(2)(d); or

- (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
  - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

**6.18. Effect of other written laws**

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
  - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
  - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

**6.19. Local government to give notice of fees and charges**

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**POLICY/PROCEDURE IMPLICATIONS**

Shire of Chapman Valley 2020/2021 Draft Budget.

**FINANCIAL IMPLICATIONS**

Shire of Chapman Valley 2020/2021 Schedule of Fees and Charges

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

The effect on the Long Term Financial Plan will be seen in the ratios for own source revenue when this updated after budget adoption; the current endorsed variable for fees and charges is a 1% increase to revenue.

**STRATEGIC IMPLICATIONS**

Nil

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

Ref	Objective	Strategy	Action
5.2	Be accountable and transparent in managing resources	Long Term Financial Management	Review Long Tern Financial Plan regularly and maintain integration with other Strategic Plans within the Shire
5.3	Make informed decisions within resources and areas of responsibility	Council and Shire process formally incorporate integrated plans as	Reference Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Long

		references for decision making	Term Financial Plan and Workforce Plan regularly as part of decision-making process
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**CONSULTATION**

Input has been sought from all key members of 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

The associated risk would be the failure to comply with Local Government Financial Management Regulations.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED: Cr. Maluish**

**SECONDED: Cr. Forth**

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

The proposed 2020/2021 Draft Fees and Charges as presented, including addition of grazing licenses with no change from 2019/2020 value, be endorsed and included into the 2020/2021 Budget in accordance with the requirements of the Local Government Act, 1995.

**Voting 7/0  
CARRIED  
Minute Reference: 05/20-12**



## 10.2.6

## Proposed Differential Rate 2020/2021

PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.08
PREVIOUS REFERENCE:	NIL
DATE:	20 MAY 2020
AUTHOR:	DIANNE RAYMOND

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.6(a)	Differential Rate Model		✓
10.2.6(b)	Objects and Reasons for Differential Rate		✓
10.2.6(c)	Landgate Summary of Valuation		✓
10.2.6(d)	Local Public Notice		✓

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

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

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

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

Before imposing a differential rate, a local government must provide local public notice a copy of which is supplied under separate cover 10.2.2(d) of its intention to do so and consider any resultant submissions. Section 6.36(3)(c) of the Local Government Act requires preparation of a document describing the objects of, and the reason for, each differential rate and minimum to be available for public inspection and for public submissions to be called and considered before imposing a differential rate a copy of which is supplied under separate cover 10.2.2(b).

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

## COMMENT

The purpose of this report is to determine if council wish to continue with this rating methodology for the preparation of the draft 2020/2021 Annual Budget.

The objective of the differential rate on Oakajee Industrial Estate properties is to recover from this sector an equitable share of the rates relating to the land held by Landcorp whereby the Shire of Chapman Valley should not be financially disadvantaged due to the acquisition and subsequent development of the land. In order to reduce the impact of the Oakajee development on ratepayers Council previously sought to introduce a differential rate. The annual revaluation review of all Unimproved Valuations from Landgate Valuation Services for processing will see a total overall 3.15% increase in valuation, yet the valuation for the UV Oakajee category is 0.24% less for the next financial year. The summary information provided by Landgate Valuation Services advises the reasoning *“generally, values have increased throughout the Shire for broad hectare farming land, there are slightly higher increases to the West of the Shire. These increases have not extended to the smaller semi-rural and coastal fringe properties. Some variations to individual assessments may have occurred either as a product of the valuation process and/or inclusion of updated information such as soil types.*

The UV Oakajee Industrial Estate Buffer Zone category includes any property zoned Oakajee Industrial Estate and Buffer within Town Planning Scheme No.1. A rate in the dollar of 2.28 cents on Unimproved Values with a minimum of \$400 is proposed which is the same rate in the dollar as 2019/2020.

Note: This affects two (2) rateable assessments in conjunction with a minor decrease in unimproved valuation for 2020/2021; proposed differential rates to be levied of \$200,936 being slightly less than 2019/2020.

The balance of the unimproved value rating area is the UV Rural General Rate defined as:

Any other property in the Shire of Chapman Valley zoned Rural within the Shire of Chapman Valley Town Planning Scheme. A rate in the dollar of 1.142 cents on Unimproved Values with a minimum of \$400 is proposed which is the same rate in the dollar as 2019/2020.

The advertising of a differential rate does not bind a local government to use the rate in the dollar at the time of adopting its' budget. The prime purpose of the advertisement is the opportunity for the public to prepare submissions on the existence of the differential rate and its indicative level. If a differential general rate or minimum payment differs from the proposed rate the reasons are required to be disclosed in the relevant budget and rate notice information. At the time of writing a new order is pending to remove the need to advertise any differential rate which held the same rate in the dollar as 2019/2020 due to the impacts of COVID-19 and State Government preference for no rate rise for 2020/2021 financial year.

A Differential Rate Model is attached under separate cover 10.2.6(a) for the proposed differential rate revenue with sample properties indicating a cross range of increases and decreases which vary dependent on the Landgate Valuation Service unimproved valuation supplied.

## STATUTORY ENVIRONMENT

### Local Government Act 1995

- *S.6.32 States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.*
- *S6.33 (1) Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.*
- *S6.34 States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.*

- *S6.35 States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- *S6.35(4) States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.*
- *FMR 5 s.52 States that the percentage prescribed for the purposes of s6.35 (4) is 50%.*
- *S6.36(1) States that before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so*
- *S6.36(2) States that a local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- *S6.36(3) States that a notice referred to in subsection (1) —*
  - (a) may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government’s estimate of the budget deficiency;*
  - (b) is to contain —*
    - (i) details of each rate or minimum payment the local government intends to impose;*
    - (ii) an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;*
  - and*
  - (c) is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- *S6.36(4) States that a local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

**POLICY/PROCEDURE IMPLICATIONS**

There are no policy implications.

**FINANCIAL IMPLICATIONS**

2020/2021 Annual Draft Budget

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

Section 6.2(2) of the Local Government Act requires council in formulating the budget, to have regard to the contents of the plan for the future of the district. To remain rigid in formalising a differential rate model with a 5% rate revenue increase would be contrary to State Government requirements to reduce financial impacts to community during the COVID-19 pandemic.

**STRATEGIC IMPLICATIONS**

Although the recommended proposed Differential Rate Model is inconsistent with the LTFP it is important to give consideration to the major economic event currently taking place. Regard should be given to a prudent and responsible budget with the uncertainty around the flow on effect to the economic impacts into the future.

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

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

**CONSULTATION**

Should the pending new order not be issued within a timely manner and advertisement will be placed as per current legislative requirements.

**RISK ASSESSMENT**

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

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

**VOTING REQUIREMENTS**

Simple Majority

**MOVED: Cr. Humphrey**

**SECONDED: Cr. Maluish**

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

That Council:

1. Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential rates for the 2020/2021 financial year as listed below.
2. Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2020/2021 Draft Annual Budget.

Differential Rating Category	Rate in \$	Minimum Rate
UV Rural	1.142	\$ 400.00
UV Oakajee Industrial Estate	2.280	\$ 400.00

**Voting 7/0  
CARRIED  
Minute Reference: 05/20-13**

## 10.2.7 Overdraft Facility

PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	304.00
PREVIOUS REFERENCE:	NIL
	20 MAY 2020
AUTHOR:	DIANNE RAYMOND

### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
NIL			

### DISCLOSURE OF INTEREST

Nil

### BACKGROUND

An overdraft facility was first discussed during draft budget workshops in July 2013 as at this time no overdraft facility was in place for the Shire of Chapman Valley. The following was then resolved at the Special Meeting of Council on 2<sup>nd</sup> August 2013:

*MOVED: CR FARRELL      SECONDED: CR HUMPHREY*

*That Council authorise the Acting Chief Executive Officer to make application for a provision of an overdraft facility through Westpac Bank for the amount of \$250,000.*

*Voting 5/0  
CARRIED BY ABSOLUTE MAJORITY  
Minute Reference SC 8/13-3*

### COMMENT

The \$250,000 overdraft facility has been in place since August 2013 with limited need. Opinions will vacillate over the economic impacts of the COVID-19 pandemic through the end of this financial year into the next budget year. It is however financially prudent to secure an additional overdraft or line of credit to remain confident in making payments to creditors and wages during this period. The overdraft or line of credit will only need to be accessed in the event revenue is delayed, from rates and/or grant funding, and not forthcoming right away. An added \$250,000 overdraft request has been made and approved by the Westpac Banking Corporation pending endorsement using the Common Seal.

The other line of credit option is a short-term loan facility available through the Western Australian Treasury Corporation (WATC). This could also be for the amount of around \$500,000, which is being forecast as an amount to assist with any cash flow issues (if this becomes a problem). Unfortunately there is significant uncertainty what the cashflow problem could be and if we will even have a problem at all so the combination of both the Westpac additional Overdraft and WATC short term loan line of credit will hopefully meet this uncertain need.

It may not necessary to use any of the overdraft or line of credit facilities, yet having them available in the event a cashflow problem does occur is strategically wise.

## STATUTORY ENVIRONMENT

Local Government Act 1995 6.20 (2) (a) & (b) Subdivision 3 — Borrowings

### 6.20. Power to borrow

- (1) Subject to this Act, a local government may -
- (a) borrow or reborrow money;
  - (b) obtain credit;
  - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local.

*\* Absolute majority required.*

## POLICY/PROCEDURE IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

Interest fees incurred on the facility

### Long Term Financial Plan (LTFP):

Nil

## STRATEGIC IMPLICATIONS

Nil

### Strategic Community Plan/Corporate Business Plan:

Ref	Objective	Strategy	Action
5.2	Be accountable and transparent in managing resources	Long Term Financial Management	Review Long Tern Financial Plan regularly and maintain integration with other Strategic Plans within the Shire
5.3	Make informed decisions within resources and areas of responsibility	Council and Shire process formally incorporate integrated plans as references for decision making	Reference Strategic Community Plan, Corporate Business Plan, Asset Management Plan, Long Term Financial Plan and Workforce Plan regularly as part of decision-making process

## CONSULTATION

Input has been sought from all key members of staff.

## RISK ASSESSMENT

With the facility being required for a short period continuous the associated risk would be insignificant.

## Measures of Consequence

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

### VOTING REQUIREMENTS

Absolute Majority

**MOVED: Cr. Batten**

**SECONDED: Cr. Forth**

### COUNCIL RESOLUTION / STAFF RECOMMENDATION

1. Council authorise, in accordance with the requirements of the Local Government Act, 1995, the following credit options to assist with any possible cashflow issues in the 2020/2021 financial year:
  - i. Increased overdraft facility through Westpac Bank for the amount of \$500,000; and
  - ii. Short-term loan or similar credit facility with the Western Australian Treasury Corporation of up to \$500,000.
2. Council endorse the forecast cashflow prediction as presented and authorise the Chief Executive Officer to utilise this forecast to complete an application to the Western Australian Treasury Corporation for Short Term Loan Funds if considered necessary.

**Voting 7/0**

**CARRIED**

**Minute Reference: 05/20-14**

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# **10.3**

## **Chief Executive Officer**

### **May 2020**

#### **10.3 AGENDA ITEMS**

**10.3.1 REVIEW – PURCHASING POLICY & DELEGATION**

**10.3.2 COVID-19 FINANCIAL HARDSHIP PROCEDURE**



### 10.3.1 Review – Purchasing Policy & Delegation

PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE: 07/19-4 & 03/20-7
DATE:	20 <sup>th</sup> MAY 2020
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Current Purchasing Policy (CP-024)		✓
10.3.1(b)	Draft Revised Purchasing Policy (CP-024)		✓
10.3.1(c)	Current Delegation 3004 – With Tracked Recommended Changes		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The purpose of this item is to allow Council to review and consider changes to the Purchasing Policy CP-024 and Delegation 3004.

At the March 2020 OCM Council reviewed the whole Delegation Register with the following resolution made, which has specific mention to Delegation 3004 (Council Purchasing Authority)

*MOVED: Cr Davidson*

*SECONDED: Cr Warr*

*Council endorse the current Delegations Register as presented with the following change:*

#### Delegation 3004

*Add the following words to the purchase limit section for the Chief Executive Officer:*

*“Within legislative tender thresholds limits”*

*Voting F8/A0*

*CARRIED*

*Minute Reference: 03/20-7*

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.*

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Voting 6/0

CARRIED

Minute Reference: 07/19-4

## COMMENT

As a result of the COVID-19 pandemic the State Government has fast-tracked several items of legislation to assist local government authorities in dealing with the pandemic. One item of new legislation introduced is an increase in the tender threshold from \$150,000 to \$250,000. This legislative change has been advocated across the local government industry for some years and was listed as a desired amendment under the current review of the Local Government Act. Therefore, it appears the State Government has decided to fast-track this legislative change now, rather than delay the change.

Due to the legislative changes being introduced to increase the tender threshold it is now necessary to amend the Shire's Purchasing Policy (CP-024) and Delegation 3004.

In regards to Delegation 3004, it is considered appropriate to ensure any situation of a purchase in excess of the legislated tender threshold amount (i.e. currently \$250,000) be brought to Council for approval prior to the purchase proceeding, if the purchase is to be from a sole source supplier. Though it is an exemption under *Clause 11(2)(f) of the Local Government (Functions & General) Regulations, 1996* to have to call tenders in such situations, it is recommended this either be listed as a Delegated Authority from Council to the CEO, or the matter be brought back to Council for endorsement. My past experience has highlighted the interpretation of this Regulation can be ambiguous, therefore I feel it is prudent to err on the side of caution and bring all such situations back to Council, rather than be open to interpretation or delegate this to the CEO. The concept of the amendment is to ensure the CEO brings all sole source supplier situations to Council with evidence of due diligence having been undertaken, to prove the sole source supplier actually exists. The additional text recommended to be inserted into Delegation 3004 has also been placed into Policy CP-024 (first paragraph of Clause 3.4.6) to maintain consistency.

## STATUTORY IMPLICATIONS / REQUIREMENTS

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 or on an as needs basis.

Local Government (Functions & General) Regulations, 1996

### *Clause 11A*

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250 000 or less or worth \$250 000 or less.*

- (2) A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).
- (3) A purchasing policy must make provision in respect of —
- (a) the form of quotations acceptable; and
  - (ba) the minimum number of oral quotations and written quotations that must be obtained; and
  - (b) the recording and retention of written information, or documents, in respect of —
    - (i) all quotations received; and
    - (ii) all purchases made.

Clause 11(1A)

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

**POLICY IMPLICATIONS**

- Purchasing Policy CP-024; and
- Delegation 3004

**FINANCIAL IMPLICATIONS**

No effect on financial operations of the Shire.

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

No effect on LTFP of the Shire

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

**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 is 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**

The Draft Policy and Delegation has been provided to all Senior Staff for comment and feedback during the process. The Draft Policy has been based on the WALGA Template with the current Policy Purchasing Practice values maintained.

## 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.

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 – Policy Review

Absolute Majority – Delegation Review

**MOVED: Cr. Batten**

**SECONDED: Cr. Humphrey**

### COUNCIL RESOLUTION / STAFF RECOMMENDATION 1 (Policy Review - Simple Majority Required)

Council endorse the revised Purchasing Policy (CP-024) as presented to reflect the recent legislative changes to the Local Government (Functions & General) Regulations, 1996, for the increase in tender threshold limitations and the latest WALGA Purchasing Policy Template.

**Voting 7/0**

**CARRIED**

**Minute Reference: 05/20-15**

**MOVED: Cr. Humphrey**

**SECONDED: Cr. Batten**

### COUNCIL RESOLUTION / STAFF RECOMMENDATION 2 (Delegation Review - Absolute Majority Required)

Council endorse the following addition to Delegation 3004 *Council Purchasing Authority* by including the following:

*"Sole Source Suppliers – Local Government (Functions & General) Regulation – 11(2)(f)*

*In the situation of any purchases above the legislated tender threshold amount from sole source providers the Chief Executive Officer is to present these to Council for endorsement, with evidence of due diligence as proof of there being a sole source provider situation, prior to progressing with the purchase."*

**Voting 7/0**

**CARRIED**

**Minute Reference: 05/20-16**

### 10.3.2 COVID-19 Financial Hardship Procedure

PROPONENT:	Chief Executive Officer
SITE:	Shire of Chapman Valley
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	Not Applicable
DATE:	20 <sup>th</sup> May 2020
AUTHOR:	Maurice Battilana, Chief Executive Officer

#### SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Minister for Local Government Order		✓
10.3.2(b)	Draft COVID-19 Financial Hardship Procedure		✓

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

The Hon. David Templeman, MLA, Minister for Local Government; Heritage; Culture & the Arts has made an Order under the *Local Government Amendment (COVID-19 Response) Act 2020*, which came into effect on the 21<sup>st</sup> April 2020 (see correspondence and Order at **Attachment 10.3.2(a)**).

The Order dealt with a number of items, many of which may affect the Shire of Chapman Valley in one way or another, yet the following are relevant to this Agenda Report for Council consideration:

- Clause 8: Section 6.13 Modified – Interest on money owing to Local Governments;
- Clause 13: Section 6.45 modified – Options for payment of rates or service charges; and
- Clause 14: Section 6.51 modified – Accrual of interest on overdue rates or service charges.

The Western Australian Local Government Association (WALGA) worked very hard in advocating for the reversal of the Minister’s initial position of a zero penalty interest and instalment interest rate for 20/21. Such a situation would have created a significant disincentive for anyone to pay their rates, whether experiencing hardship or not. This could have substantially impacted the local government’s cashflow in 20/21. Therefore WALGA need to be congratulated for their efforts in this lobbying the Minister on this matter.

#### COMMENT

The WALGA CEO (Nick Sloan) stated the following in an email sent out to all local government authority CEOs on this matter (dated 08/05/2020). This was forwarded to all Shire Elected Members on the same day received:

*“Dear Chief Executive Officers*

*Further to our advice last week on the proposal for a Ministerial Order to prevent Local Governments from collecting interest on overdue rate payments or on rates that are paid by instalment in the 2020-21 financial year.*

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*Firstly a huge thank you to the 102 Local Governments that sent through a response to our survey on this issue. The weight of responses certainly assisted our advocacy.*

*WALGA and LG Professionals have spent the last 2 weeks advocating on behalf of Local Governments to convince the Minister that a proposal to prevent Local Governments from charging interest on overdue rates or rates paid by instalment would have a deleterious impact on Local Governments' cash flow in the 2020-21 financial year. This cash flow challenge would be in addition to the constrained revenue environment in which Local Governments are likely to be operating.*

*The Minister has listen to the sectors position and the Order announced today in respect to rate instalment and penalty interest rates will be as follows;*

- 1. Penalty interest reduced from a maximum of 11% to 8% (in-line with ATO penalty rates)*
- 2. Instalment interest to remain at 5.5% if a Local Government has a Hardship Policy, and to be a max of 3% if a Local Government does not have a hardship policy.*
- 3. For those that are in hardship and meet the Local Government Hardship policy eligibility, then no penalty interest or instalment interest rate applies. Each Local Government decides on approving the application for hardship.*
- 4. If adopting a minimum rate or rate in the dollar no higher than that imposed in 2019/20, then there is no need to advertise differential rates. Only requirement is to place a notice on your website.*

*WALGA will be assisting in preparing guidelines to assist Local Governments in how to process a hardship request.*

*As you can see the requirements are not ideal, however it is a lot better than 0% for everyone, which is where we were at 10 days ago.*

*Given the significance of this item can you please share this advice with your Mayor/President and Elected Members.*

As the Minister's Order on Penalty/Instalment Interest rates is linked to the LGA having (or not having) a hardship Policy/Procedure I have developed a Draft *COVID19 - Financial Hardship Procedure* (see **Attachment 10.3.2(b)**). This Procedure is based on the template provided by WALGA, amended to what is considered best suits our situation and is only relevant to Rates Notice charges.

#### **STATUTORY IMPLICATIONS / REQUIREMENTS**

*Local Government Amendment (COVID-19 Response) Act 2020*

#### **POLICY IMPLICATIONS**

Council has a current Policy (CP-022) for *Rate/Debt Recovery – Management of Debts Owing to the Shire*. This Policy will need to work in parallel with the new *COVID19 - Financial Hardship Procedure* if Council adopts this new Procedure.

#### **FINANCIAL IMPLICATIONS**

It is anticipated there will be a reduction in the income received from penalty and instalment interest on rates along with possible slower payment of rates made in 20/21 (specifically in the GRV rates area), which could adversely affect the Shire's cashflow. Another Agenda Item is presented to the May 2020 OCM to deal with the possibility of a poor cashflow situation occurring in 20/21 (see the Manager Finance & Corporate Service Report).

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

The State Government’s determination on there being a zero increase in the rate in the dollar for 20/21 will have an effect on the Shire’s LTFP. This effect is yet to be determined and the LTFP will need to be adjusted accordingly as future Budgets & Financial Statements are finalised.

The current LTFP considers an annual 5% rate revenue increase and 1% fees and charges revenue increase being linked to the overall revenue required to accommodate the future 10 year operational and capital requirements of the Shire. In 2020/2021 a 5% rate revenue increase from the previous financial year equates to approximately \$150,000. This along with a reduction in other fees and charges could easily equate to approximately \$250,000 loss in income (or approximately 8½ of the rate revenue based on the 19/20 rate revenue figures).

It is anticipated this loss of income can be accommodated by deferring scheduled expenditure items (e.g. plant, own resource roadworks, building upgrades, etc.). However, though this is a short term solution it doesn’t bode well for the future of asset upgrades, maintenance, etc. and there will need to be a period of *catch-up* over a few years of recovery.

#### **STRATEGIC IMPLICATIONS**

The health and economic wellbeing of our community is equally (if not more) important as the financial wellbeing of the Shire. Implementing specific measure to deal with helping both the community and the Shire through the COVID-19 pandemic is important, with the proposed *COVID19 - Financial Hardship Procedure* being one of these measures

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

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

#### **CONSULTATION**

As previously mentioned, WALGA has undertaken significant consultation with local government authorities on this issue and have strongly advocated the industries position with the Minister.

#### **RISK ASSESSMENT**

The possible adverse effect on the Shire’s cashflow in 20/21 due to slower and non-payment of rates is a risk, yet can be offset by deferring specific expenditure items. Therefore, from a financial point it is expected the risk can be catered for (i.e. Financial Impact risk is considered to be **Moderate**).

Whereas, the Reputational impact within the community by not introducing a *COVID19 - Financial Hardship Procedure* could be considered **Major**.

### Measures of Consequence

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

#### VOTING REQUIREMENTS

Simple Majority.

**MOVED: Cr. Warr**

**SECONDED: Cr. Forth**

#### COUNCIL RESOLUTION / STAFF RECOMMENDATION (Simple Majority Required)

Council adopts the *COVID19 - Financial Hardship Procedure* as presented without change

**Voting 7/0  
CARRIED  
Minute Reference: 05/20-17**



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

Nil

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

Nil

**13.0 DELEGATES REPORTS**

Cr. Warr	COVID-19 Community Outreach Working Group
Cr. Batten	COVID-19 Community Outreach Working Group
Cr. Forth	Chapman Valley Agricultural Society – Ag Show Grant Success
Cr. Batten	Moresby Range Eco Tourism Project

**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 11.56am.