



SHIRE OF

**Chapman Valley**

*love the rural life!*

## ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 19 April 2017  
at the Yuna Multipurpose Community Centre, commencing at 9:00am.

Maurice Battilana  
CHIEF EXECUTIVE OFFICER

# AGENDA

**APRIL 2017**

# DISCLAIMER



SHIRE OF

# Chapman Valley

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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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### 3.1 APOLOGIES

### 3.2 PREVIOUSLY APPROVED LEAVE OF ABSENCE

## 4.0 PUBLIC QUESTION TIME

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

#### Questions from Shirley MacLeod

1. I do understand that the Shire Councillors have a **policy of selling houses**. Could you explain to me why the councillors have decided to sell the Yuna Shire House?
2. **What is the cost of maintaining the Yuna Shire House?**
  - a. Income received from rental –
    - i. 16 Jan 2015 – 16 April 2017: 113 weeks @ \$180 per week = \$20 340

#### Expenditure:

Requests from Tenant since Jan 2015:

1. Fix taps in bathroom
2. Repair latch on laundry door
3. 2 x repairs to air conditioner
4. 2 x repairs to solar hot water system
5. Replacement of taps in kitchen
6. Still waiting for Ant to fix my laundry fly wire door – requested 5 months ago.

Legal replacements:

1. Smoke detector in passageway
2. Kitchen exhaust fan/range hood

Necessary replacements:

1. Repair tiles to prevent leaking/damage to lounge room ceiling
2. Electricity upgrade

3. **The school is the hub of the community.** As a business conducting teaching and learning, and employing a total staff complement of 12, it is beneficial to the community and the school to have the Yuna PS teaching staff living and engaged with this great community. The education department have a house in Yuna which is currently occupied by the permanent early childhood teacher and her husband. The department will offer the Principal accommodation in Northampton or Geraldton. If the house sells and the Principal needs to relocate, this will be detrimental to the school and the community. As a Shire do you have any suggestions?

4. **My understanding is that it has been voted and passed by the councillors that the Yuna Shire House is for sale.** What is the procedure now? After discussions with the Geraldton Property Team the value placed on the house is \$69 000. What is the financial benefit to the Shire of selling the house when it is needed as rental to the Yuna PS Principal, as all houses in Yuna are presently occupied? Do the ratepayers/residents in Yuna have a say in this decision? I do understand that the Shire does not need to carry the rental situation for the Principal or the Education Department.

## 4.2 PUBLIC QUESTION TIME

## 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

## 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

## 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

- 7.1 PETITIONS
- 7.2 PRESENTATIONS
- 7.3 DEPUTATIONS

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- 8.1 **Ordinary Meeting of Council – 15 March 2017**  
*(Previously provided under separate cover)*

## 9.0 ITEMS TO BE DEALT WITH EN BLOC



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## **ORDER OF BUSINESS:**

### **1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

### **2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

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

3.1 Apologies

3.2 Previously Approved Leave of Absence

### **4.0 PUBLIC QUESTION TIME**

4.1 Response to Previous Public Questions On Notice

4.2 Public Question Time

### **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

### **6.0 DISCLOSURE OF INTEREST**

### **7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

7.1 Petitions

7.2 Presentations

7.3 Deputations

### **8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

8.1 Ordinary Meeting of Council held on Wednesday 15 March 2017

That the minutes of the Ordinary Meeting of Council held Wednesday 15 March 2017 be confirmed as a true and accurate record.

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

### **10.0 OFFICERS REPORTS**

# 10.1 Manager of Planning April 2017

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- 10.1.1 Proposed Relocate Building – Lot 51 Eliza Shaw Drive Buller
- 10.1.2 Shire of Chapman Valley Local Planning Strategy
- 10.1.3 Bill Hemsley Park
- 10.1.4 Geraldton Aquatic Use Review

<b>AGENDA ITEM:</b>	<b>10.1.1</b>
<b>SUBJECT:</b>	<b>PROPOSED RELOCATED BUILDING</b>
<b>PROPONENT:</b>	<b>D &amp; R HIGGS</b>
<b>SITE:</b>	<b>LOT 51 ELIZA SHAW DRIVE, BULLER</b>
<b>FILE REFERENCE:</b>	<b>A1228</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/16-2</b>
<b>DATE:</b>	<b>6 APRIL 2017</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Revised Plans – Proposed Residence – Lot 51 Eliza Shaw Drive, Buller	√	

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

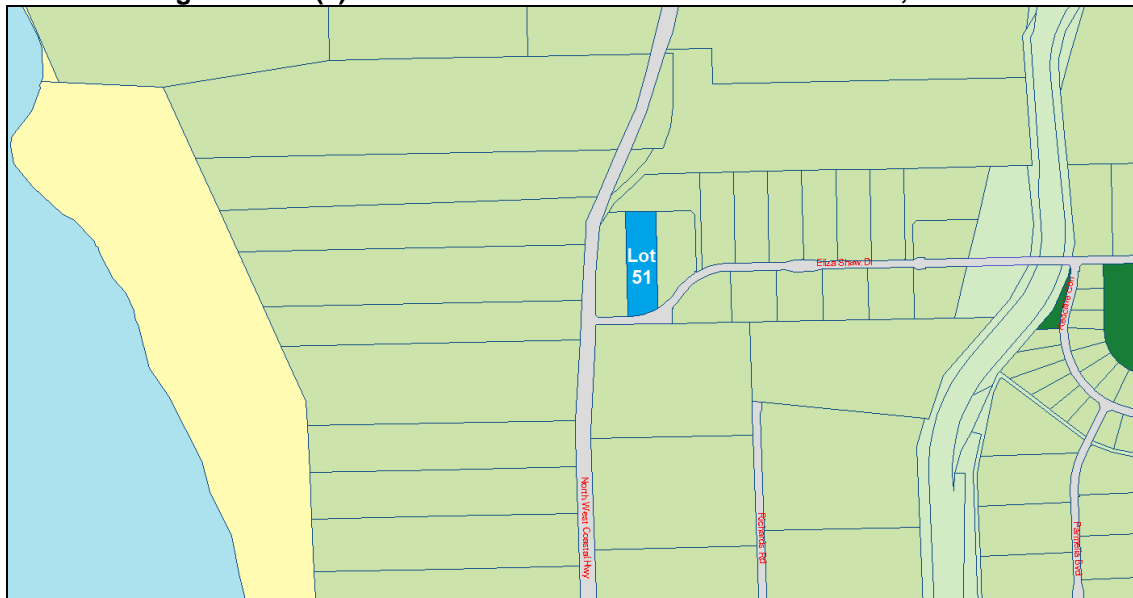
Council is in receipt of an amended application to develop a residence upon Lot 51 Eliza Shaw Drive, Buller utilising relocated buildings. This follows mediation held at the State Administrative Tribunal ('SAT') after the applicants lodged an application for review (appeal) against Council's decision to refuse the original application on 14 December 2016.

Pursuant to Section 31(1) of the SAT Act, the Tribunal has invited the Council to reconsider its original decision.

This report recommends conditional approval of the revised application.

An alternative recommendation is provided, at the conclusion of the comment section (immediately prior to the statutory environment section of the report) in the event that Council resolve to re-affirm its decision to refuse the application.

**Figure 10.1.1(a) – Location Plan for Lot 51 Eliza Shaw Drive, Buller**



## COMMENT

Lot 51 is a 2ha property located on the northern side of Eliza Shaw Drive approximately 100m east of the intersection with the North West Coastal Highway. The property is relatively flat and predominantly cleared with the exception of some established trees along the 80m frontage.

**Figure 10.1.1(b) – Aerial Photograph of Lot 51 Eliza Shaw Drive, Buller**



A brief chronology of matters relating to Lot 51 Eliza Shaw Drive, Buller is provided below:

12 October 2016	Lot 51 purchased by David & Rebecca Higgs ('the applicant');
20 October 2016	Applicant rings Shire to enquire about siting a transportable residence upon their property, Shire emails applicant with answer to queries and amongst other attachments to the email a copy of the planning application form and the Relocated Buildings Local Planning Policy;
11 November 2016	Applicant emails planning application to Shire;
11 November 2016	Shire emails and mails applicant to advise of receipt of application and that it would be advertised for comment after which the matter would be presented to a Council meeting for consideration, email also advised that at the conclusion of the advertising period the applicant would be provided with the opportunity to respond to issues raised during the advertising period, and the applicant's response would be included in the Council Agenda report;
11 November 2016	Advertising commences;
2 December 2016	Advertising concludes and Shire provides copy of received submissions to the applicant;
4 December 2016	Applicant provides response to submissions;
14 December 2016	Council refuses application (applicant in attendance at meeting);
15 December 2016	Shire writes to applicant to advise of Council decision;
18 December 2016	complaints received that a transportable building had been placed upon Lot 51;
19 December 2016	Directions Notice emailed and mailed to applicant, and affixed to Lot 51 fence, requiring removal of unlawful development;
20 December 2016	Applicant emails Shire advising that they have time restrictions to move their building from its current location and their intention to lodge an appeal to SAT;
21 December 2016	Shire emails and mails correspondence to applicant reaffirming unlawful status of building and their right to appeal to SAT and/or lodge a different development proposal;
23 December 2016	Second transportable building placed upon Lot 51 and matter referred by Shire to its solicitor;
25 January 2017	Shire receives notification of lodgement of SAT appeal;

10 February 2017 SAT holds directions hearing where the matter is referred to mediation;  
19 February 2017 60 day period in which applicant must comply with written direction expires, Shire may commence enforcement action from this date onwards;  
7 March 2017 SAT holds mediation session with the outcome being that the applicant would prepare and submit a revised application prior to 31 March 2017 that would be presented to the 19 April 2017 Council meeting for its consideration.

The applicant wrote to the Shire on 10 March 2017 seeking a delay on further legal action relating to the Written Direction issued by the Shire for the unlawful siting of transportable building(s) upon Lot 51.

*"In regards to The Written Direction Pursuant to Section 214 of the Planning and Development Act 2005.*

*In regards to the transportable buildings that are currently located on lot 51, Eliza Shaw Drive, Buller. We would like to request to hold off any action on the transportables on our block until the hearing is completed with the Tribunal. We have redesigned the look of the transportables and will be submitting the plans by the 31<sup>st</sup> of March.*

*If you could please hold off on any further action until the tribunal is completed it would be a great help.*

*Many thanks,  
Dave & Rebecca Higgs"*

The applicant submitted their amended site, elevation and floor plans on 31 March 2017 and a copy has been provided as **Attachment 10.1.1** for Council's consideration.

The applicant is now seeking approval to site relocated buildings (photographs of which, were provided with the 14 December 2016 Council Agenda) upon Lot 51 Eliza Shaw Drive, Buller.

The buildings would be sited 50m back from the front (southern) property boundary at the closest point (75.8m at the furthest point given the front boundary is along a curved section of road) and 7.5m from the nearest side (eastern) property boundary.

The amended application seeks to site the relocated buildings upon the property as one continuous 756m<sup>2</sup> ground floor built form upon precast concrete footings. The relocated buildings are generally 12m long x 3.2m wide and would form the front entrance, main living area, bedrooms, lounge room, granny flat, studio, theatre room, guest room and laundry. The relocated buildings would have gable roofs set at 7°58 pitch.

The relocated buildings would be added to with new constructions areas to provide an additional 416m<sup>2</sup> garage area, and 428.8m<sup>2</sup> patio and verandah area, thereby creating a total ground floor area of 1600.8m<sup>2</sup>.

The residence would also have two separate first floor areas to provide for a master bedroom and a family room, and both areas would have a balcony to take advantage of the views to the north-west towards Buller Rivermouth. The first floor areas would have a skillion roof set at 7°58 pitch and the total upstairs area would be 469.95m<sup>2</sup> (comprised of 299.95m<sup>2</sup> enclosed areas + 170m<sup>2</sup> balcony area).

Compared to the original proposal, the revisions make the proposed development substantially larger and there is no longer any indication that it will be an interim or some form of temporary development. The increase in size is due to the fact that it is essentially a large dwelling integrated with an outbuilding. Large outbuildings are typically found on properties in 'Rural Residential' or similar zones and in a planning sense, there is no prohibition in combining one with a dwelling, as unusual as it may be.

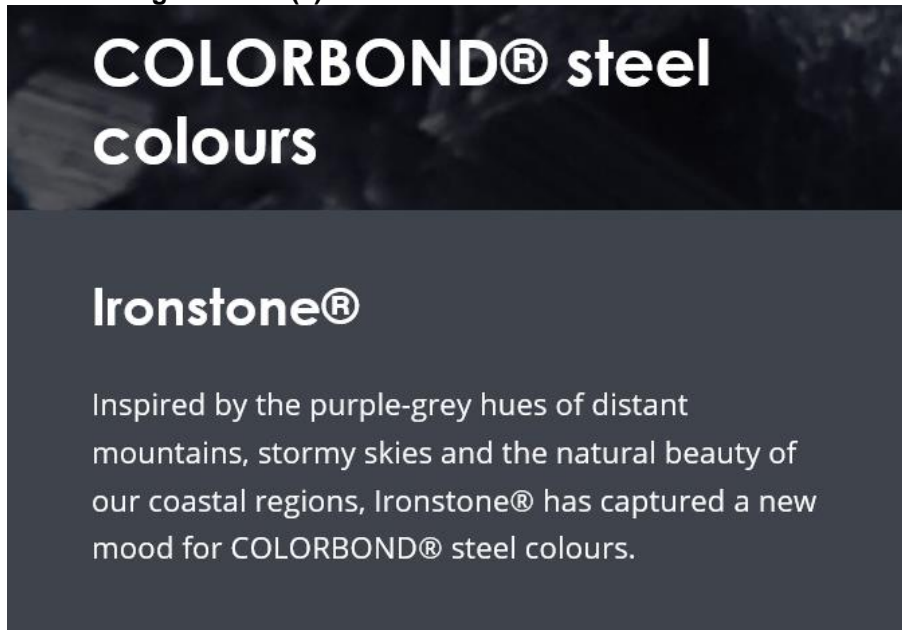
Notwithstanding the size, there is much more interest and articulation in the built form and it appears significantly different than the previously proposed elongated form that had more of a commercial/industrial appearance.

The relocated buildings have insulated metal skinned fridge panel walls and the applicant would clad external facing walls with fibre cement fitted in a matrix system (i.e. shadow lines/exposed joint feature walls) that would be painted a light neutral colour with darker feature walls at the entrance. Fibre cement

cladding would be provided around the precast concrete footings to act as skirting or the footings would be painted dependant on the location.

The colorbond roof sheeting and aluminium window frames would be of 'Ironstone' colour.

**Figure 10.1.1(c) – Colorbond colour chart 'Ironstone'**



Exposed structural steel e.g. balcony, verandah, patio areas would be painted a dark colour e.g. black/dark grey.

External doors would be painted a dark colour to match e.g. 'Ironstone' to match roof or black/dark grey to match painted steel features.

Dark, timber grain style, roller or sectional doors would be used as the finish for the garage doors.

The applicant estimates that the construction period would be 3 years. This is not a matter that can be regulated in a planning approval, and unless varied, the default period under the *Building Act 2011 (WA)* is 2 years.



**Figure 10.1.1(d) – View of Lot 51 looking north from Eliza Shaw Drive**



**Figure 10.1.1(e) – View of Lot 51 looking south-east from North West Coastal Highway**



If, after considering the amended application, Council considers that the application should be refused, it may consider the following alternative wording appropriate in its determination:

*“That Council refuse the amended application for the siting of transportable buildings upon Lot 51 Eliza Shaw Drive, Buller for the following reasons:*

- 1 The development is considered contrary to Section 1.6(d) of the Shire of Chapman Valley Local Planning Scheme No.2.*
- 2 The development is considered contrary to Section 4.2.5(d) of the Shire of Chapman Valley Local Planning Scheme No.2.*
- 3 The development is considered contrary to Section 5.8.1 of the Shire of Chapman Valley Local Planning Scheme No.2.*



- 4 *In its consideration of the application Council is not satisfied that the development satisfies the matters that must be given due regard pursuant to clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (which replace matters to be considered under Section 10.2 of the Shire of Chapman Valley Local Planning Scheme No.2).*
- 5 *The development is considered contrary to Part 4 of Schedule 11 'Rural Residential 1' of the Shire of Chapman Valley Local Planning Scheme No.2.*
- 6 *Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance to the requirements under Section 4.2(a) of the Shire of Chapman Valley Local Planning Policy 'Relocated Buildings'.*
- 7 *Approval of this application may well set an undesirable precedent for future variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the rural residential amenity of the locality.*
- 8 *The objections received during the public consultation period for the original application, and the issues raised therein, do not indicate a level of support for the siting of relocated buildings within this area and a variation to be considered by Council.*
- 9 *The lack of a level of acceptance for the siting of relocated buildings in this area is demonstrated by the complaints received from the local community upon the unlawful siting of relocated buildings upon the property by the applicant.*
- 10 *Lot 51 Eliza Shaw Drive is in a highly visible location, both through its siting at the entrance to the Parkfalls Estate, and as one of the first lots that can be seen from the North West Coastal Highway as visitors enter the greater Geraldton area, and this should be given due regard for in any assessment of a development application for this property.*
- 11 *The actions of the applicant to date, in the unlawful siting of relocated buildings upon the property, do not demonstrate they have acted in 'good faith' and the approval of this application would require the applicant to undertake a considerable range of actions within a required time period, and the applicant's previous actions do not warrant Council's consideration of a relaxation of its standards or concessions."*

## **STATUTORY ENVIRONMENT**

Lot 51 Eliza Shaw Drive, Buller is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.5 of the Scheme lists the objectives of the 'Rural Residential' zone as being:

- (a) Provide for residential development within a low-density environment;*
- (b) Provide for other land-uses compatible with a high level of residential amenity;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land."*

It is noted that whilst (d) refers to the "environment and landscape values" there are no other objectives of the zone that refer to quality or design aspirations for any residential developments.

The proposed siting of a transportable building and its conversion to a habitable building can be considered under the Scheme for this zone, although the building would not be able to be occupied until it has been modified to meet the Class 1 (habitable) building requirements of the Building Code of Australia.

Section 1.6(d) establishes the following aims of the Scheme:

*"Protect, preserve and enhance the environment, natural and cultural heritage and landscape and streetscape values."*

Part 4 of Schedule 11 of the Scheme notes the following for the 'Rural Residential 1' zone:

*"All buildings constructed on the land shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours."*

Section 5.8 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 (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by the Local Government in considering a development application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (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;*
- (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."*

**POLICY IMPLICATIONS**

Section 2.2 of the Scheme provides for the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area.

The objectives of the Shire of Chapman Valley Local Planning Policy 'Relocated Buildings' are as follows:

- “3.1 To ensure that any development proposing to use a second hand building or second hand cladding material meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.
- 3.2 To address the issue of exposure risks from asbestos cement cladding.

The Shire’s ‘Relocated Buildings’ Local Planning Policy makes the following statement:

“4.1 Definition

*A ‘relocated building’ is considered to be a dwelling or outbuilding that has previously been constructed on a different lot and has the ability to be dismantled in whole or in part for the purpose of being transported and sited on another property. A purpose designed, new transportable home is not considered a relocated dwelling for the purposes of this policy however Shire staff retain the right to request an application should it be considered appropriate.*

4.2 General Requirements

- (a) *The use of second hand cladding materials and second hand buildings can result in unacceptable development by reason of poor aesthetic result and by adversely affecting the amenity of an area. Council requires that an applicant demonstrate that the proposed use of a second hand building and/or the use of second hand cladding material will not result in any adverse effect on the amenity or the aesthetics of the area within which it is proposed.*
- (b) *Unless specific approval is given, all external asbestos cement cladding must be removed and replaced with new material prior to the relocation of a transported building to its new site.*
- (c) *The Shire at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard.*

4.3 Application Requirements

*An application for a relocated building shall include:*

- (a) *Completed Form of Application for Planning Approval signed by the owner(s) of the property upon which the building will be located.*
- (b) *Plans that have been drawn to scale and include at a minimum:*
- (i) *A site plan;*
  - (ii) *Floor plan and elevations for the relocated building. These plans need to demonstrate any proposed works/upgrades that are required to be undertaken to the building (i.e. new cladding, additional verandahs etc.);*
  - (iii) *A series of photographs of each elevation of the relocated building prior to it being dismantled showing its standard of presentation;*
  - (iv) *A detailed report on the structural integrity of the relocated building prepared by a qualified Building Surveyor or a certified structural engineer; &*
  - (v) *A written submission from the proponent detailing the proposed works to be undertaken to the relocated building to improve its visual presentation and ensure it complies with the relevant building and health standards as required. This needs to include a clear timeframe over which it is proposed that the above works will be carried out.*
- (c) *Planning Application fee based on the cost of the building plus any transportation, installation and upgrade costs. This is calculated per Item 1 of the Shire’s current Planning Services Fees.*

4.4 Post Application

*Should a planning application be granted planning consent by the Shire the following conditions shall be imposed and required to be undertaken by the applicant prior to the lodgement of the necessary building licence:*

- (a) *A bond, of at least 5% of the estimated value of an equivalent new building, to a maximum of \$5,000 and minimum of \$1000.*
- (b) *A statutory declaration, signed by the applicant(s) and appropriately witnessed, indicating that the bond will be forfeited to Council if:*
  - (i) *The works described in the application are not carried out within the timeframe indicated;*
  - (ii) *Within 12 months of the date of the agreement, the development does not reach a point where externally it appears complete; and*
  - (iii) *Any notice duly served upon the builder is not promptly complied with.*
- (c) *Bond moneys will only be refunded (if not forfeited) after works required to prevent forfeiture have been carried out to the satisfaction of the Shire's Building Surveyor and/or Planning Officer.*

#### 4.5 Delegation

*Should the application be considered to meet the requirements of this Policy the application may be dealt with under delegated authority by Shire staff. However should the application not be considered to meet the requirements of the Policy or in the opinion of Shire staff require further consideration, the matter may be advertised in accordance with the Local Planning Scheme before being placed before a meeting of Council for 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**

- **Long Term Financial Plan:**

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

#### **STRATEGIC IMPLICATIONS**

- **Strategic Community Plan:**

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

#### **CONSULTATION**

Under Section 4.5 of its Relocated Buildings Local Planning Policy the Shire may undertake consultation with surrounding landowners and give consideration to any received submissions prior to making its determination.

Lot 51 Eliza Shaw Drive, Buller is in a highly visible location, both through its siting at the entrance to the Parkfalls Estate, and as one of the first lots that can be seen from the North West Coastal Highway as visitors enter the greater Geraldton area. On this basis the original application was advertised from 11 November 2016 until 2 December 2016 with the following actions being undertaken inviting comment:

- placement of an advisory sign on-site;
- copy of the application documentation being made available for viewing at the Shire office/library;
- copy of the application documentation being sent to the 6 surrounding landowners and the Parkfalls Residents Association.

At the conclusion of the advertising period 7 submissions had been received, all in objection to the proposed development, 4 late submissions were also received, also in objection to the application.

A Schedule of Submissions that identified the respondents, the nature of their submissions, and provided individual comment upon the raised issues was provided as an attachment to the 14 December 2016 Council Agenda.

Copies of the received submissions were provided to Councillors as an attachment to the 14 December 2016 Council Agenda.

A copy of the applicant's submission in response to the issues raised was provided to Councillors as an attachment to the 14 December 2016 Council Agenda.

Once an appeal is lodged, the SAT does not mandate or, will allow for, any revised proposal to be re-advertised. Council must make its own determination as to whether the revised proposal satisfies any of the original concerns and if not, what weight should be given to those submissions.

A number of submissions referred to the temporary nature of the development and this no longer appears to be an issue.

Concerns that were raised in respect to the use of transportable buildings have to, some extent, now been addressed in the revised plans in terms of the overall form, the use of cladding and extra built form, particularly on the raised and two-storey sections of the proposal.

As to the overall appeal (or otherwise) of how the dwelling appears, there are no specific design guidelines that apply to this Rural Residential zone.

## **RISK ASSESMENT**

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

## **VOTING REQUIREMENTS**

Simple majority of Council.

## **STAFF RECOMMENDATION**

That Council set-aside their previous decision and grant formal planning approval for the siting of relocated buildings upon Lot 51 Eliza Shaw Drive, Buller and their conversion to a habitable building, subject to compliance with the following conditions:

- 1 Development shall be in accordance with the plans included as Attachment 10.1.1 to the Council Agenda report 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 No further relocated buildings shall be sited upon Lot 51, or works undertaken to the existing 2 relocated buildings upon Lot 51, or placement of construction materials upon Lot 51, or development works upon Lot 51, or installation of effluent disposal systems upon Lot 51, or habitation of Lot 51, until the applicant has obtained the necessary building permit from the local government.
- 4 The development shall be substantially commenced within a period of 2 years commencing from the date of this approval.
- 5 The building is required to be externally clad and painted (inclusive of skirting between the floor level and ground level) of a colour and finish to the approval of the local government.
- 6 The building must not be occupied until it is compliant with the Class 1 requirements of the Building Code of Australia to the requirements of the local government.

- 7 The preparation of a Landscaping Plan by the applicant, to the approval of the local government, and the applicant is to subsequently undertake landscaping in accordance with the Landscaping Plan for the purpose of softening the visual impact of the structure to the approval of the local government.
- 8 All stormwater is to be disposed of to the approval of the local government.
- 9 A bond of \$5,000 must be lodged by the applicant with the local government, prior to the siting of any buildings upon the property, that will be returned upon completion of the requirements pertaining to the conditions of approval within a period of 2 years, and in the event that the works to the relocated buildings as described in the application are not carried out within the 2 year timeframe the bond shall be forfeited to the local government.

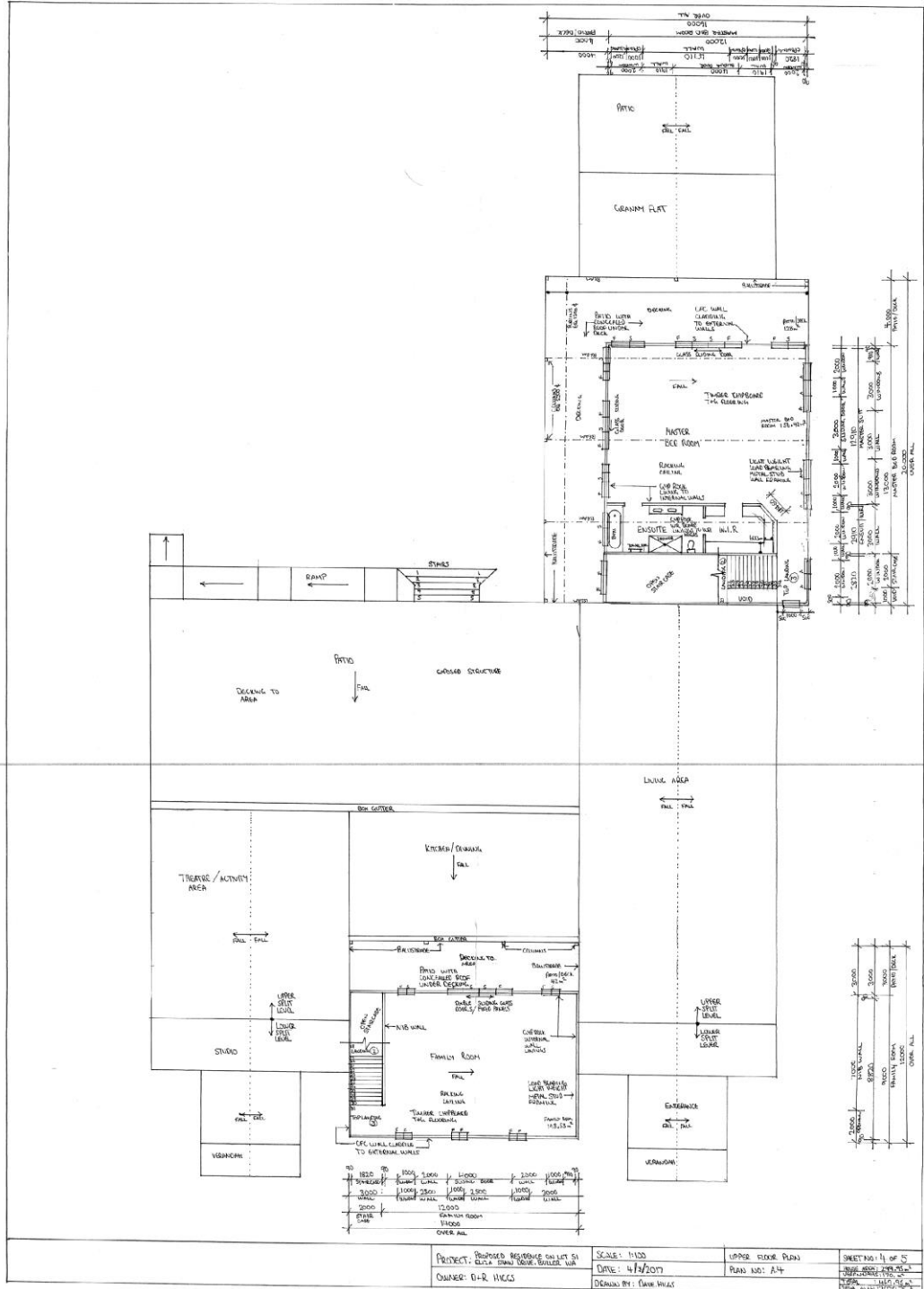
Notes:

- (a) In regards to condition 3 it is a requirement for the assessment of a building permit (either certified or uncertified) that it include information pertaining to (but not limited to) energy efficiency, structural engineering, effluent disposal systems and compliance with Class 1 requirements to the Building Code of Australia.
- (b) In addition to condition 4, the applicant will need to comply with the timeframes for completion as set out by the subsequent building permit issued under the *Building Act 2011 (WA)* which have a default period of 2 years.
- (c) In regards to condition 9 should the bond be forfeited then Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies should be expended to address the outstanding conditions.
- (d) The approval is for the siting of a relocatable building and subsequent external works to enable its conversion to a residence. The approval is not for the commencement of a home occupation/business from the property for which a separate application and determination is required. The approval is not for the development/construction of outbuildings/sheds upon the property for which a separate application and determination is required.
- (e) The applicant is advised that the maximum total outbuilding area permitted under the Shire of Chapman Valley Local Planning Policy 'Outbuildings' is 200m<sup>2</sup> (whether enclosed or open), with a maximum wall height of 4.5m and a maximum total height of 5.5m. The applicant is further advised that Schedule 11 of Shire of Chapman Valley Local Planning Scheme No.2 requires that outbuildings shall be sited not more than 22 metres from the closest wall of the dwelling, and therefore the siting of residence will determine the future location of the outbuilding upon the property.

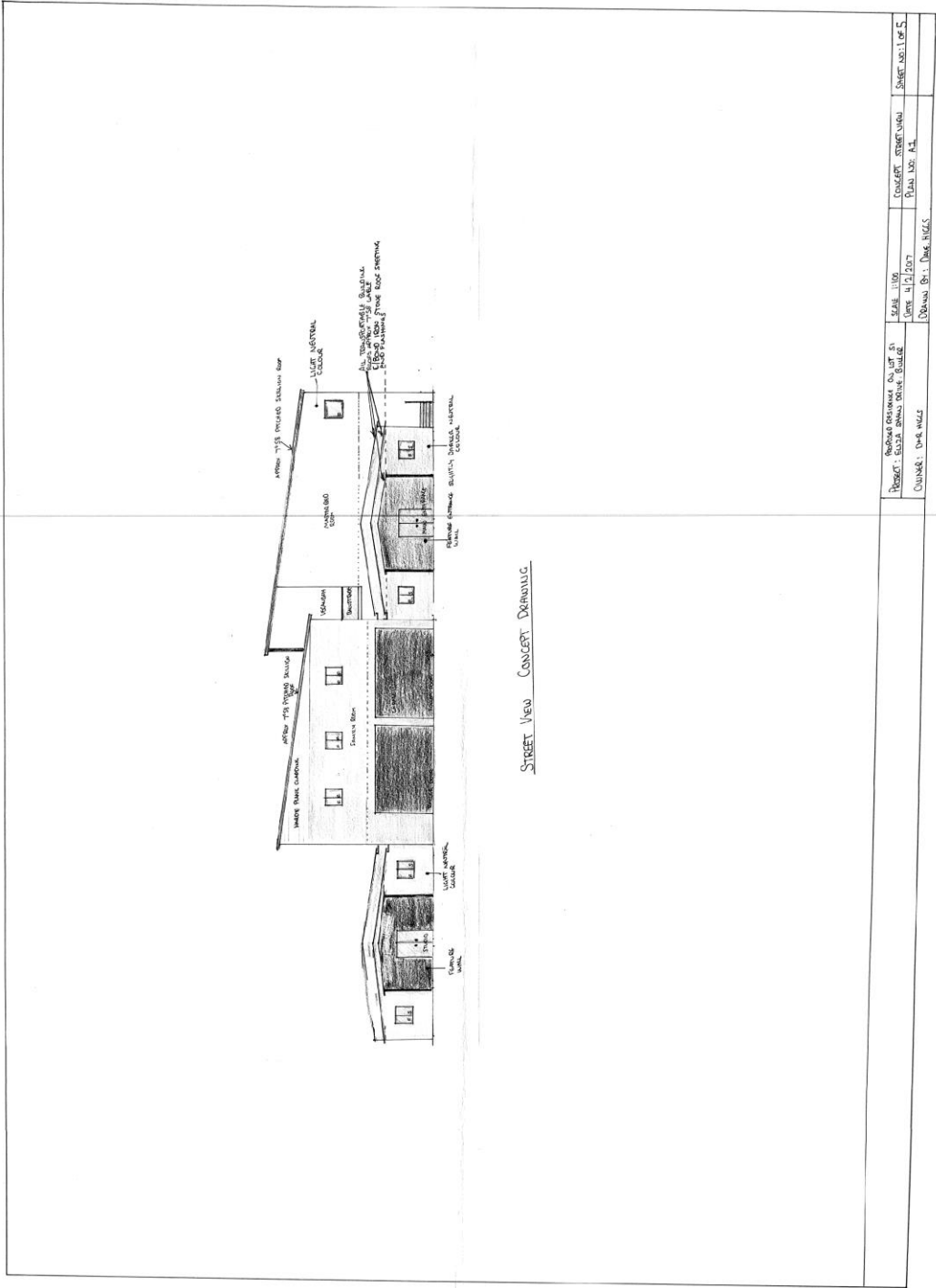












Project: BROWN BRIDGE OUTLET at BROWN BRIDGE DRIVE BRIDGE	Scale: 1/8" = 1'-0" Date: 4/2/2017	Concept: STREET VIEW Plan No: 14	Sheet: 1 of 5
Client: D&M	Drawn By: D&M		

<b>AGENDA ITEM:</b>	<b>10.1.2</b>
<b>SUBJECT:</b>	<b>SHIRE OF CHAPMAN VALLEY LOCAL PLANNING STRATEGY</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>204.09</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/04-9, 12/05-9, 11/06-10 &amp; 12/15-6</b>
<b>DATE:</b>	<b>7 APRIL 2017</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.2	<a href="#">Local Planning Strategy</a>		√

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

The Shire of Chapman Valley Local Planning Strategy ('the Strategy') has been reviewed and this report recommends that Council forward the draft Strategy to the Western Australian Planning Commission ('WAPC') seeking consent to advertise.

**COMMENT**

The Strategy was adopted by Council at its 16 November 2006 meeting and subsequently endorsed by the WAPC on 20 November 2007.

The Strategy now requires updating to reference (and ensure it is not inconsistent with) several strategic planning documents that have been prepared since it was released in 2007.

Council therefore resolved at its 16 December 2015 meeting as follows:

*"That Council resolve to:*

- 1 *Prepare/Amend a new Shire of Chapman Valley Local Planning Strategy in accordance with Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 2 *Notify LandWest that they are the selected provider for the Shire of Chapman Valley Local Planning Strategy review.*
- 3 *Thank all parties who expressed an interest in undertaking the Local Planning Strategy review."*

The Strategy review has drawn on the recommendations of the following documents rather than create new strategic directions:

- Shire of Chapman Valley Local Planning Scheme No.2 (Shire) (2013);
- Greater Geraldton Structure Plan (WAPC) (2011);
- Oakajee Industrial Estate Structure Plan (LandCorp) (2012);
- Oakajee Port Master Plan (Mid West Ports Authority) (2011);
- Oakajee Narngulu Infrastructure Corridor Alignment Definition Report (WAPC) (2014);
- Wokarena Heights Structure Plan (Shire) (2013);
- Buller Structure Plan (Shire) (2016);
- Dolbys Drive Structure Plan (Shire) (adopted by Council on 15 February 2017 and currently before the WAPC seeking final approval);
- Chapman Valley Coastal Management Strategy & Action Plan (Shire) (2016);

- Moresby Range Management Strategy (WAPC) (2009);
- Moresby Range Management Plan (Shire) (2010);
- Nabawa Townsite Revitalisation Plan (Shire) (2016).

With the exception of the Nabawa Townsite Revitalisation Plan, all of these strategies address the western regions of the Shire and it is this coastal strip that requires most updating in the Local Planning Strategy to reflect subsequent documents.

It is not considered that a major overhaul of the Strategy relating to the rural/majority of the Shire's land area is required, apart from making some reference to the Department of Agriculture & Food's 'Identification of high quality agricultural land in the Mid West region: Stage 1 – Geraldton Planning Region' (2013) study.

The Strategy has been updated to reflect the WAPC's 2010 content and scope guidelines and to reference to a range of State Planning Policies ('SPP's') that have emerged since 2007, that the WAPC expect to be given due regard in the updated Strategy, including the following:

- SPP 2.5 - Rural Planning (2016);
- SPP 2.6 - State Coastal Planning (2013);
- SPP 2.9 - Water Resources (2006);
- SPP 3.0 - Urban Growth and Settlement (2006);
- SPP 3.1 - Residential Design Codes (2013);
- SPP 3.5 - Historic Heritage Conservation (2007);
- SPP 3.7 - Planning in Bushfire Prone Areas (2015);
- SPP 4.1 - State Industrial Buffer (draft 2009);
- SPP 5.4 - Road & Rail Transport Noise and Freight Considerations (2009);
- Government Sewerage Policy (draft 2016).

The current Strategy was also produced in an era when physical production as a hard copy was still the most common means of viewing the document and the layout and mapping of the Strategy has been updated to reflect that it is now more commonly going to be viewed online as a PDF.

The reviewed draft Strategy has been provided as **separate Attachment 10.1.2** for Council's consideration, a hard copy of the document can also be provided to Councillors upon request.

The Shire's current Strategy can be viewed via the Shire and WAPC websites at the following link, or alternatively a hard copy can be provided to Councillors upon request:

<http://www.chapmanvalley.wa.gov.au/localplanningstrategy>

## STATUTORY ENVIRONMENT

Regulation 11 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') requires that:

- (1) *A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.*
- (2) *A local planning strategy must —*
  - (a) *set out the long-term planning directions for the local government; and*
  - (b) *apply any State or regional planning policy that is relevant to the strategy; and*
  - (c) *provide the rationale for any zoning or classification of land under the local planning scheme.*
- (3) *A local planning strategy may be prepared concurrently with the local planning scheme to which it relates.*

It is suggested that in this instance that Council undertake a Scheme review, upon completion of the review of its Strategy, rather than concurrently.

The Regulations require that the Shire review its current Scheme (having been gazetted after 19 October 2010) prior to 2020, and it is suggested that Council complete its Strategy review first and then

commence its Scheme review, potentially within 2017/2018. This would allow teething issues that have been identified by the WAPC and WALGA with the 2015 Regulations to be resolved first.

It is also suggested that the Scheme review can be delayed without significant issue as the current Scheme No.2 (gazetted 20 November 2013) represented a significant overhaul of Scheme No.1 (gazetted on 20 August 1982) and preparation of Scheme No.3 should be more of a refinement process, with the Scheme No.3 Map largely following the current Scheme No.2 Map and the Scheme No.3 Text following the new Model and Deemed Provisions for Scheme Text, as contained in Schedules 1 & 2 of the Regulations. It is hoped this will avoid unnecessary delay again with either the WAPC or Environmental Protection Authority as was experienced by the Shire with Scheme No.2.

The current Shire Strategy and Scheme were both initiated at the same time by Council in 1998 (and given consent to advertise by the WAPC in 2005) however, due to delays arising from various Ministers decisions relating to the Oakajee rezoning and the Buller Environmental Review the Strategy was endorsed 6 years prior to the Scheme, resulting in the statutory planning document of the Scheme having regard for several subsequent planning issues that the strategic planning document of the Strategy does not. This less than ideal situation will be rectified through the review and updating of the Strategy.

### **POLICY IMPLICATIONS**

The intent of the Strategy is to provide the planning direction for the sustainable growth of the Shire for the next 15 years and provide guidance to ongoing development, future land use and management of the Shire. Whilst much of the 2007 Strategy remains relevant, particularly the inland sections where precincts were based on land capability assessment, the coastal section of the Strategy requires updating to account for, and ensure it aligns with, subsequently endorsed planning documents.

### **FINANCIAL IMPLICATIONS**

Council set aside \$25,000 for the review of its Local Planning Strategy in its 2016/2017 budget (Account 7072/Job 1033).

The Shire was advised on 28 May 2016 that its application for \$25,000 funding for the review of its Strategy had been successful and this grant amount is included within Account 2254 of the adopted 2016/2017 Council budget.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is considered that the review of the Local Planning Strategy would not be inconsistent with the Long Term Financial Plan.

### **STRATEGIC IMPLICATIONS**

The WAPC's 'Local Planning Manual' (2010) notes the purpose of a Strategy as follows:

*"The local planning strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning, and is increasingly being seen by other agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.*

*The strategy sets out the local government's objectives for future planning and development and includes a broad framework by which to pursue those objectives. The strategy will need to address the social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development.*

*The local planning strategy should:*

- *be consistent with state and regional planning policy, including current strategies, structure plans and strategic development initiatives (or provide the rationale for why it is not);*
- *provide strategic direction for land use planning and development over the ensuing 10 years or longer as the basis for the local planning scheme;*

- *set out the strategic direction for sustainable resource management and development in the context of state and regional planning;*
- *provide the rationale for the zoning and reservation of land and for the provisions of the scheme relating to development and development control;*
- *provide a strategic framework for assessment and decision-making in relation to proposed scheme amendments, subdivision, and development;*
- *provide the context for coordinated planning and programming of physical and social infrastructure at the local level;*
- *identify the need for further studies or investigation within a local government area to address longer-term strategic planning and development issues.”*

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting.

The review of the 2007 Local Planning Strategy has provided the opportunity to ensure it has due regard for the subsequent 2016 Strategic Community Plan. The Local Planning Strategy provides one means to assist in meeting the economic, leadership, community, environmental objectives and strategies as identified within the Strategic Community Plan.

## **CONSULTATION**

In discussions with WAPC staff the review of the Strategy has been considered an update of the existing 2007 document to ensure that it is no longer inconsistent with the Scheme and adopted state strategies and policies, and to provide general updating of the text and map layouts, rather than an entirely new exercise.

The Strategy review has drawn on the extensive level of community consultation that was undertaken to prepare the preceding strategies, structure plans, rezonings, alignment definition studies and policies that inform the Local Planning Strategy.

The Strategy review has also involved consultation with all relevant government agencies.

Should Council be satisfied with the reviewed Strategy then Regulation 12 requires that before advertising the Strategy must be forwarded to the WAPC for consideration.

In the event that Council and the WAPC are satisfied with the draft Strategy then it would be advertised as per the requirements of Regulation 13 for a minimum period of 21 days (although it is suggested that the Shire should exceed this and allow for a period of 60 days), and the advertising must include the following actions:

- notices to be published in a newspaper circulating in the district;
- display of the Strategy at the Shire offices;
- notice being sent to all relevant government agencies.
- display of the Strategy on the Shire website;
- display of the Strategy at the WAPC office;
- in any other way as directed by the WAPC or the Shire considers appropriate.

Regulation 14 requires that Council give regard for any submissions received during the advertising period and, in the event that Council is satisfied with the strategy, forward it to the WAPC (with or without modification arising from Council's consideration of any issues raised during the submission period) for final consideration and potential endorsement.

## **RISK ASSESMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority.

## STAFF RECOMMENDATION

That Council resolve to:

- 1 Adopt the draft Shire of Chapman Valley Local Planning Strategy for advertising.
- 2 Forward a copy of the draft Shire of Chapman Valley Local Planning Strategy to the Western Australian Planning Commission in accordance with Part 3 Regulation 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and request consent for advertising of the Strategy for an extended period of 60 days.
- 3 Delegate to the Chief Executive Officer to undertake modifications to the draft Shire of Chapman Valley Local Planning Strategy that do not significantly alter the intent of the Strategy (including but not limited to; changes to format, spelling, grammar, numbering; Model or Deemed provisions; updates necessitated by Scheme Amendments, Structure Plans, Policies or other Strategies that have been given approval in the interim period etc.) as may be required by the Western Australian Planning Commission or otherwise prior to its advertising consent being granted.
- 4 Upon receipt of the WAPC's advice that the draft Shire of Chapman Valley Local Planning Strategy can be advertised, proceed to advertise the Strategy in accordance with Part 3 Regulation 13 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 5 At the conclusion of the advertising period return the draft Shire of Chapman Valley Local Planning Strategy, and any received submissions, to Council for its further consideration.



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

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.3	Bill Hemsley Park car park & driveway preliminary design	√	

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council direction is sought in relation to the car park and driveway for the Bill Hemsley Park.

**COMMENT**

The Bill Hemsley Park Concept Plan contains an indicative driveway and car park layout to access the facilities at the centre of the park.

**Figure 10.1.3(a) – Bill Hemsley Park Concept Plan**



The Shire requested its engineer (Greenfields Technical Services) to undertake some further detailed design work on the car park and driveway to enable more accurate costings to be obtained and to guide the on-ground works.

The engineer was requested to have regard for the car park and driveway layout shown in the endorsed concept plan and also give regard to the following in the design:

- identify area dimensions and the m<sup>2</sup> of the required works (especially the sealed m<sup>2</sup>) and provide indicative costings;
- ensure the car park is at the same ground level as the community centre to assist in disabled access to the building;
- indicate general cut and fill requirements and ensure stormwater is directed away from the building (the spoil analysis undertaken for the building design was provided to the engineer, and based on this a drainage outlet at the low point (north-west corner) of the car park is proposed rather than soakwells);
- allow for the car parking bays and the aisle between to be generous in their dimensions (i.e. exceed the minimum Australian Standards) as given the car park is sitting in a 9ha reserve this is not a cramped location, and a tight manoeuvring car park should be avoided given that vehicle sales are continuing to favour larger 4WD's and dual cab utes;
- include 1 disabled car parking bay in a location of most convenience;
- the minimum number of car parking bays required based on the meeting room floor area is 19 bays, but again given that the Shire is not struggling for room on the site, it was considered wise to design the car park to be 28 car parking bays comprising 2 rows of 14 bays (with the disabled car parking bay being in the row closest to the building); &
- ensure the crossover location for the driveway is placed directly opposite the lot boundary between Lots 209 & 210 Redcliffe Concourse to ensure that headlights from cars that might be exiting the park driveway at night shine up along the fence and not directly into the homes opposite (it is noted that it would have been preferable to put the driveway opposite the bridle path on the south side of Lot 209 but this is where the power connection is going to be located and unfortunately this is therefore ruled out). The proposed new driveway location is 15m south of the existing gravel track alignment that currently exists on-site.

**Figure 10.1.3(b) – Bill Hemsley Park driveway access point**



The engineer's produced design has been included as **Attachment 10.1.3**.

There has been some Shire staff discussion over how the delivery of the car park and driveway might best be delivered given the budget and the availability of Shire own resources i.e. ability to deliver the car park by contractor alone or through a combination of in-house for formation and final seal by contractor.

The Shire has undertaken the preliminary construction works for the vehicle access to the park in-house (as can be seen in Figure 10.1.3(c)) to enable the delivery of materials to the community centre and

nature playground construction sites, and manage contractor access to the site. These preliminary access works were undertaken on the alignment of the car park and driveway. It is considered that the Shire has the capability in its current works program to undertake the formation earthworks, gravel base preparatory works and drainage works for the car park and driveway, and for the final sealing and kerbing to be undertaken by contractor, this would also be the most cost effective option.

To pursue this direction will require a resolution of Council to utilise the Shire crew, plant allocated in the 2016/2017 Road Works Program for the Parkfalls/Bill Hemsley Park works for the required park earthworks, and utilise the balance of funds remaining in the materials and contracts component allocated in the 2016/2017 Road Works Program for the Parkfalls/Bill Hemsley Park works for seal supply, cement, etc. Council would also need to resolve to utilise the Additional Component funds allocated in the Bill Hemsley Park Project to cover any shortfall for materials and contracts.

This direction aims to keep external costs to a minimum and fits into Council's position of moving scheduled roadworks away from shoulder upgrades works around the Parkfalls Estate for the 2016/2017 year to works required for the Bill Hemsley Park Project.

However, it must be noted that such an action will mean moving the 2016/2017 Road Works Program for the Parkfalls/Bill Hemsley Park above other Own Resource Project. This is a rescheduling action that is supported by the Shire CEO, Deputy CEO and Manager of Works, and it is Shire staff's understanding that it was Council's intention to complete the Bill Hemsley Park Project as soon as possible and within Budget constraints. However, this is an issue that will need to be considered by Council.

To further inform this process, the Management Committee were asked via email which of three options for the seal finish for the car park and driveway they would favour:

- (Note: - the below costings provided by the engineer are estimations on the assumption that the total job would be undertaken by contractor, in the event that the works are partly undertaken in-house as is being suggested the below figures would not be a total monetary outlay cost to Council;
- the figures below are based on the same preparatory works, and the difference in them therefore represents the difference in cost for the different seals, the sealing costs would be a monetary outlay to Council as this is a project component that would be required to be out-sourced to a contractor).

#### **Option 1**

2 coat bitumen seal car park and driveway

(this finish would be comparable to the road finishes in the Parkfalls Estate)

The approximate cost estimate for this option is \$140,000 GST ex.

#### **Option 2**

2 coat bitumen seal driveway and asphalt car park

(this would result in the driveway being of a similar finish to the roads in the Parkfalls Estate and the car park would be the smoother asphalt finish and could be coloured (e.g. red tinge), noting that there has been previous discussion about coloured asphalt walk trails in the park, and this would tie in with that finish, the design could also allow for a paving strip or a very mild rise (e.g. plateaued asphalt speed hump) between the driveway and car park to differentiate between the 2 finishes and serve as a traffic calming device to reinforce to drivers to further slowdown as they enter the car park)

The approximate cost estimate for this option is \$165,000 GST ex.

#### **Option 3**

asphalt car park driveway

(this finish would allow for the car park and driveway to tie in with the overall park were coloured (e.g. red) asphalt to be used for the walk trails)

The approximate cost estimate for this option is \$175,000 GST ex.

The Management Committee advised as follows:

Option 1 – 3 Management Committee members in support;

Option 2 – 1 Management Committee members in support;

Option 3 – 1 Management Committee members in support;



Comment was also received from members of the Management Committee in support of Shire staff's suggested approach to deliver the car park and driveway through a combination of in-house and contractor works.

Response was also received from a member of the Management Committee querying whether the car park bays could be increased to 3m wide x 6m long. The car park design in Attachment 10.1.3 illustrates car park bays of 2.8m wide x 5.5m long, with an aisle width of 6m.

The general standard for a car park bay with a 6m aisle is 2.5 wide x 5.5m long, it is suggested that perhaps there might be greater benefit in widening the aisle further to 6.5m wide rather than expanding the car parking bays.

**Figure 10.1.3(c) – preliminary access works at Bill Hemsley Park**



## **STATUTORY ENVIRONMENT**

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

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

Part 3 of the Management Agreement states:

**“3** *Decisions not binding on Shire*

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

Part 4 of the Management Agreement states:

**“4.1** *Use of Trust Payment*

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

#### 4.2 Acknowledgement

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

The Management Committee at its 5 August 2016 meeting endorsed the proposed expenditure from the Bill Hemsley Park Trust Account as contained within the 2016/2017 Council budget, and this Management Committee endorsement, along with its 10 November 2015 endorsement, satisfies Part 4 of the Management Agreement and enables expenditure of the trust funds.

#### POLICY IMPLICATIONS

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

#### FINANCIAL IMPLICATIONS

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

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

GRANT	\$100,000.00
TRUST	\$278,030.00
BUILDING RESERVE	\$132,200.00
MUNICIPAL	\$100,000.00
LOAN	\$200,000.00
<b>TOTAL</b>	<b>\$810,230.00</b>

The 2016/2017 Council budget (Account 3184 Job CPKFL) contains an allocation of \$145,911.71 (comprising \$106,799.17 Shire own resources i.e. Shire labour/equipment and \$39,112.54 cash) for Parkfalls/Bill Hemsley Park works and as at 31 March 2017, \$40,338.48 had been expended, with \$4,375.01 of this material and contracts (i.e. external expenditure) and the remainder being Shire own resources.

This report is recommending that Shire own resources be utilised to construct the car park and internal driveway up to final seal, and the cash component be utilised for the final seal works and kerbing. However, utilising Account 3184 is subject to Shire own resource availability and would prevent other

works being undertaken in the Parkfalls area in 2016/2017 e.g. road shoulder reconstruction, although it is considered that some of these shoulder works could be delayed until 2017/2018.

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

- **Long Term Financial Plan:**

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

## **STRATEGIC IMPLICATIONS**

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

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

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

## **CONSULTATION**

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

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

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

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

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

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

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

- Bore, tank, power, scheme water connection;
- Community Building/Pavilion/Viewing Decks (meeting room/toilets) (concept plan legend no.8, 9);
- Nature Playground (concept plan legend no.12, 17, 18, 19, 20);
- Walk Trail around Nature Playground (concept plan legend no.3);
- Turfed Play Area and BBQ/Shelter (concept plan legend no.11, 22, 15);

- Car Park (concept plan legend no.14);
- Entry Statement/Sign & Mrs Hemsley's Tree (concept plan legend no.7).

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

### **RISK ASSESMENT**

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

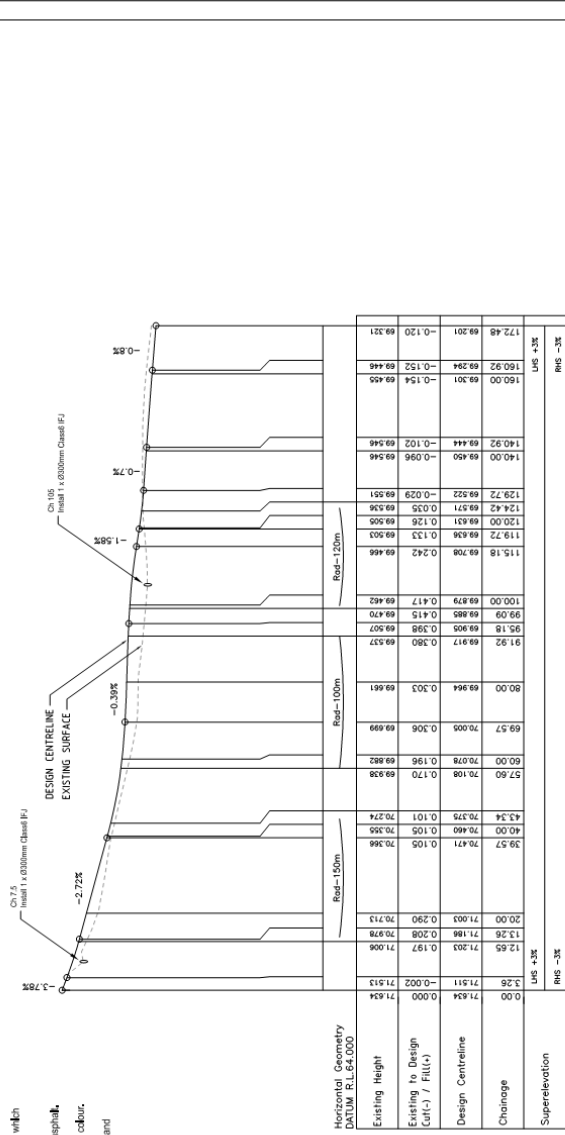
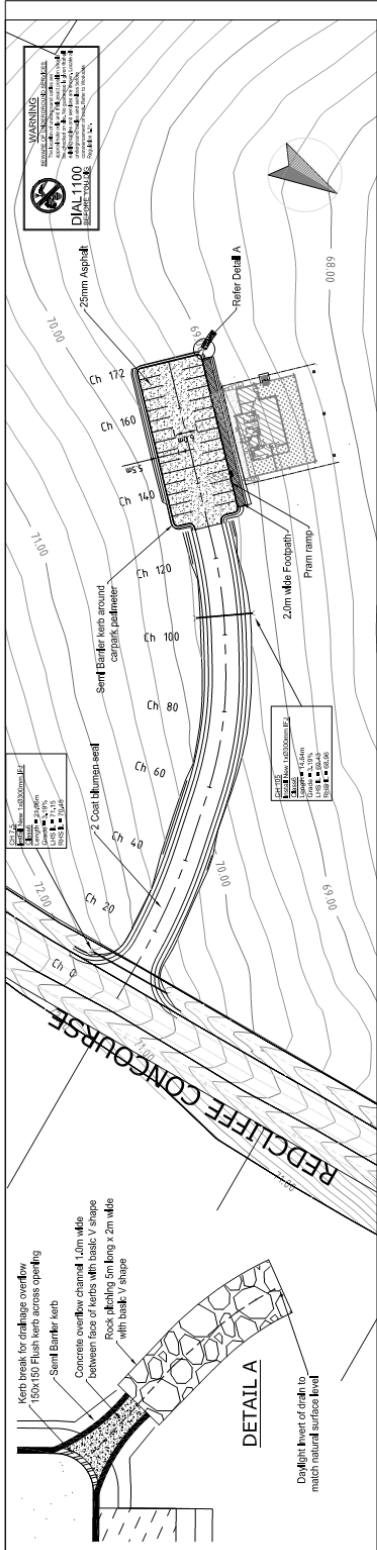
### **VOTING REQUIREMENTS**

Simple Majority required

### **STAFF RECOMMENDATION**

That Council:

- 1 Endorse the Bill Hemsley Park car park and driveway design provided as Attachment 10.1.3, subject to the seal standard for both the car park and driveway being noted as 2 coat seal, and the car park aisle being widened from 6m to 6.5m (and the area and quantity dimensions being adjusted accordingly to allow for these amendments).
- 2 Utilise the Shire crew, plant allocated in the 2016/2017 Road Works Program for the Parkfalls/Bill Hemsley Park works for the required park earthworks.
- 3 Utilise the balance of funds remaining in the materials & contracts component allocated in the 2016/2017 Road Works Program for the Parkfalls/Bill Hemsley Park works for bitumen seal, supply and lay, drains, cement, etc.;
- 4 Utilise the Additional Component funds allocated in the Bill Hemsley Park Project to cover any shortfall for materials & contracts if balance mentioned in item 3 above is insufficient.



Horizontal Geometry  
DALUM R.L.64.000

Stationing	Existing Height	Existing To Design (Ch(-) / Fill(+))	Design Centreline	Chairage	Superelevation
0+00	71.524	0.000	71.524	12.65	UR +3%
0+10	71.511	-0.002	71.513	13.26	UR +3%
0+20	71.003	0.290	70.713	13.26	UR +3%
0+30	70.471	0.105	70.366	12.00	UR +3%
0+40	70.379	0.101	70.274	4.34	UR +3%
0+50	70.108	0.170	69.938	57.60	UR +3%
0+60	70.078	0.196	69.882	60.00	UR +3%
0+70	70.005	0.306	69.699	69.57	UR +3%
0+80	69.964	0.303	69.661	80.00	UR +3%
0+90	69.879	0.417	69.462	99.09	UR +3%
0+100	69.885	0.415	69.470	95.16	UR +3%
0+110	69.905	0.398	69.507	91.92	UR +3%
0+120	69.917	0.380	69.537	89.92	UR +3%
0+130	69.905	0.368	69.537	85.16	UR +3%
0+140	69.879	0.417	69.462	100.00	UR +3%
0+150	69.708	0.242	69.466	115.18	UR +3%
0+160	69.636	0.133	69.503	119.22	UR +3%
0+170	69.521	0.035	69.536	120.00	UR +3%
0+180	69.521	0.035	69.536	124.42	UR +3%
0+190	69.521	0.035	69.536	129.72	UR +3%
0+200	69.444	-0.029	69.551	140.92	UR +3%
0+210	69.450	-0.096	69.546	140.92	UR +3%
0+220	69.301	-0.154	69.455	160.92	UR +3%
0+230	69.294	-0.152	69.446	172.48	UR +3%
0+240	69.201	-0.120	69.321		RR -3%

Vertical Curve Data:

- Ch 7.5: Inlet x 0.000m Chsd (F)
- Ch 105: Inlet x 0.000m Chsd (F)

Grades: -2.72%, -0.39%

Horizontal Geometry: DALUM R.L.64.000

Scale: 1:500

Vertical Scale: 1:50

LONGITUDINAL SECTION Access Dwy

- NOTES**
1. All kerb to be semi-barrier kerb apart from across the kerb break for the drainage overflow which will be a 150mm high kerb (Refer Detail A).
  2. All kerb to be 150mm high kerb across the kerb break for the drainage overflow which will be a 150mm high kerb (Refer Detail A).
  3. Road access to be 2 coat bitumen seal (7m wide) and compact to be surface with 25mm asphalt.
  4. Water borne road marking paint shall be used for all marking details.
  5. Parking bays are 2.2m wide x 5.5m long and marking shall be 80mm wide and white in colour. ACROD bay is 3.1m wide with a 2.5m wide shared zone. Able width is 6.0m.
  6. Pavement marking for delineated shared area outside the ACROD bay shall be 80mm wide and yellow in colour.

- QUANTITIES**
- Curf = Approx 130m<sup>3</sup> Comp and Imported
  - 2 Coat Seal = 940m<sup>2</sup> and Asphalt = 730m<sup>2</sup>

<p>Proposed project shall be prepared in accordance with the provisions of the Resource Management Act 1991.</p> <p>APPROVED DATE: 07/03/17</p> <p>APPROVED BY: M.BARNES</p>	<p>DATE: 07/03/17</p> <p>DESIGNER: M.BARNES</p>	<p>SHIRE OF CHAPMAN VALLEY</p> <p>PO Box 1, NABAWA, WA 6552</p> <p>PH: (08) 9560 5011</p> <p>FAC: (08) 9560 5155</p>	<p>BILL HENSLEY CARPARK</p> <p>PLAN / PROFILE : Ch 0 - 172</p>	<p>FILE NUMBER: CV-BHC-001</p> <p>AMENDMENT: C</p>
<p><b>METADATA</b></p> <p>GROUND SURVEY STANDARD: 1:81 Forest St, Corralban WA 6530</p> <p>DATE OF CAPTURE: 11/03/17</p> <p>DATE OF CAPTURE: 11/03/17</p> <p>PROJECT ZONE: MAIN ROADS PROJECT ZONE</p> <p>HEIGHT DATUM: AND</p>		<p>Greenfield Technical Services</p>		



<b>AGENDA ITEM:</b>	<b>10.1.4</b>
<b>SUBJECT:</b>	<b>GERALDTON AQUATIC USE REVIEW</b>
<b>PROPONENT:</b>	<b>DEPARTMENT OF TRANSPORT</b>
<b>SITE:</b>	<b>COASTAL RESERVE 25300</b>
<b>FILE REFERENCE:</b>	<b>R25300</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>28 MARCH 2017</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**SUPPORTING DOCUMENT:**

Ref	Title	Attached to Report	Under Separate Cover
10.1.4(a)	Department of Transport Geraldton Aquatic Use Review	√	
10.1.4(b)	Department of Transport's current Boating Guide Marine Safety	√	
10.1.4(c)	Chapman Valley Coastal Management Strategy & Action Plan extracts	√	

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

The Department of Transport have undertaken a review of the aquatic use of the coastal waters off Geraldton and is inviting comment upon 7 proposed changes to these waters to improve recreational management of the area, and of particular relevance to the Shire of Chapman Valley is a proposal for a water skiing area north of Drummond Cove.

**COMMENT**

The Department of Transport has reviewed aquatic use of the Geraldton coastline from Separation Point to Drummond Cove and is proposing the following 7 changes to the aquatic management of the area:

- creation of a new water ski and parasail area to the north of the Batavia Coast Marina to reduce congestion at Town Beach water ski area and provide a location for the safe operation of parasailing vessels;
- extension of the existing closed waters to motorised vessel area along Beresford foreshore northward approximately 240m to the southern side of the rock groyne to improve safety of swimmers;
- extension of the western edge of the closed waters at Town Beach to motorised vessels area approximately 70m seaward to improve the safety of swimmers;
- increase the size of the current water ski area at Town Beach to reduce congestion;
- creation of a new water ski area at Pages Beach to provide an alternative area mostly for personal water craft and dinghies launched locally;
- removal of the commercial parasailing area at Greys Beach; &
- creation of a new water ski area at Drummond Cove.

The final proposed change is of most relevance to the Shire of Chapman Valley as the proposed water ski area is north of Drummond Cove Road which is the local government boundary.

As a key stakeholder the Department of Transport approached Council in October 2016 seeking its initial comment on the concept of a Drummond Cove water skiing area. When this matter was discussed informally by Council at its 16 November 2016 Forum Session it was generally agreed by Council that it was not supportive for the following reasons:

- this section of coastline was considered too rough to be successful as a water ski area;
- the coastal strip in front of the suggested Drummond Cove water ski area is Unallocated Crown Land, and there is therefore no assigned management authority for this area that is able to

provide supporting facilities (e.g. access, car parking, signage etc.) and the resolution of the management of Unallocated Crown Land is a process that will take a considerable length of time to resolve and there is considered little likelihood in the short-medium term to resolve responsibility and facility provision issues relating to beach launching, track access or signage for this area.

A copy of the Department of Transport's Geraldton Aquatic Use Review is provided as **Attachment 10.1.4(a)**.

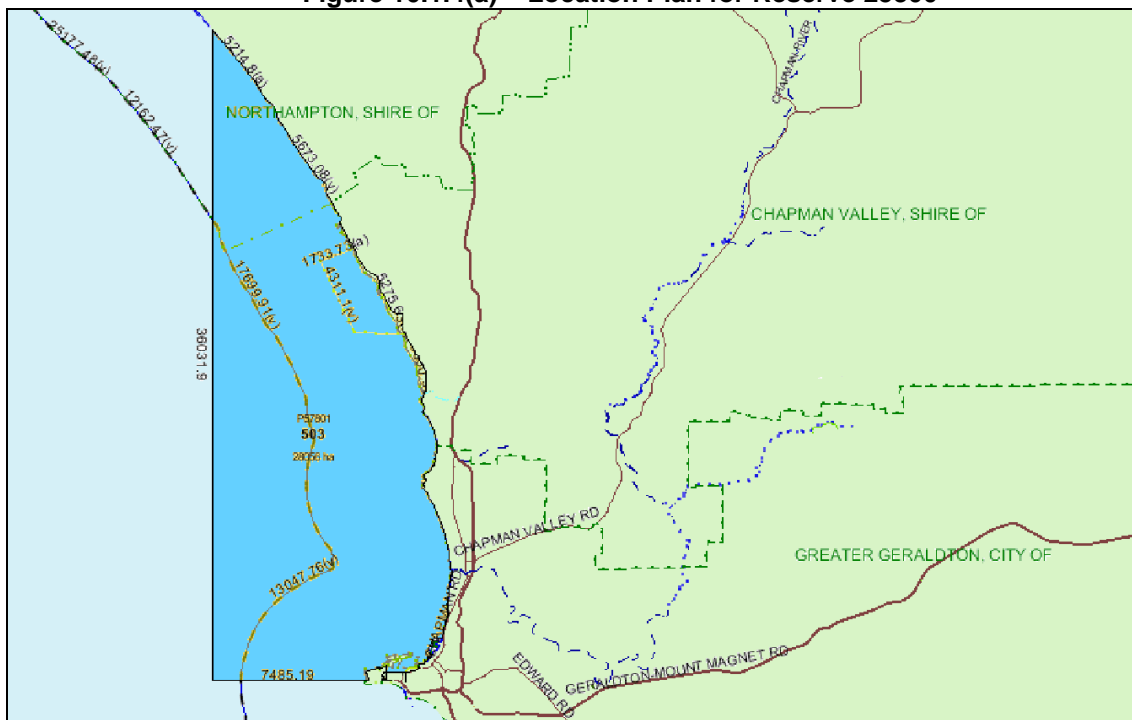
The Department of Transport's current boating guide is provided as **Attachment 10.1.4(b)** to provide a comparison between the current gazettal arrangements and the review's proposals.

Further information can be found on the Department of Transport's website at: <http://www.transport.wa.gov.au/geraldtonreview>

## STATUTORY ENVIRONMENT

The Geraldton Aquatic Use Review study area (with the exception of the area south of Point Moore) is contained within Reserve 25300, a 29,172ha ocean reserve with a management order issued to the Mid West Ports Authority with the assigned purpose of "for the purposes of the Port Authorities Act 1999".

**Figure 10.1.4(a) – Location Plan for Reserve 25300**



The closest vehicle access point to the proposed water ski area is via Drummond Cove Road that is located within the City of Greater Geraldton, the coastal strip fronting the proposed water ski area is Unallocated Crown Land, and the proposed Drummond Cove water ski area is within the marine reserve under the management of the Mid West Ports Authority.

The Department of Transport regulate the issue of water skiing and it is prohibited unless an area has been set aside through gazettal for that purpose, this however does not prohibit other activities from occurring in the same location. The driver of the boat towing water skiers is required to hold a Recreation Skippers Ticket (or be supervised by a ticket holder) and must be at least 17 years of age, and have an observer present on-board to face the skiers and communicate with the skipper.

The Department of Transport intends that the outcomes of the Geraldton Aquatic Use Review would be gazetted as law.

In the event that the Drummond Cove water ski area were to be gazetted there would be requirement for signs (displaying a ski area map and other relevant information) to be erected on the foreshore and at a public boat ramp adjacent to the area.

**Figure 10.1.4(b) – Aerial photograph of proposed Drummond Cove water ski area**



### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

The Department of Transport should be considered the responsible authority for the management and funding of a gazetted water ski area, this could include liability costs and signage and policing/enforcement costs. However, in the event that users of the water ski area required on-shore management measures, for example access and track management, there may be an expectation that the Shire should be involved in funding such costs, and given that the relevant stretch of coast fronting the proposed water ski area is Unallocated Crown Land the Shire would not be the responsible authority, this would be the Department of Lands.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. The Long Term Financial Plan notes a key issue for the Shire is its ability to grow the revenue base so that sufficient operational revenue is collected to fund all operating expenses, but does also note that a growing population will place increasing demands on Council for services, and the need to manage community aspirations within a confined fiscal envelope.

### **STRATEGIC IMPLICATIONS**

The Chapman Valley Coastal Management Strategy & Action Plan (2016) has the strategic vision of seeking to manage the unique recreational resources of the study area taking into account risk from coastal hazards and sea level rise whilst recognising that a section of this coast is identified for port and industrial land uses.

The Chapman Valley Coastal Management Strategy & Action Plan identifies that the coastal strip between Drummond Cove, subject to the outcomes of the native title/UCL discussions, should be confined to low key development actions, including closing and rehabilitating duplicate 4WD tracks, revegetation of degraded areas (and accompanying actions including brushing and fencing) and controlled vehicle and pedestrian access between the Buller Structure Plan area and the beach.

Relevant extracts from the Chapman Valley Coastal Management Strategy & Action Plan, illustrating land tenure in the Buller coastal strip north of Drummond Cove, and suggested future actions have been provided as **Attachment 10.1.4(c)**.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting.

The Chapman Valley Coastal Management Strategy and Action Plan identifies the improvement actions required along the coast, and was prepared with regard for the Strategic Community Plan to assist in meeting the economic, leadership, community, environmental objectives and strategies as identified within the Strategic Community Plan. A water ski area was not identified as a community requirement by the Strategic Community Plan or Chapman Valley Coastal Management Strategy and Action Plan.

## **CONSULTATION**

The Department of Transport is inviting comment upon its Geraldton Aquatic Use Review until 26 May 2017.

Should any party wish to make an individual submissions this can be done via the following link:  
<https://www.surveymonkey.com/r/QVCL5T5AURger>

## **RISK ASSESMENT**

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria  
(this assessment is made on the proviso that the Department of Transport would be responsible for management of the water ski area and the Department of Lands remaining the custodian of the coastal strip fronting the water ski area)

## **VOTING REQUIREMENTS**

Simple Majority.

## **STAFF RECOMMENDATION**

That Council advise the Department of Transport that it does not support the creation of a water skiing area north of Drummond Cove based upon the following:

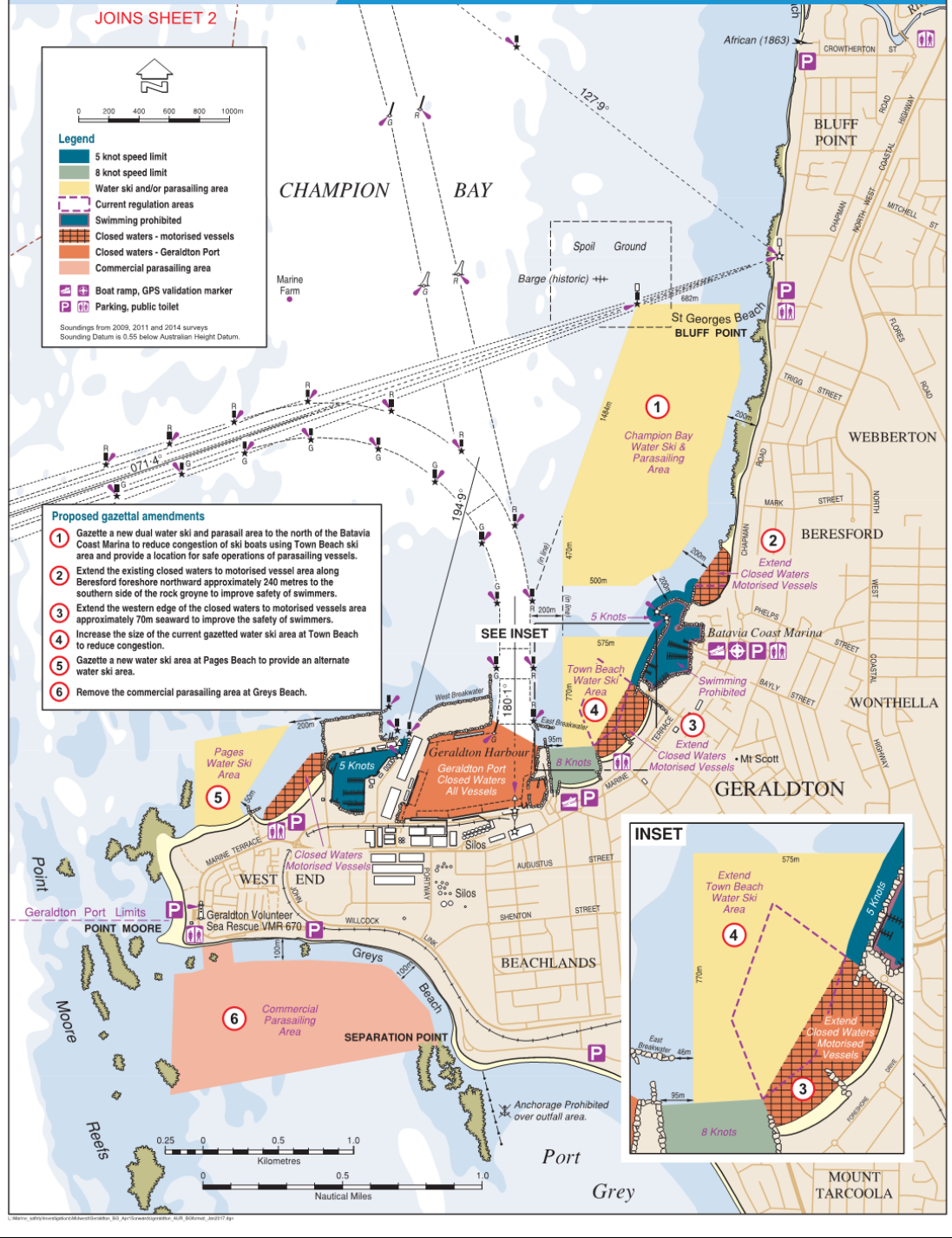
- this section of coastline is considered too rough to be successful as a water ski area; &
- the coastal strip in front of the suggested Drummond Cove water ski area is Unallocated Crown Land, and there is therefore no assigned management authority for this area that is able to provide supporting facilities (e.g. access, car parking, signage etc.) and the resolution of the management of Unallocated Crown Land is a process that will take a considerable length of time to resolve and there is considered little likelihood in the short-medium term to resolve responsibility and facility provision issues relating to beach launching, track access or signage for this area.



Department of Transport

# Geraldton Aquatic Use Review

## Proposed Navigable Waters Regulation Areas - 1









Department of Transport

**Boating Guide  
Geraldton - Port Denison  
Marine Safety**

**Contact details**

**Department of Transport**  
Email: marine.safety@transport.wa.gov.au  
Website: www.transport.wa.gov.au/marine  
Marine Safety Hotline: 13 11 56

**Police**  
Geraldton: 9923 4555  
Kalbarri: 9937 1006  
Dongara: 9927 1122  
Water Police: 9442 8600

**Department of Fisheries**  
Geraldton: 9921 6800  
Fishwatch: 1800 815 507  
Website: www.fish.wa.gov.au

**Department of Parks and Wildlife**  
Geraldton Office: 9921 5955  
Kalbarri Office: 9937 1140

**Shire Rangers**  
Geraldton/ Greenough: 9956 6600

**Local Government Authorities**  
Geraldton - Greenough: 9956 6600

**Geraldton Regional Hospital**  
9956 2222

**Volunteer Marine Rescue Services**  
Geraldton (VMR 670): 9964 3543  
Port Denison (VMR 667): 9927 1770

**Yacht Clubs**  
Geraldton: 9964 1664

**Boating Weather Forecast**  
Boating weather: 1900 969 902  
Website: www.bom.gov.au

For further information go to [www.transport.wa.gov.au/boatingguides](http://www.transport.wa.gov.au/boatingguides) or scan the QR Code



Join us at [facebook.com/MarineSafetyWA](https://facebook.com/MarineSafetyWA)



March 2017

The information contained in this publication is provided in good faith and believed to be accurate at time of publication. The State shall in no way be liable for any loss sustained or incurred by anyone relying on this information.

**Safety Equipment**

	Protected Waters lakes, rivers, inlets and estuaries except Lake Argyle	0-2 Nautical Miles from the mainland shore	2-5 Nautical Miles from the mainland shore	Over 5 Nautical Miles from the mainland shore
<b>Recreational Skipper's Ticket</b> The skipper of a recreational vessel, powered by a motor greater than 450W (4.5kW) must hold an RST.	✓	✓	✓	✓
<b>Bilge Pump/Bailer</b> All vessels must carry a bilge pump. Vessels under 7 metres may carry a bailer in lieu of a bilge pump.	✓	✓	✓	✓
<b>Fire Extinguisher</b> Vessels with an inboard engine or camping/hydrocarbon heating or cooking appliances must carry an approved fire extinguisher.	✓	✓	✓	✓
<b>Anchor and Line</b> An efficient anchor and line must be carried.	-	✓	✓	✓
<b>Lifejacket</b> A lifejacket bearing the label Level 100 or higher with the Australian Standard AS 1512, AS 4758 or ISO 12402 must be carried for every person onboard.	-	✓	✓	✓
<b>Red and Orange Flares (in date)</b> At least two hand held red flares and two hand held orange flares must be carried. Two parachute flares may be carried in lieu of the two hand held red flares and a smoke canister may be carried in lieu of the smoke flares.	-	✓	✓	✓
<b>EPIRB (in date)</b> A 405 MHz EPIRB registered with AMSA bearing the standard AS/NZS 4280.1 must be carried if transiting more than 2 miles from the mainland shore or more than 400 metres from an island located more than 2 miles from the mainland shore.	-	-	✓	✓
<b>Parachute Flares (in date)</b> A minimum of two parachute flares must be carried if operating more than 5 miles from the mainland shore or more than 1 mile from an island located more than 5 miles from the mainland shore.	-	-	-	✓
<b>Marine Radio</b> A marine radio must be carried if operating more than 5 miles from the mainland shore or more than 1 mile from an island located more than 5 miles from the mainland shore. The radio can be 27 MHz, VHF or HF.	-	-	-	✓

RSE-0317

**Batavia Coast Marina**

The Department of Transport (DoT) manages the Batavia Coast Marina and users should abide by the following:

- 5 knot speed limit including a 45 metre buffer zone outside the marina;
- swimming or diving within the marina and marina entrance is prohibited;
- windsurfers, kitesurfers, hard surfboards, personal water craft freestyle, towing skiers or other buoyant equipment are prohibited to operate within the marina;
- cleaning fish and dumping offal or rubbish into the marina is prohibited;
- do not place fishing nets, lobster pots, lines or floats within the marina or entrance channel;
- anchoring a vessel anywhere within the marina or entrance channel is prohibited; and
- people departing on charters are not to park vehicles in the penholder section of the car park.

*Note: Due to high demand on limited space, club or group activities must be booked through the DoT's Geraldton office. Conditions of operation will apply.*

**Reduce wash**

Damage to vessels and floating pen jetties can be caused by a vessel's wash. Look behind you occasionally to make sure that your boat is not creating too much wash. If your wash is affecting other boats and property, slow down!

**Moorings and pens**

Private boat pen hire is available for stopovers of one night or more.

Bookings can be made through the DoT's office in Geraldton, which is open on weekdays only. Please ensure you book in advance to avoid disappointment. Phone 9956 0113.

**Vessels less than 3.75 metres**

A person in charge of a vessel less than 3.75 metres in length is not allowed to travel greater than five nautical miles from the mainland shore. However, you can operate the vessel within one nautical mile of an island located more than five nautical miles from the mainland shore.

**Boat ramp courtesy**

A good skipper plans for a day on the water and organises equipment, motors and mooring lines before leaving the boat ramp. Remember the following:

- utilise designated rigging and de-rigging areas to avoid impeding other people launching and retrieving vessels;
- follow the directions indicated by signage and or painted on the roadway;
- utilise the correct lanes for launch and retrieval;
- move quickly to the end of the jetty giving room for other people to launch and recover; and
- have patience with others less experienced and remember we all had to start somewhere!



**Local knowledge**

The Mid West is known for the strong southerly winds that prevail during the summer months. Skippers are advised to check the weather reports before heading out on the water. Winds can blow up quite suddenly and reach speeds of 30 knots, making the return journey hazardous to small vessels.

If unsure of weather conditions, please contact Geraldton Volunteer Marine Rescue on VMR 670 for the latest weather reports and updates.

**Volunteer marine rescue groups**

Marine search and rescue groups operate at Port Denison and Geraldton.

Please remember to log on to the nearest group before heading out to sea and supply them with:

- the vessel's name, registration number or call sign;
- the departure point and time;
- the destination;
- the trip intentions;
- the number of people on board;
- the amount of fuel carried; and
- the estimated time of return.

This basic information can make the difference in a response to an emergency situation.

It is also important to remember to log off with the marine rescue group to avoid a search being initiated.

**Aids to navigation**

It is illegal to interfere with, remove or damage any beacon, buoy or other artificial aid to navigation.

Without permission in writing from DoT, it is illegal to secure any vessel to any beacon, buoy, seamark or other aid to navigation.

**Obstruction of navigation aids, channels and leads**

Drop nets, fishing nets, marker buoys or other buoyed objects can not be placed or allowed to remain in any channel or fairway in any port or harbour, or in any channel, fairway or passage in any navigable waters except by permission of DoT.

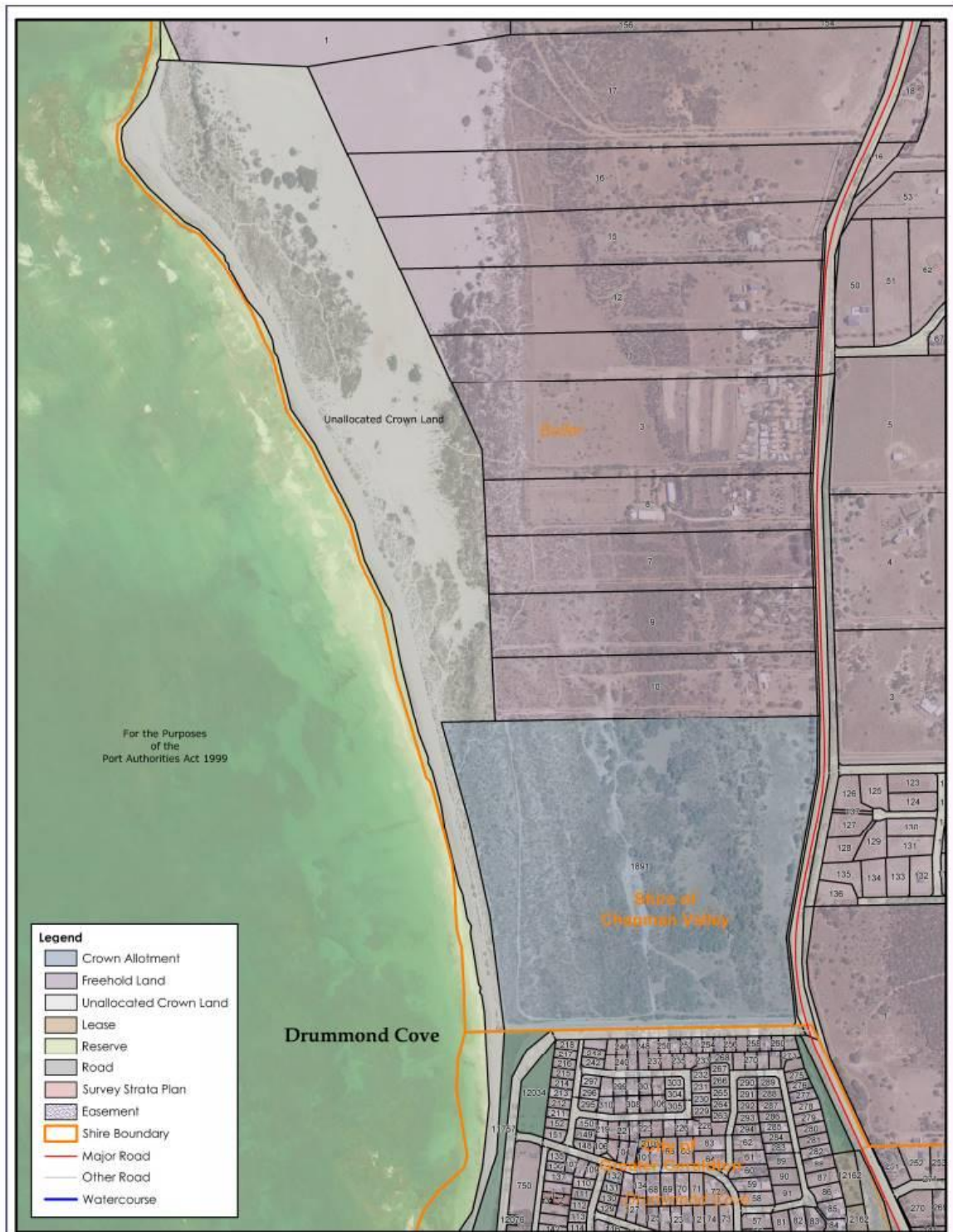
You also can't anchor or moor a vessel in any channel or fairway, unless the vessel is in distress.

**GPS validation markers**

GPS validation markers are unique visible marks placed at a number of boat ramps and jetties where mariners and owners of portable GPS units can validate their position and map datum settings. The markers are small, flat and yellow, similar to "cats eye" road lane markers. For more information visit: [www.transport.wa.gov.au/gps](http://www.transport.wa.gov.au/gps)







POSTAL ADDRESS : PO BOX 289 MT LAWLEY, W.A. 6129  
 phone : (08) 9271 8504 email : admin@landinsights.com.au

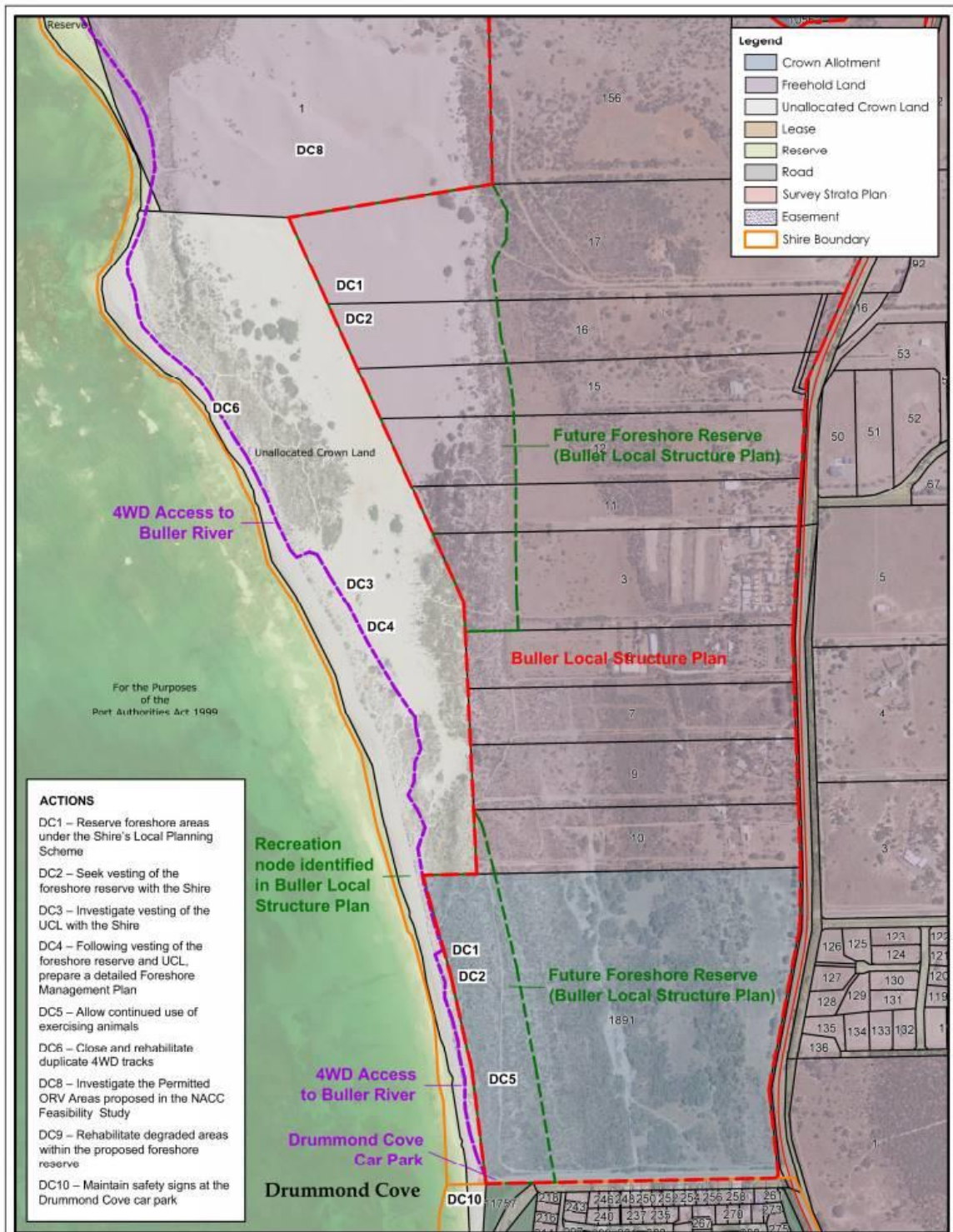
Note: All boundaries subject to survey.



Shire of Chapman Valley  
 COASTAL MANAGEMENT STRATEGY

**Figure 2.1b**  
**Tenure - Drummond Cove**

SCALE: 1:10,000 (A4) Plan No: 965-10 Date: May 2016



# **10.2 Finance April 2017**

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## **Contents**

### **10.2 AGENDA ITEMS**

10.2.1 Financial Reports for March 2017

10.2.2 Budget Variation Freeman Function

<b>AGENDA ITEM:</b>	<b>10.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORTS FOR MARCH 2017</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>19 APRIL 2017</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Management Reports	<a href="#">10.2.1 Merged Financials.pdf</a>		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

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

**COMMENT**

The monthly financial statements for March 2017 have been provided as a **separate attachment** for Council's review.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995 Section 6.4*

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

**POLICY IMPLICATIONS**

CP-023 Significant Accounting Policies

Extract:

*"2. Monthly Reporting*

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

- 1. Statement of Financial Activity*
- 2. Balance Sheet and statement of changes in equity*
- 3. Schedule of Investments*
- 4. Operating Schedules 3 – 16*
- 5. Acquisition of Assets*
- 6. Trust Account*
- 7. Reserve Account*
- 8. Loan Repayments Schedule*
- 9. Restricted Assets*
- 10. Disposal of Assets*

*A value of 10 percent and/or \$10,000 be set for reporting of all material variances."*

**FINANCIAL IMPLICATIONS**

As presented in March 2017 financial statements.

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

No significant effect on the LTFP

**STRATEGIC IMPLICATIONS**

Nil

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

Nil

**CONSULTATION**

Not applicable

**RISK ASSESSMENT**

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity.

**VOTING REQUIREMENTS**

Simple Majority

**STAFF RECOMMENDATION**

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

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



<b>AGENDA ITEM:</b>	<b>10.2.2</b>
<b>SUBJECT:</b>	<b>BUDGET VARIATION</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>401.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>DIANNE RAYMOND, MGR FINANCE &amp; CORP SERVICES</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Nil			

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Council resolved at the 15<sup>th</sup> February 2017 Ordinary Council Meeting Minute Reference 02/17-22 to confer the title of Honorary Freeman of Shire of Chapman Valley to a long serving community member; with the Shire President and Chief Executive Officer to convene a function to commemorate the event. Quotations for venue hire, food and beverages etc have now been obtained to provide such function commensurate to the occasion.

**COMMENT**

Council's adopted budget at times will need variations made to reflect changes which occur after the budget has been formally adopted. The purpose of this report is to seek Council's endorsement for an amendment to the original budget to allow for expenditure on the formal function endorsed to recognise the newly resolved Freeman of the Shire of Chapman Valley.

**STATUTORY ENVIRONMENT**

In accordance with legislative requirements of the Local Government Act, 1995, Section 6.8(1)(b) Council is required to resolve by **Absolute Majority** to incur expenditure from its municipal fund for an additional purpose that is not identified in the Adopted Budget i.e.

*Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget*

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution\*; or
- (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

(1a) In subsection (1):

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

The Staff Recommendation is requesting the reallocation of funds, yet with no increase in total expenditure across the 2016/2017 budget. Below is a summary of Budget Variations being requested:

COA/Job No.	COA / Job Description	Adopted Budget	Proposed Revised Budget	Effect on Budget	Comments
101920	Members Conference & Training Expenses	20,000	14,000	(6,000)	Full budget allocation not required
104620	Meeting & Refreshments Expense	27,700	33,700	6,000	Additional Budget required for Freeman Function
<b>Total Effect on Budget</b>				<b>0.00</b>	

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

No significant effect on the LTFP

## STRATEGIC IMPLICATIONS

Nil

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

Nil

## CONSULTATION

Not applicable

## RISK ASSESSMENT

As the overall effect to the current budget is nil there is no significance financial risk.

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

## VOTING REQUIREMENTS

**Absolute Majority**

## STAFF RECOMMENDATION

Council endorses the following variations to the 2016/2017 Budget:

<b>COA/Job No.</b>	<b>COA / Job Description</b>	<b>Adopted Budget</b>	<b>Proposed Revised Budget</b>	<b>Effect on Budget</b>
101920	Members Conference & Training Expenses	20,000	14,000	(6,000)
104620	Meeting & Refreshments Expense	27,700	33,700	6,000
<b>Total Effect on Budget</b>				<b>0.00</b>



# **10.3**

## **Chief Executive Officer**

### **April 2017**

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### **10.3 AGENDA ITEMS**

- 10.3.1 2017/2018 Budget Requests
- 10.3.2 Chapman Valley Bushfire Brigade Group Management Advisory Committee Meeting
- 10.3.3 WALGA Honour Awards
- 10.3.4 Local Government Legislative Burdens
- 10.3.5 Local Government Elected Member Allowances
- 10.3.6 Roads 2030 Significant Road Evaluations
- 10.3.7 Disposal of Properties

<b>AGENDA ITEM:</b>	<b>10.3.1</b>
<b>SUBJECT:</b>	<b>2017/2018 BUDGET REQUESTS</b>
<b>PROPONENT:</b>	<b>CREATING A BETTER YUNA (CABY)</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>306.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Attachment 1	Email – Kim Batten (CABY)	√	
Plans	<a href="#">Forpark Australia Playground Design</a>		√
Plans	<a href="#">Forpark Australia Playground Design (2)</a>		√
Plans	<a href="#">Forpark Australia Playground Layout</a>		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Councillors were requested to submit any budget requests for the forthcoming budget by the 1<sup>st</sup> April each year. Also at the time the Building & Disability Services Committee met with various users of Shire owned/controlled facilities some items were identified, with the users encouraged to put these items forward for budget consideration.

**COMMENT**

Creating A Better Yuna (CABY) has submitted a request for 2017/2018 Budget consideration (request attached). This was the only submission received prior to the closure date.

Below is a summary of the budget request received are as follows:

	Applicant	Item	Estimated Costs	Comments
1	CABY	Playground – Yuna Multipurpose Community Centre  Option 1 – New Playground.	\$30,000	<i>Staff Comments</i>  <i>Option 1 – This would result in two playgrounds being located in the Yuna Town Site, creating double the maintenance &amp; replacement costs.</i>  <i>CABY has advised the cash funding for the Playground is to be derived from:</i>  ~ Council \$10,000 ~ CABY \$ 7,500 ~ Yuna Playgroup \$ 2,500 ~ CBH \$ 2,500 ~ Other (To be confirmed) \$ 7,500 <i>Estimated Total Costs \$30,000</i>  <i>CABY would provide in-kind contribution for earthworks and site preparation.</i>
		Option 2 – Relocate a majority of the	\$ No Cost Provided	<i>Option 2 – This would maintain one playground facility in the Yuna Town Site,</i>

	existing Playground located at Park near Tavern		<i>which is probably more practical given the population. However; it does remove the playground away from being to the public area. The other issue the existing playground would nearing 10 year old and relocation may not be practical.</i>
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**STATUTORY ENVIRONMENT**

Council adopts the Annual Budget in accordance with the Local Government Act and associated Regulations at which time all items listed in the Draft Budget are considered.

**POLICY/PROCEDURE IMPLICATIONS**

No policy or procedure affected

**FINANCIAL IMPLICATIONS**

The Shire cash costs associated with the submission(s) received is as follows:

- YMCC Playground \$10,000

The Staff Recommendation is advocating the YMCC Playground Project be directed to the annual Community Growth Fund process, rather than being budgeted for as a separate line item in the 2017/2018 Budget.

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

No effect on the LTFP.

**STRATEGIC IMPLICATIONS**

No significant implications on the Shire’s plans for the future.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Provide and maintain community buildings and facilities, including roads
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**CONSULTATION**

The Budget process includes Committee meetings (e.g. Buildings, Roads) and consultation with Elected Members, users of Shire owned/controlled facilities & staff to establish a Draft Budget for Council consideration.

The Budget process also needs to consider the Integrated Planning & Reporting (IPR) documents to ensure the draft presented identifies existing items and any alteration to the long term planning for the Shire.

## RISK ASSESSMENT

Based on the value alone of the Budget request(s) received I believe the risk in this instance **Minor** i.e.

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

## VOTING REQUIREMENTS

Simple majority

## STAFF RECOMMENDATION

Council advise CABY they should apply for funding for their proposed Yuna Multipurpose Community Centre Playground through the Shire's annual Community Growth Fund process and this project will not be included as a specific items into the Draft 2017/2018 Budget.

**From:** Kim & Jas Batten [<mailto:kj.batten@bigpond.com>]  
**Sent:** Thursday, 23 March 2017 1:38 PM  
**To:** Maurice Battilana <[ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au)>  
**Subject:** RE: Proposed YCC playground

Hi Maurice,

Sorry for the delay, have been trying to gather a bit more information.

Our plan is for community contributions \$7,500 from CABY and \$2500 from playgroup  
Currently have CBH grant of \$2500 for this project and are looking for another \$7500  
Would be asking for shire contribution of \$10,000 cash. Any earthworks and site prep will be in kind from CABY.

From this you can see that we have almost half the required amount to finish the project and if shire and other grants are not successful we will look at downscaling.

Could you please also confirm with me that in regard to Yuna Hall, if put into care and maintainance it would still be able to be used a few times a year until it was deemed unsafe, be that in 5 – 20 yrs.  
Also if you have an update of the library shift? I have a CABY meeting next week and would like to put these issues on the table for a quick discussion (hopefully) , realising that you will be doing community consultation later I think it will be helpful for your process. Regards Kim

---

Kim & Jasmine Batten  
Batten Farms  
Douwana Dorper Stud

---

P 08 9931 1067  
F 08 9931 1061  
M 0427 311067(kim)  
M 0447 311061 (jas)

---

-----Original Message-----

From: Kim & Jas Batten [<mailto:kj.batten@bigpond.com>]

Sent: Thursday, 16 March 2017 10:31 AM

To: Maurice Battilana <[ceo@chapmanvalley.wa.gov.au](mailto:ceo@chapmanvalley.wa.gov.au)>

Subject: Proposed YCC playground

Hi Maurice,

Please find information and quotes for the proposed toddler playground at the YCC. We do currently have an agreement with the school to use their playground after school hours however this is more for the playgroup and crèche.

I see we have a couple of options -

Option 1 = \$30,000 will fence a soft floored simple playground design as per quotes attached. \$4358 fencing , 13,500 flooring & \$14,000 playground. ( Preferred option)

Option 2 = shifting playground at park near pub to the YCC as it is now only used when functions are at hall and replacing with a simple swing or the like

With the soft flooring being almost half the project cost we may look at other options including sand if funding does not come available.

If you require any more information to put to council for budgeting please give me a call. Regards  
Kim

-----  
Kim & Jasmine Batten  
Batten Farms  
Douwana Dorper Stud  
-----

P 08 99311067

F 08 99311061

M 0427 311067(kim)

M 0447 311061 (jas)  
-----

<b>AGENDA ITEM:</b>	<b>10.3.2</b>
<b>SUBJECT:</b>	<b>CHAPMAN VALLEY BUSHFIRE BRIGADES GROUP MANAGEMENT ADVISORY COMMITTEE MEETING</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>601.08</b>
<b>PREVIOUS REFERENCE:</b>	<b>NA</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Minutes	<a href="#">BFAC Minutes – 4<sup>th</sup> April 2017</a>		√

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

The Chapman Valley Bushfire Brigades Group Management Advisory Committee met at the Shire of Chapman Valley Council Chambers on the 4<sup>th</sup> April 2017.

**COMMENT**

The minutes and recommendations from the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting are provided under separate cover for Council reference and information.

Advisory Committee Recommendation 5 (BFB 4/17-06) states:

*“Council nominate Mr. Trevor Royce for the DFES Long Service Award in recognition of his many years of firefighting service to the Howatharra Brigade and the community.”*

My enquiries with DFES indicates Trevor Royce appears to have received the following service awards:

- 1977 - 15 Year National Medal;
- 1987 - 25 Year National Clasp;
- 1997 - 35 Year National Clasp; and
- 2007 - 45 Year National Clasp.

Therefore it would appear the Shire and Brigade have been diligent in the past in recognising Trevor’s service to firefighting in the Shire.

After the Advisory Committee Meeting mention was made of the service provided by Forbes Spillman to firefighting in the Shire, so I also investigated this with DFES. It appears Forbes has not received recognised with any awards, yet has been involved in firefighting in the Shire in the following roles:

- 01/01/1990 – Volunteer Fire Fighter;
- 31/03/2004 – Fire Control Officer;
- 28/06/2006 – Brigade Captain;
- 04/07/2014 – Deputy Chief Bush Fire Control; and
- 25/01/2016 – Resigned as Volunteer.

The above equates to sixteen years firefighting service and worthy of recognition.

I have provided Council with an Alternative Recommendation to that resolved by the Advisory Committee.

## STATUTORY ENVIRONMENT

- *Local Government Act 1995 & associated Regulations;*
- *Bushfire Act, 1954*

## POLICY IMPLICATIONS

Council's Fire Break Notice & Information Newsletter (EMP-001) is a legally enforceable position of the Shire. The Notice is included within the Advisory Group Minutes.

Council's Management Procedure EMP-005 provides guidelines and procedures for the appointment of Bush Fire Control Officers i.e.

<b>MANAGEMENT PROCEDURE No.</b>	EMP-005
<b>MANAGEMENT PROCEDURE</b>	FIRE CONTROL OFFICER APPOINTMENTS
<b>RESPONSIBLE DIRECTORATE</b>	ADMINISTRATION
<b>RESPONSIBLE OFFICER</b>	CHIEF EXECUTIVE OFFICER
<b>PREVIOUS POLICY No.</b>	3.90
<b>RELEVANT DELEGATIONS</b>	

## OBJECTIVES:

This Operational Procedure provides the eligibility criteria for a person to be appointed as a Bush Fire Control Officer with the following objectives:

1. To ensure that a person has the relevant qualifications necessary to hold the position of Bush Fire Control Officer (BFCO); and
2. To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer (BFCO).

## MANAGEMENT PROCEDURE STATEMENT/S:

1. To be eligible for appointment as a Bush Fire Control Officer, a person must have completed the Bush Fire Control Officer Training Program not more than ten (10) years prior to appointment.
2. Notwithstanding Item 1 above, a person will be eligible for appointment as a Bush Fire Control Officer if they complete the Bush Fire Control Officer Training within six (6) months of appointment.
3. For a person to continue as a Bush Fire Control Officer, they must complete the Bush Fire Control Officer's Course or a refresher course at intervals of no more than every ten (10) years.
4. Nominations from Brigades shall be submitted to a Bush Fire Brigades Group Management Advisory Committee for recommendation to Council by 1 October, where applicable.
5. An appointment shall be for a period of one (1) year, unless revoked by Council. Bush Fire Control Officers will be eligible for reappointment unless their appointment was revoked by Council; and

Council:

- a) Removes the appointment of Mr. Gerard Williamson from the position of the Yuna Bushfire Brigade Bushfire Control Officer in accordance with Section 38 the Bushfire Act, 1954 and Emergency Management Procedure EMP-005; and
- b) Endorses the appointment of Mr. Shaun Earl to the position of the Yuna Bushfire Brigade Bushfire Control Officer in accordance with Section 38 the Bushfire Act, 1954 and Emergency Management Procedure EMP-005



## FINANCIAL IMPLICATIONS

No foreseen effect on Council's general finances.

- **Long Term Financial Plan:**

No foreseen effect on Council Long Term Financial Plan.

## STRATEGIC IMPLICATIONS

Objective	Strategy	Outcome
We need good services to support our development as a Shire	Maintain existing services and facilities	Essential services help us to grow and prosper as a community

## VOTING REQUIREMENTS

Simple Majority

## ADVISORY COMMITTEE RECOMMENDATIONS

Council:

Receives the minutes of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 4<sup>th</sup> April 2017 and endorse the recommendation within i.e.

### **Recommendation 1 (BFB 4/17-2)**

The following appointments be recommended to Council for endorsement:

#### Election of Officers for Council Approval – All One Year Terms

- |   |                         |                         |
|---|-------------------------|-------------------------|
| • Chief Fire Control Officer            | Current Position Holder | A Vlahov                |
| • Deputy Chief Bushfire Control Officer | Current Position Holder | N Kupsch                |
| • Fire Prevention Officer               | Current Position Holder | E O'Donnell             |
| • Group Training Officer                | Current Position Holder | E O'Donnell             |
| • Group Administrative Officer          | Current Position Holder | Chief Executive Officer |
| • Noxious Weed & Clover Permit Officer  | Current Position Holder | A Vlahov                |
| • Fire Weather Officer                  | Current Position Holder | A Vlahov                |
| • Deputy Fire Weather Officer           | Current Position Holder | N Kupsch                |

(Note: All terms of office will commence upon endorsement by Council.)

- **AND** -

#### Endorsement of Appointments of Bushfire Control Officers

- Darryl Burton – Durawah/Valentine Brigade
- Calvin Royce – Howatharra Brigade
- Neil Kupsch – Nabawa Brigade
- Craig Mincherton – Naraling Brigade
- Jason Stokes – Yetna Brigade
- Shaun Earl – Yuna Brigade

**Recommendation 2 (BFB 4/17-03)**

*Council endorse the existing Bush Fire Notice as presented with changes to Contractors & Calvin Royce's Mobile Phone details.*

*(Note: Updates will also be made to reflect current BFCOs, Contractors and dates to reflect the next financial year)*

**Recommendation 3 (BFB 4/17-04)**

*The Annual Inspection procedures remain the same.*

**Recommendation 4 (BFB 4/17-05)**

*The Nabawa Rural 4.4 Tanker be fitted with the endorsed larger rim and tyre configurations under the conditions:*

- i. DFES confirms the proposed rim/tyre upgrade as being suitable; and*
- ii. the costs are fully recoverable as eligible operating expenditure under DFES Emergency Service Levy.*

**Recommendation 5 (BFB 4/17-06)**

*Council nominate Mr. Trevor Royce for the DFES Long Service Award in recognition of his many years of firefighting service to the Howatharra Brigade and the community.*

**Alternative Recommendation 5**

*Council instruct the Chief Executive Officer to determine eligibility for service awards which could be bestowed upon Trevor Royce and Forbes Spillman and arrange for these to be presented accordingly if not already awarded.*

<b>AGENDA ITEM:</b>	<b>10.3.3</b>
<b>SUBJECT:</b>	<b>WALGA HONOUR AWARDS</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICE &amp; WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>401.10</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
Attachment 1	WALGA Correspondence; Terms of Reference & Policy	√	

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Correspondence was received from the Western Australian Local Government Association (WALGA) regarding the Associations 2017 Honours Awards

It is also a requirement, in accordance with Council's *Honour Awards Management Procedure (CMP-033)* for the Chief Executive Officer to present an Agenda Item to Council to consider honour awards. Due to the timing of the WALGA Awards I have brought this item to Council consideration.

**COMMENT**

**WALGA Awards**

Nominations for the 2017 WA Local Government Association Honours program close on the 5<sup>th</sup> May 2017. Member Local Governments and State Councillors are invited to submit nominations.

The Honours program is a significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and Officers to their respective Councils.

Awards given as part of the Honours program will be presented to recipients at an awards ceremony held during the 2017 Local Government Convention at the Perth Convention Centre.

The six categories of awards within the 2017 Honours program are as follows:

- **Local Government Medal**

For outstanding achievement and contribution to local government/Western Australian Local Government Association eligibility:

- President of the Association
- As a State Councillor
- As an Elected Member

Presented in Recognition of:

- Exceptional service which advances the goals of WALGA and / or Local Government
- The personal contribution given in pursuit of benefits for the community within the concept of Local Government
- Outstanding achievements and/or significant contributions, both professionally and personally, in the advancement of the position and value of the Western Australian Local

Government Association and/or Local Government within the wider community. These key factors form the basis for the selection of recipients and will be applied in the nomination and selection process.

Privileges:

- Local Government Medal, Certificate and Lapel Pin
- Complimentary registration at Association Conferences, but not including travelling, accommodation, meals or functions.
- Automatic nomination for Australian Honours/Western Australia Week Awards.

- **Life Membership –**

For long and outstanding service to the association and to local government

Eligibility:

- As a State Councillor
- Years of service to the Association and to Local Government for a minimum of two election terms (i.e. 8 years).
- As a Serving Officer of the Association or a Member Local Government for a minimum of 15 years.

Presented in recognition of:

- For long and outstanding service to the Association and to Local Government
- For significant achievement and/or active involvement in intergovernmental relations as a State Councillor

Privileges:

- Certificate of Life Membership and Lapel Pin
- Complimentary registration at Association Conference, but not including travelling, accommodation, meals or functions
- Complimentary subscription to Local Government News and Western Councillor

- **Eminent Service Award:**

For personal commitment, eminent service and contribution to local government or the association:

Eligibility:

- As a President or Mayor
- As a State Councillor
- As an Elected Member or Serving Officer of the Association
- As an Officer of a Government Agency

Presented in recognition of:

- Notable contribution to the Association and/or Local Government

Privileges

- Eminent Service Award - certificate

- **Long and Loyal Service Award**

For long service of a high degree to local government or the association:

- Eligibility:

- As a State Councillor for 8 or more years

- As an Elected Member for 12 or more years

Presented in recognition of:

- Outstanding long and loyal service to the Association and/or Local Government

*(NB: This award is for outstanding long and loyal service from Elected Members that have at least served 12 years.)*

Privileges

- Long and Loyal Service Award – certificate

### **Merit Award**

For distinguished service to the community through the local government of the City/Shire/Town of \_\_\_\_\_

Eligibility:

- As an Elected Member
- Must have served for 4 years or more

Presented in recognition of:

- Committed and dedicated to the pursuit of achievement for the community of a Local Government.

- **Local Government Distinguished Officer Award**

For outstanding contributions made by serving officers of member local governments to the local government sector:

Presented in recognition of:

- Demonstrating outstanding contributions to the Local Government sector.
- Leading by example, sustainable performance and highlights best practice operations for the sector
- Outstanding achievements, both professionally and personally, in the advancement of the Local Government sector.

Privileges

- Local Government Officer Award - Certificate

State Councillors, Zones and Member Local Governments are eligible to nominate officers for this category.

For more information on the criteria for each award please refer to the WALGA Honours Policy and Terms of Reference.

As detailed by the Shire's Management Procedure (CMP-033) any Elected Member eligible for the Merit Award due to length of service will be nominated i.e.

***Elected Members eligible due to length of service are to be automatically nominated by the Chief Executive Office.***

### **STATUTORY ENVIRONMENT**

Nil

## POLICY IMPLICATIONS

Below is a copy of the existing *Honour Awards* Management Procedure:

MANAGEMENT PROCEDURE No.	CMP-033
MANAGEMENT PROCEDURE	HONOUR AWARDS
RESPONSIBLE DIRECTORATE	ADMINISTRATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.120
RELEVANT DELEGATIONS	

### **OBJECTIVES:**

Set conditions, guidelines and processes for bestowing awards upon recipients.

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

The Chief Executive Officer is to present an Agenda item at the appropriate time each year requesting Council consideration for awards to be presented in accordance with this Operational Procedure.

### **Citizenship Ceremonies**

Citizenship ceremony be conducted at an event as considered appropriate by the Chief Executive Officer (in consultation with the President) and a native plant be given to the recipients.

### **Shire of Chapman Valley – Freeman of the Shire**

A member of our Community may be honoured by the Shire with the title "Honorary Freeman of the Shire".

An Honorary Freeman of the Shire must have served the community of the Shire of Chapman Valley in an outstanding and meritorious manner that stands above the contributions of most other persons, and whose activities have contributed significantly to the wellbeing of the Shire's residents.

The Shire of Chapman Valley Freeman of the Shire Award recognises the outstanding achievements and dedicated service to the community by a person. The Freeman of the Shire Award is the highest honour the Shire of Chapman Valley can give to a community member.

Council may also consider conferring of the title of 'Posthumous Freeman of the Municipality'. In this case, the eligibility criteria would still apply.

### **Eligibility Criteria**

To be eligible for nomination, a person does not have to currently reside within the Shire or have served on Council.

Nominees will be assessed on their record of service to the local and broader community against the following criteria:

1. Length of service in a field (or fields) of activity;
2. Level of commitment to the field (or fields) of activity;
3. Personal leadership qualities;
4. Benefits to the community of the Shire of Chapman Valley and/or to the State of Western Australia and/or to the nation resulting from the nominee's work; and
5. Special achievements of the nominee.

### **Exclusions**

- A current Council Elected Member with the Shire of Chapman Valley cannot be nominated for the award.

## **Nomination Procedure**

- Nominations for the Award may be made by Elected Members, individuals or organisations and are to be sponsored by an Elected Member of the Shire of Chapman Valley;
- They are to be submitted to the Chief Executive Officer in written format addressing the Eligibility Criteria;
- Nominations are to be made in the strictest confidence without the knowledge of the nominee;
- On receipt of a nomination the Chief Executive Officer is to present the nomination to Council as a Confidential Agenda Item for consideration;
- Council is to consider the item behind closed doors;
- Once a nomination has been accepted by Council, the nominee and any person(s) or organisation(s) involved in the nomination are to be informed of the decision and nominee is to be contact to confirm their acceptance of the honour;
- Should the nomination be supported by Council and accepted by the nominee the award shall be presented to the nominee at a function considered appropriate by the President.

## **Number of Freeman within the Shire**

There is no limit on the number of persons upon which the title of Freeman of the Shire of Chapman Valley may be conveyed.

## **Entitlements**

Any person upon whom the title 'Honorary Freeman of Shire' has been conferred may designate him/herself 'Honorary Freeman of the Shire of Chapman Valley'.

The recipient shall be presented with a special badge, which identifies them as 'Honorary Freeman of the Shire' along with a certificate to commemorate receiving the award.

Any Honorary Freeman of the Shire shall be invited to all subsequent formal Civic functions conducted by the Shire.

## **Revocation of Title of Freeman or Honorary Freeman**

Council, by resolution, shall also have the ability to revoke the title bestowed upon a person, if;

- A criminal matter, for which the Freeman in question was found guilty of, or for any other matter, was considered by Council to have caused embarrassment to the municipality or that the ongoing recognition of such a title on this person by the Shire was inappropriate.
- The removal of the name from Honour Boards and other places and any other such items will be at the discretion of Council and conducted through liaison with the Chief Executive Officer.

## **WALGA Honour Awards**

As detailed by the WALGA Awards Guidelines

Elected Members eligible due to length of service are to be automatically nominated by the Chief Executive Office.

**All other award types are to be determined by Council.**

## **Shire of Chapman Valley - Certificate of Appreciation**

For personal commitment, eminent service and contribution to the Shire of Chapman Valley as an Elected Members, Community Members or Staff Member

Automatically given to Elected Members who have retired from Council or are the recipient of a Department of Local Government Certificate of Recognition.

All others as determined by Council.  
Annual Agenda Item to discuss suitable nominations.

Elected Members

Presented at Annual Council Dinner/Function

Community Members

Certificate of Appreciation issued at an Annual Council Dinner/Function.  
Recipient & partner invited to attend.

**Shire of Chapman Valley Australia Day Awards and Function**

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

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

The Council appointed Working Group shall:

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

**Dept. Local Government & Community Services Awards**

As detailed by the Department's Awards Guidelines

Elected Members eligible due to length of service are to be automatically nominated by the Chief Executive Office.

All other award types are to be determined by Council.

**(Note: All other Awards such as Australia Day Citizen of Year, Bushfire Brigade Service, etc, will only be dealt with by Council if nomination is initiated from within the community or by a Council resolution).**

**FINANCIAL IMPLICATIONS**

No impact.

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

No impact

**STRATEGIC IMPLICATIONS**

Not applicable

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

Objective	Strategy	Actions
We want a representation and governance model that reflects our community's unique attributes	The President and Councillors to be representative of the community and provide strong leadership	Councils actively engage and work with key State and strategic partners to advocate on behalf of the Shire



## **VOTING REQUIREMENTS**

Simple Majority

## **STAFF RECOMMENDATION – Option 1**

Council do not consider any nominations for the WALGA Honour Awards, other than Elected Members eligible due to length of service, and move to the next item of business on the Agenda.

## **STAFF RECOMMENDATION – Option 2**

Council nominate \_\_\_\_\_ for the WALGA \_\_\_\_\_ Honour Award as per the WALGA Policy & Terms of Reference for this Award.

Record No CR 1712429

RECEIVED  
14 MAR 2017



13 March 2017

Our Ref: 01-006-04-0001 AF

Mr Maurice Battilana  
Chief Executive Officer  
Shire of Chapman Valley  
(DX 69246) PO Box 1  
NABAWA WA 6532

FILE No	404.01
CEO	MB
CORPORATE SERVICES	
PLANNING	
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

Dear Maurice

**2017 ASSOCIATION HONOURS**

Nominations for the 2017 WA Local Government Association Honours program opens today, 13 March 2017 and closes Friday 5 May. Member Local Governments and State Councillors are invited to submit nominations.

The Honours program is a significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and Officers to their respective Councils, to the Local Government sector and to the wider community. Awards given as part of the Honours program will be presented to recipients at an awards ceremony held during the 2017 Local Government Convention at the Perth Convention and Exhibition Centre.

WALGA recognises recipients of Awards by celebrating their achievements with their peers at the Local Government Convention in August and in producing a colour brochure which lists the award and achievements of each recipient. The Brochure is distributed widely throughout Local Government in Western Australia. A copy of the 2016 Honours brochure is attached for your reference and as an indication of the type of information required from Local Governments for each candidate nominated.

The six categories of awards within the 2017 Honours program are as follows:

- 1. Local Government Medal** – recognises outstanding achievement and significant contribution by Elected Members and officers to the Association and/or to Local Government. *Available for nomination by State Councillors and Local Government with a co-signature from a State Councillor.*
- 2. Life Membership** – recognises the long and outstanding service of Elected Members and officers to the Association and/or to Local Government. *Available for nomination by State Councillors and Local Governments.*
- 3. Eminent Service Award** (previously Certificate of Appreciation) – recognises personal commitment, eminent service and contribution to Local Government or the Association. *Available for nomination by State Councillors and Local Government.*

ONE70  
LV1, 170 Railway Parade, West Leederville, WA 6007  
PO Box 1544, West Perth, WA 6872  
T: (08) 9213 2000 F: (08) 9213 2077 info@walga.asn.au  
www.walga.asn.au

4. **Long and Loyal Service Award** – this Honour recognises Elected Members who have provided long service of a high degree as an executive member of the Association for 8 or more years, or as an Elected Member for 12 or more years. *Available for nomination by State Councillors and Local Governments.*
5. **Merit Award** (previously Distinguished Service Award) – recognises Elected Members who have provided distinguished service to the community through their Local Government. *Available for nomination by State Councillors and Local Governments.*
6. **Local Government Distinguished Officer Award** – recognises Local Government officers or employees of Agencies of the sector to reward their achievements. *Available for nomination by State Council Members and Member Local Governments.*

**Please note:**

***Nominations by Member Local Governments require the support of the nominator (who must be an Elected Member) plus two other Elected Members and the nomination must be forwarded through the Chief Executive Officer of the Local Government for sign-off prior to submission to the Association.***

Enclosed is a **Nominations Pack**, which includes the Policy governing the Honours process and the 2017 nomination forms that must be used in making nominations.

We encourage nominators to provide as much relevant supporting information to demonstrate to the Honours Panel that the Nominee addresses the Award criteria. In the case of the Local Government Medal and Life Membership Award, supporting documents are desired to be provided in the form of references, previous awards, etc.

Please note nominations will no longer be accepted for persons who have retired or ceased working for Local Government before 14 March 2013.

Nominations for the 2017 Honours program will close at **5pm on Friday, 5 May 2017**. As in previous years, no late nominations will be accepted.

Additional nomination forms can be obtained by visiting the WALGA Website by using the link <http://www.walga.asn.au> and following the prompts.

Queries should be directed to Ana Fernandez, Executive Officer Governance on (08) 9213 2013 or by email at [afernandez@walga.asn.au](mailto:afernandez@walga.asn.au)

Yours sincerely



**Ricky Burges**  
Chief Executive Officer

**Enclosures:**

- 2017 Nomination Forms
- 2017 Honours Policy and Terms of Reference
- Honours Brochure 2016

# Honours Panel

## Terms of Reference



2017

### BACKGROUND/RATIONALE

The WALGA Honours Panel was established by State Council as an independent group to provide a fair, unbiased and depoliticised process for the administration of the WALGA Honours Program.

### PURPOSE

The purpose of the Honours Panel includes:

- Overseeing WALGA's annual Honours Program with delegated power from State Council during the entire process.
- Adjudicating in the selection of recipients for WALGA Honours and the Local Government Medal, annually.
- Recommending, where appropriate, the conferral of alternative WALGA Honours where it is concluded that a nominated candidate is better suited to a different award category than the one for which they were originally nominated.
- Overseeing the annual budget set for the WALGA Honours Program.
- Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians.
- Reviewing the Honours Policies and supporting documentation as necessary.

Membership of the Honours Panel includes:

- Two State Councillors representing the country and metropolitan constituencies and two non-executive members representing country and metropolitan interests, to be appointed by the WALGA President and Deputy President;
- A representative of the Department of Local Government and Communities; and
- The WALGA Chief Executive Officer or a representative of the CEO.

### TERMS OF REFERENCE

The Panel acknowledges that whilst it has delegated authority to undertake the special function of Honours and all that it implies, it is a committee responsible to the WALGA State Council. The President of the Association is the final and ultimate authority.

State Council has delegated the responsibility for determining the membership of the Honours Panel to the President/Deputy President and CEO of the Association.

The term of panel membership will generally be two years with the expirations being staggered to ensure continuity of knowledge in the Honours process.

The Panel will have the freedom and flexibility to meet as many times as considered necessary, however, it will ensure that it meets not less than two times per annum.

The Chairman will ensure that minutes are kept of the Panel's deliberations and decisions and that these minutes are made available to State Council for adoption as required.

### CONTACTS

T: (08) 9213 2000 [www.walga.asn.au](http://www.walga.asn.au)



The Panel acknowledges its obligation to consider the eligibility of nominations in a fair and unbiased manner, ensuring that confidentiality of members' personal information is maintained.

The Panel will oversee the Secretariat and ensure that adequate administrative resources are provided to enable the carrying out of the function.

The Panel will seek nominations from worthy individuals for various awards as follows by seeking names from members of WALGA for the following awards:

- Association Honours
- Australian Honours
- Western Australian Honours

## OPERATIONAL PROCEDURES

The Panel will ensure that full discussion takes place to enable amendments and proposals for new honours to take place.

The Panel will review the eligibility of nominations received for the various Association Honours and undertake to adjudicate in the selection of recipients.

The Chairman of the Panel will ensure that an agenda is developed and minutes kept of each meeting.

The Panel will discuss and make recommendations on the way in which presentations of Honours are to be undertaken.

The Chairman of the Panel will ensure that requests for referee's report on Western Australian nominations under the Australian System of Honours are addressed. As a guide, the Chairman will endeavour to meet requests for referee's reports by generally seeking at least three referees to support a nomination of a Local Government member for this Award. The nomination will require the endorsement of the Panel.

The Panel will oversee the annual Honours processes, to ensure that the deadlines and timelines set by the Association are met. The Panel will approve the Honours budget proposed by Secretariat staff, for recommendation to the Executive Committee and State Council.

The Panel will undertake to recommend special Honours award recipients to the Association President and State Council. The Panel will provide a central point and act as a 'go-between' in linking worthy candidates for various Honours (the WA Local Government Association, Australian, Western Australian honours) and those wishing to nominate these individuals.

The Panel will undertake to raise the profile of the Honours by encouraging the nomination of worthy individuals for the various Honours.

The Panel will undertake a liaison role with individuals & groups involved in Honours such as the WA Member of the Order of Australia Council and the Order of Australia Association to encourage and progress the successful nomination of Western Australians for Australian and Western Australian honours.

## FURTHER ENQUIRIES

Ms Ana Fernandez  
Executive Officer Governance  
WALGA

Phone: 9213 2013  
Fax: 9213 2077  
E-mail: [afernandez@walga.asn.au](mailto:afernandez@walga.asn.au)

Nomination forms can be downloaded from the WALGA website by visiting:  
<http://www.walga.asn.au/Policy-Advice-and-Advocacy/Governance-and-Strategy/Local-Government-Honours.aspx>

## CONTACTS

T: (08) 9213 2000 [www.walga.asn.au](http://www.walga.asn.au)

# Honours Program

## Policy



2017

WALGA recognises service to Local Government by the award of the following Honours:

- Local Government Medal
- Life Membership
- Eminent Service Award (previously Certificate of Appreciation)
- Long and Loyal Service Award
- Merit Award (previously Distinguished Service Award)
- Local Government Distinguished Officers Award

### LOCAL GOVERNMENT MEDAL

**FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTION TO LOCAL GOVERNMENT/ WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION**

**ELIGIBILITY:**

- President of the Association
- As a State Councillor
- As an Elected Member

**PRESENTED IN RECOGNITION OF:**

- Exceptional service which advances the goals of WALGA and / or Local Government
- The personal contribution given in pursuit of benefits for the community within the concept of Local Government
- Outstanding achievements and/or significant contributions, both professionally and personally, in the advancement of the position and value of the Western Australian Local Government Association and/or Local Government within the wider community. These key factors form the basis for the selection of recipients and will be applied in the nomination and selection process.

**PRIVILEGES**

- Local Government Medal, Certificate and Lapel Pin
- Complimentary registration at Association Conferences, but not including travelling, accommodation, meals or functions
- Automatic nomination for Australian Honours/Western Australia Week Awards

### LIFE MEMBERSHIP

**FOR LONG AND OUTSTANDING SERVICE TO THE ASSOCIATION AND TO LOCAL GOVERNMENT**

**ELIGIBILITY:**

- As a State Councillor
- Years of service to the Association and to Local Government for a minimum of two election terms (i.e. 8 years).
- As a Serving Officer of the Association or a Member Local Government for a minimum of 15 years.

**PRESENTED IN RECOGNITION OF:**

- For long and outstanding service to the Association and to Local Government
- For significant achievement and/or active involvement in intergovernmental relations as a State Councillor

### CONTACTS

T: (08) 9213 2000 [www.walga.asn.au](http://www.walga.asn.au)

#### PRIVILEGES

- Certificate of Life Membership and Lapel Pin
- Complimentary registration at Association Conference, but not including travelling, accommodation, meals or functions
- Complimentary subscription to Local Government News and Western Councillor.

#### EMINENT SERVICE AWARD

**FOR PERSONAL COMMITMENT, EMINENT SERVICE AND CONTRIBUTION TO LOCAL GOVERNMENT OR THE ASSOCIATION:**

#### ELIGIBILITY:

- As a President or Mayor
- As a State Councillor
- As an Elected Member or Serving Officer of the Association
- As an Officer of a Government Agency

#### PRESENTED IN RECOGNITION OF:

- Notable contribution to the Association and/or Local Government

#### PRIVILEGES

- Eminent Service Award - certificate

#### LONG AND LOYAL SERVICE AWARD

**FOR LONG SERVICE OF A HIGH DEGREE TO LOCAL GOVERNMENT OR THE ASSOCIATION:**

#### ELIGIBILITY:

- As a State Councillor for 8 or more years
- As an Elected Member for 12 or more years

#### PRESENTED IN RECOGNITION OF:

- Outstanding long and loyal service to the Association and/or Local Government

***NB: This award is for outstanding long and loyal service from Elected Members that have at least served 12 years.***

#### PRIVILEGES

- Long and Loyal Service Award – certificate

#### MERIT AWARD

**FOR DISTINGUISHED SERVICE TO THE COMMUNITY THROUGH THE LOCAL GOVERNMENT OF THE CITY/SHIRE/TOWN OF \_\_\_\_\_**

#### ELIGIBILITY:

- As an Elected Member
- Must have served for 4 years or more

#### PRESENTED IN RECOGNITION OF:

- Committed and dedicated to the pursuit of achievement for the community of a Local Government.

#### CONTACTS

T: (08) 9213 2000 [www.walga.asn.au](http://www.walga.asn.au)



## PRIVILEGES

- Local Government Merit Award – certificate

## LOCAL GOVERNMENT DISTINGUISHED OFFICER AWARD

### FOR OUTSTANDING CONTRIBUTIONS MADE BY SERVING OFFICERS OF MEMBER LOCAL GOVERNMENTS TO THE LOCAL GOVERNMENT SECTOR:

#### PRESENTED IN RECOGNITION OF:

- Demonstrating outstanding contributions to the Local Government sector.
- Leading by example, sustainable performance and highlights best practice operations for the sector
- Outstanding achievements, both professionally and personally, in the advancement of the Local Government sector.

## PRIVILEGES

- Local Government Officer Award - Certificate

State Councillors, Zones and Member Local Governments are eligible to nominate officers for this category.

## WHO CAN NOMINATE FOR AWARDS?

Nominations for awards within the WALGA Honours program can be made by the following nominators:

- **Local Government Medal** - Available for nomination by State Council Members and Member Local Governments with a co-sign by a State Councillor.
- **Life Membership** - Available for nomination by State Council Members and Member Local Governments
- **Eminent Service Award** - Available for nomination by State Council Members and Member Local Governments
- **Long and Loyal Service Award** - Available for nomination by State Council Members and Member Local Governments
- **Merit Award** - Available for nomination by State Council Members and Member Local Governments
- **Local Government Distinguished Officer Award** - Available for nomination by State Council Members and Member Local Governments

### PLEASE NOTE:

State Council Members are those individuals elected to the State Council of WALGA and that nominations submitted by State Council Members do not require supporting signatures.

Eligibility to nominate persons for Honours varies between award categories. Reference should be made to the nominating authority section of the 2017 nomination forms to ensure that an eligible nominator has been identified to support the nomination.

Nominations by Member Local Governments require that the Local Government is a Member of the WA Local Government Association (WALGA). The support of the nominator (who must be an Elected Member) plus two other Elected Members is required and the nomination must be forwarded through the Chief Executive Officer of the Local Government for sign-off prior to submission to the Association.

In the case of the Local Government Distinguished Officer Award the final sign-off should be performed by the Mayor or President of the Local Government.

## WHO CAN BE NOMINATED FOR AN AWARD?

Nominations will not be accepted for persons who have retired or ceased working for Local Government before 14 March 2013.

## CONTACTS

T: (08) 9213 2000 [www.walga.asn.au](http://www.walga.asn.au)

## NOMINATION PROCESS

Nominations will be invited during February/March and will close in May/June of each year.

Additional copies of Nomination forms are available by visiting; <http://www.walga.asn.au/Policy-Advice-and-Advocacy/Governance-and-Strategy/Local-Government-Honours.aspx>

The Nomination form, and any attachments, should be submitted to the Association's Secretariat either by hand, post, email or facsimile. **EMAILED NOMINATIONS MUST BE DATED AND DIGITALLY SIGNED.**

The WA Local Government Association Honours Panel will meet after the closing date for nominations and undertake to adjudicate in the selection of recipients.

Successful Honours nominees will be notified of their nomination, and arrangements will be made as appropriate in respect of the award presentation.

Nominating bodies will be advised of any unsuccessful nominations in due course.

## FURTHER ENQUIRIES

Ms Ana Fernandez  
Executive Officer Governance  
WALGA  
Phone: 9213 2013  
Fax: 9213 2077  
E-mail: [afernandez@walga.asn.au](mailto:afernandez@walga.asn.au)

## CONTACTS

T: (08) 9213 2000 [www.walga.asn.au](http://www.walga.asn.au)

<b>AGENDA ITEM:</b>	<b>10.3.4</b>
<b>SUBJECT:</b>	<b>LOCAL GOVERNMENT LEGISLATIVE BURDENS</b>
<b>PROPONENT:</b>	<b>NORTHERN COUNTRY ZONE CEOs</b>
<b>SITE:</b>	<b>NORTHERN COUNTRY ZONE</b>
<b>FILE REFERENCE:</b>	<b>404.02</b>
<b>PREVIOUS REFERENCE:</b>	<b>NIL</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>

#### SUPPORTING DOCUMENTS

Ref	Title	Attached to Report	Under Separate Cover
Attachment 1	List of Items for Discussion	√	

#### DISCLOSURE OF INTEREST

Nil

#### BACKGROUND

At the Western Australian Local Government (WALGA) Northern Country Zone (NCZ) meeting held on the 20<sup>th</sup> February 2017 concern was expressed on the continually legislative burdens being placed on local government authorities. The burden was seen as being a combination of the plethora of additional legislative being introduced, the existing superfluous legislation already in place and the interpretation of the legislation by the executive arm of government on how the requirements of the Act and Regulations should be implemented.

As a result of the discussion at the NCZ meeting the CEOs where requested to develop a list of legislative burdens to be presented back to the Zone for consideration on further action.

The CEOs (and other Senior Staff) meet on the 9<sup>th</sup> March 2017 to compile a list of agreed legislative burden issues. Garry Keeffe, CEO Shire of Northampton, has taken the lead on the issue and has compiled the CEO's/Senior Staff consensus list, which is provided at **Attachment 1** for Council information and determination.

#### COMMENT

The CEOs feel the best approach to be taken in regards to the legislative burden issues (bearing in mind we are only dealing with the *Local Government Act and Regulations* at this point in time) is to recommend the NCZ take these concerns to each individual WALGA Zone in the first instance to:

- Seek any additional items they consider being a burden to be added to the list; and
- To approach the WALGA State Council from the bottom up, rather than going directly from the NCZ to WALGA and having WALGA take control of the issue, therefore making it a top-down approach.
- Co-opt the services of someone with local government experience to undertake an analysis of what the legislation says and what the executive arm of government is interpreting how the legislation should be implemented.
- There is a fear amongst some CEOs/Senior Staff of the issue being glossed over at a WALGA State Council level unless there is not pre-determine support from the Zones in the first instance. Hence the strategy to work this through the Zones in the first instance before going to the WALGA State Council.

There is also concern amongst the CEOs/Senior Staff over the way the executive arm of government interpret the Local Government Act and Regulations. Such interpretations invariable surface as Guidelines or Best Practice Procedures, which are passed down to local government authorities for implementation. A classic example of this is the recent Guidelines provided on how to review the Integrated Planning and Reporting documents currently in place across the industry. A significant burden on already stretched resources in our Shires.

## **STATUTORY ENVIRONMENT**

*Local Government Act, 1995 & associated Regulations.*

There appears to be an appetite from the recently elected Labour State Government to undertake an extensive review of the *Local Government Act, 1995 & Regulations*. However; the informal feedback is any such review should be minimalistic. This rumoured approach to a review is not supported by a majority of NCZ CEOs/Senior Staff with our feeling being a wholesale review needs to be undertaken to address the current legislative burdens already in place under this legislation.

## **POLICY/PROCEDURE IMPLICATIONS**

No existing Policies/Procedures effected.

## **FINANCIAL IMPLICATIONS**

The financial Implications associated with superfluous overburdening legislation has not been formally measured or analysed. However; in a presentation given in the mid 2000s by Shane Silcox, CEO City of Melville, indicated the costs of legislative compliance in local government is approximately \$12m per annum. Below is an extract from the Shane's presentation:

*"In Western Australia the growth in legislation from the 1960s as documented in the Business Regulation Action Plan by the Business Council of Australia has been some 185% to a staggering 20,000 pages of primary legislation in 2000. That is from approximately 7,000 pages of primary legislation in 1960's, 11,000 pages in 1970's, 14,000 pages in the 1980's, 18,000 pages in the 1990's and 20,000 pages in the 2000's.*

*Unfortunately, many regulations conceived to fix one problem often lead to unintended consequences, sometimes requiring more legislation...and the cycle goes on!*

*And the cost of this exponential growth, or exuberance, is estimated at 8% of GDP. In fact the cost of regulation for small and medium-sized Australian businesses in 1998, suggests the OECD, is estimated at more than \$17 billion. Additionally, the Federal government alone spent some \$4.5 billion on the administrative costs of Commonwealth regulatory bodies.*

*Studies in the USA have identified that the cost of compliance is about 1.5% of revenues...in Western Australia the combined Local Government revenues is some \$829m hence the cost of compliance in this state alone is over \$12m.*

*Overall it is unfortunate that compliance has dominated debate since the 1990's with our society becoming more litigious in the process. Australian taxpayers, consumers and ratepayers ultimately pay the price of this exuberance both from a compliance and risk management perspective."*

It would fair to state the issue has worsened significantly since the mid 2000's and I am sure the legislation cost across the local government sector would closer to \$20m per annum. However, as you would imagine, ascertaining the actual cost burden would be a major exercise and one I am sure this shire alone (or even the NCZ member LGAs) could not afford the time or resources to undertake.

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

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

I am sure those of us who have been in the industry over the past 30 years (or more) can state, without fear, the administrative burdens placed on the organisation has been significant over this period of time. These administrative burdens are invariably directly associated with the legislative (and executive arm of governments interpretations) burdens place on local governments during this period.

It would also be fair to state the Financial Assistance Grants, which are designed to make funds available to local government to provide services to its constituents, has not kept pace with the legislative impositions place on local government.

**STRATEGIC IMPLICATIONS**

It is understood legislation is required to ensure good governance is in place. However; it is also clear over-burdening legislation and supposed *Best Practice* interpretation of the legislation is a real issue.

The ability for local government authorities to be entrepreneurial and strategically focused to grow and develop their district and communities is being stifled by the ever increasing burden of legislation and compliance being forced onto the local government sector.

It is sad to continually see the State Government (no doubt driven and directed by the executive arm of government) introduce *knee-jerk reaction* legislation almost every time there is an issue highlighted with an individual local government authority.

Again quoting from the presentation given by Shane Silcox:

*“The first and often only reaction from governments to abhorrent business behaviour, however isolated the incident suggests business writer John Arbouw, is to enact new legislation and give regulators more power. But has this rush to legislate judgment gone too far and become a threat to the effectiveness of government, the economy and is it adding an unforeseen cost burden to ratepayers and consumers?”*

*Recent examples abound in our industry...one CEO’s curriculum vitae is rightfully questioned as to its accuracy and now all CEO salaries and recruitment is now regulated. One council tries to change the method of electing the mayor for its council and again more regulation follows, one council tried to use rates concessions for absent owners of holiday properties and again legislation is brought in, another council may be seen to have less than adequate contract management processes in place and I am sure the response will be more regulation...what will be the next knee jerk reaction?*

*It would seem that the birth of regulation is the scar tissue of previous mistakes rather than legislation being a framework to enable local governments to serve the consumer base more effectively and efficiently.”*

(Note: A full copy of Shane Silcox’s presentation can be made available upon request. Is worth the read.)

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

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

**CONSULTATION**

As previously mentioned, the NCZ has briefly discussed the issue, requesting the NCZ CEOs work on a list and strategy to promote the matter of legislative burdens.

The NCZ CEOs and other Senior Staff have discussed their concerns and developed the list of legislative burdens associated with the Local Government Act & Regulations only (at this stage).

The intention is for all NCZ member local government authorities to discuss the matter and bring their positions to the next NCZ meeting for consideration.

## RISK ASSESSMENT

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

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

## VOTING REQUIREMENTS

Simple Majority

## STAFF RECOMMENDATION

Council advises the Northern Country Zone (NCZ) of the Western Australian Local Government Association (WALGA) the following in regards to the issue of legislative and compliance burdens placed on Western Australian local government authorities:

1. It supports the list of legislative issue, which need to be reviewed as presented by the NCZ Chief Executive Officers and Senior Staff;
2. Recommends the NCZ local government authorities co-opt the service of an appropriately qualified and experienced individual or organisation to analyse the legislative requirements of the Local Government Act and associated Regulations in comparison to the interpretation of this legislation by the executive arm of State Government;
3. Recommends the NCZ approach all WALGA Zones seeking any additional items to be added to (or expanded upon) the current list of legislative issue, which need to be reviewed as presented by the NCZ Chief Executive Officers and Senior Staff;
4. Recommend an approach not be made to the WALGA State Council on this matter until feedback has been obtained from all WALGA Zones to ensure this matter is presented to the State Council with prior Zone support and/or input.







(b) by the expiry of each 3 yearly interval after that day.

<b>Class of asset</b>	<b>Day</b>
Plant and equipment	30 June 2016
Land, buildings and infrastructure for which the fair value was shown in the local government's annual financial report for the financial year ending on 30 June 2014	30 June 2017
All other classes of asset	30 June 2018

(5) A revaluation under subregulation (4) must be based on the value of the asset as at a time that is as close as possible to the day by which the revaluation is due.

[Regulation 17A inserted in Gazette 20 Apr 2012 p. 1699-700; amended in Gazette 21 Jun 2013 p. 2451.]

Asset Revaluations (Fair Value) – Remove the need for assets (i.e. Building; Plant & Infrastructure) to be revalued every three years.

In most small LGAs this is an excessive cost to the Rate payers, when values do not vary much (if at all). This also distorts the Financial Statements as values (particularly Infrastructure Assets) can change significantly as this is subject to the individual Valuer.

**Recommend that Asset Revaluations only be required to be undertaken every five years, as is the Queensland requirement.**

**If five years is not to be considered then an alternative recommendation is that the Salaries Administrative Tribunal bands be used, ie if in Band 4 only require revaluation every "x" amount of years**

**Recommend that it is questionable the benefit of valuing assets which cannot be sold and infrastructure of assets. Does not give a true reflection of the Councils financial situation as the value of these assets only inflates the financial position but in reality those assets cannot be sold**

2	Section 2.1, Schedule 2.1; & Constitution Reg. - Provisions about creating, changing the boundaries of, and abolishing districts	<p>Amend legislation to ensure poll option is required for boundary adjustment if required by an affected local government authority.</p> <p>The issue is that Clause 8 of Schedule 2.1 only allows poll provisions for the amalgamation of two or more districts, not for boundary adjustments.</p> <p>The argument is a district(s) could be merged with its neighbour simply by adjusting boundaries and not wholesale amalgamation of two districts.</p> <p>Local Governments have been staked in the past on such boundary adjustment concepts however there is no poll provisions allowed under the legislation in such instances.</p>
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		<p><b>Recommendation is that Schedule 2.1 needs to be amended to ensure any LGA with boundary adjustments being imposed or suggested, that they have the right to poll their constituents as they do with an amalgamation.</b></p>
3	Section 2.1; Schedule 2.2; & Constitution Reg. - Ward Representation	<p>The current State Government position of +/- 10% of Electors to Elected Members is unfair when the rate/revenue contribution of the various area of LG district is not taken into account as well.</p> <p>Unable to determine if the ratio is set by legislation, which sets the +/- 10% ratio and believe this is simple a position of the State Government, probably at the recommendation of Executive Government, which has then been a direction to the Local Government Advisory Board.</p> <p>In the Shire of Somewhere as an example the Electors are approximately 50:50 under the current Ward system, whereas the rate revenue is significantly weighted to the UV areas (i.e. 82% UV – v – 18% GRV).</p> <p>It is being suggested the Rate Revenue only should be the basis of revenue source of an LGA and the WALGGC population ratio linked to FAGS revenue would also need to be included into the calculations.</p> <p>A combination of a number of criteria needs to be included as part of the Ward Representation ratio rather than just using the Electors – v – Elected members in isolation.</p> <p>Regional &amp; remote LGAs opposed the State at the time they introduced the <i>One Vote – One Value</i> procedure for establishing State Electoral boundaries, yet we did not fight against the same concept for our own Ward Boundary representation, which is based on the same concept.</p> <p><b>Recommend that the appropriate body, be it the DLGC or WALGA investigate the possibility of a criteria being developed to accommodate the above</b></p> <p><b>Note this is not legislated but a directive. In addition the calculating of rate revenue as a basis is not in keeping with the definition of “electors”</b></p>
4	Section 2.31 – Resignation of Elected Member	<p>Section 2.31 (3) requires</p> <p><i>Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.</i></p> <p><b>Recommendation that his section be amended to reflect an emailed resignation with undisputed proof the email is from the Elected Member should satisfy the requirements of being a signed &amp; dated resignation delivered to the CEO.</b></p>
5	Division 2– Subdivision 1& Functions & General Regs. – Local Laws made under the Act	<p>The Local law process is extremely complex and difficult. This whole area needs to be reviewed to simplify the process of adopting new and/or reviewing existing local laws.</p> <p><b>Recommend that the DLGC undertake a comprehensive review with industry input on the process in reviewing Local Laws. The process needs simplification and an alternative needs to be established and considered by the sector.</b></p>

6	Section 3.53 – Control of certain unvested facilities	<p>Section 3.53(2) states:</p> <p><i>“A local government is responsible for controlling and managing every <u>otherwise unvested facility</u> within its district unless subsection (5) states that this section does not apply.”</i></p> <p>The interpretation of <u>otherwise unvested facility</u> in the Act is:</p> <p><i>“<b>otherwise unvested facility</b> means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.”</i></p> <p>The issue with this legislation is the LGA is responsible for all unallocated crown land (e.g. fire control, removal of abandoned vehicles, etc.)</p> <p><b>Recommend that this section needs to be removed or, if LGAs are to remain responsible for this land then they should be able to either rate the Crown or seek reimbursement of costs from the crown for works that are required.</b></p>
7	Part 4 – Elections & Other Polls (Section 4.62)& Election Regs	<p>If an LGA is conducting a Postal Election or Referendum then the need to man a Polling Place on the day of the Election/Referendum should be removed.</p> <p>It is an added expense to have the WAEC &amp; staff sitting at a Polling Place all day for limited or no votes collected.</p> <p>The Counting of Votes should still be held after 6pm on the election/referendum day.</p> <p><b>Recommend that the requirement to man a polling place when undertaking an election by postal vote be removed.</b></p>
8	Subdivision 4 – Electors Meetings	<p>Amend this legislation to allow a LGA to determine if they want (or don't want) to conduct an Electors Meeting.</p> <p>Remove set number of days (i.e. 56) a LGA must hold an Electors meeting after accepting the Annual Report.</p> <p>Remove requirement for Minutes of an Electors meeting having to be presented to the <b>first ordinary meeting after the Electors Meeting</b>. This is not always possible. Perhaps state the minutes need to go to Council no more than three meetings after the Electors meeting being held.</p> <p><b>Recommend that the above changes be undertaken</b></p>
9	Section 5.37 – Senior Employees	<p>Remove section 5.37(2) regarding:</p> <p><i>“...and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.”</i></p> <p>This does not make sense and the CEO should only be required to advise Council of his/her decision to employ/dismiss a Senior Employee.</p> <p>Also remove sections 5.37(3) &amp; (4A) i.e.</p> <p>(3) <i>Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local</i></p>

		<p>government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.</p> <p>(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.</p> <p>The way the CEO advertises and fills any position (senior or not) should be considered operational and be at the discretion of the CEO.</p> <p><b>Recommend that the above changes be undertaken</b></p>
10	5.38. - Annual review of certain employees' performances	<p>Section 5.38 states</p> <p><i>The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.</i></p> <p>It is interpreted that this requires all employees to be reviewed annually. In smaller local authorities it appears to be a non-sense to have this requirement. Senior staff/supervisors predominantly know the performance of all employees due to their close working relationship with them. Further this legislative requirement is again regulating an operational process and reviews should be at the discretion of the individual LGA.</p> <p>For CEO and Senior Employees, they have performance reviews stipulated in their contracts.</p> <p><b>Recommend that this section be deleted as is an operational matter and should not be legislated.</b></p>
11	5.56. Planning for the future -Integrated Planning & Reporting	<p>The current requirements for Integrated Planning &amp; Reporting (IPR) are too onerous, specifically for smaller LGAs with limited resources.</p> <p>The most recent review undertaken by the DLGC has only exacerbated the resource requirements on LGAs to review their IPR.</p> <p>There must be different levels of requirements placed on LGAs of different sizes &amp; resource capacity. The current IPR set up has resulted in smaller LGAs having to increase rate revenue to obtain external services/consultants to step these LGAs through the process.</p> <p>Long Term Financial Plans and Asset Management Plans linked to basic Strategic Community Plans is all that should be required.</p> <p>Corporate Business Plans &amp; Workforce Plans are superfluous.</p> <p><b>Agreed, however it was noted that it is not the actual legislation but the Department and their one size fits all 'guidelines' that are the problem. Guidelines using 'banding' to reflect capacity of local governments would be better. Noted that Strategic Community Plans legislation in Queensland was abolished as the plans were unrealistic and unachievable financially for many rural local governments</b></p> <p><b>Also a concern that directives coming from DLGC are telling LG what they should do. It's a LG decision not the DLGC.</b></p>
12	Division 9 & Rules of Conduct Regs. – Conduct of certain officials	<p>Penalties for breaches (other than a <i>serious breach</i>) under the Act and Code of Conduct need to be harsher as in instances this has not deterred an elected member for continuing a breach.</p>



		<p><b>5.110 Dealing with complaint of minor breach</b></p> <p>(5) If a standards panel finds that a council member has committed a minor breach, the standards panel is required to give the council member an opportunity to make submissions about how the breach should be dealt with under subsection (6).</p> <p>(6) The breach is to be dealt with by —</p> <ul style="list-style-type: none"> <li>(a) dismissing the complaint; or</li> <li>(b) ordering that — <ul style="list-style-type: none"> <li>(i) the person against whom the complaint was made be publicly censured as specified in the order; or</li> <li>(ii) the person against whom the complaint was made apologise publicly as specified in the order; or</li> <li>(iii) the person against whom the complaint was made undertake training as specified in the order;</li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(c) ordering 2 or more of the sanctions described in paragraph (b).</li> </ul> <p><b>5.113. Punishment for recurrent breach</b> If, on an allegation under section 5.112, the State Administrative Tribunal finds that a person committed a recurrent breach, it may make any of the orders described in section 5.117</p> <p><b>5.117. Punishment for serious breach</b></p> <p>(1) If, on an allegation under section 5.116(2), the State Administrative Tribunal finds that a person committed a serious breach, it may —</p> <ul style="list-style-type: none"> <li>(a) order that — <ul style="list-style-type: none"> <li>(i) the person against whom the allegation was made be publicly censured as specified in the order; or</li> <li>(ii) the person against whom the allegation was made apologise publicly as specified in the order; or</li> <li>(iii) the person against whom the allegation was made undertake training as specified in the order; or</li> <li>(iv) the person against whom the allegation was made is suspended for a period of not more than 6 months specified in the order; or</li> <li>(v) the person against whom the allegation was made is, for a period of not more than 5 years specified in the order, disqualified from holding office as a member of a council;</li> </ul> </li> </ul> <p>Current penalties are to weak and lack consequence for inappropriate actions by Elected Members</p> <p><b>Recommend that the DLGC review all penalties for breaches under Rules of Conduct Regulations.</b></p>
13	6.33. Differential general	Process of advertising and advertising intention to impose differential rates is

	rates; 6.36. Local government to give notice of certain rates; and Financial Management Regs.	<p>unwieldy, specifically the timing issues and having to determine a rate in the dollar before the property revaluations are available. These rates are unavailable incorrect as it isn't possible to determine property valuation prior to Landgate releasing these figures, therefore making it necessary to report the rates variations in the Budget.</p> <p>An easier process needs to be introduced.</p> <p><b>Recommend that the DLGC undertake a complete review of the WA rating system make it comparable to the methodology of other States.</b></p>
14	Admin Reg. 10 - Revoking or changing decisions (Act s. 5.25(1)(e))	<p>Regulation 10 states:</p> <p>(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —</p> <p>(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or</p> <p>(b) in any other case, by at least <math>\frac{1}{3}</math> of the number of offices (whether vacant or not) of members of the council or committee,</p> <p>inclusive of the mover.</p> <p>(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least <math>\frac{1}{3}</math> of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</p> <p>(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —</p> <p>(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or</p> <p>(b) in any other case, by an absolute majority.</p> <p>(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.</p> <p><i>[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]</i></p> <p>It is questionable that a majority of local governments would follow the above process and would simply move a motion to revoke/change a motion. The process is cumbersome and needs to be changed.</p> <p><b>Recommend that Regulation 10 be amended to remove the notice to be signed by all elected members and simply require a Council to change or revoke a motion by a motion with an absolute majority to pass that motion.</b></p>
15	Admin Reg. 14A - Attendance by telephone etc. (Act s. 5.25(1)(ba))	<p>This section is too restrictive and needs to be relaxed (e.g. the 150km distance is unrealistic).</p>

		<p>14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))</p> <p>(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —</p> <p>(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and</p> <p>(b) the person is in a suitable place; and</p> <p>(c) the council has approved* of the arrangement.</p> <p>(2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.</p> <p>(3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.</p> <p>(4) In this regulation —</p> <p><b>disability</b> has the meaning given in the <i>Disability Services Act 1993</i> section 3;</p> <p><b>suitable place</b> —</p> <p>(a) in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and</p> <p>(b) in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —</p> <p>(i) in a townsite or other residential area; and</p> <p>(ii) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;</p> <p><b>townsite</b> has the same meaning given to that term in the <i>Land Administration Act 1997</i> section 3(1).</p> <p>With current technology local government should be embracing the opportunity to have Councillors participate, irrespective of distance or type of location (i.e. townsite).</p> <p><b>Recommend that the 150km limit be removed from regulation 14A.</b></p>
16	Admin Reg. 18F - Remuneration and benefits of CEO to be advertised	<p>The purpose of this regulation is questioned due to the remuneration of CEO's are set by the Salaries &amp; Allowances Tribunal.</p> <p><b>Recommend that this section be deleted as serves no purpose in the governance of a LG</b></p>



17	Audit Reg. 15 - Compliance audit return	<p>Recommend this requirement be removed due to the plethora of other audits required.</p> <p><b>Agreed and question why it is a legislative requirement that it has to go to an Audit Committee</b></p> <p><b>Further the actual legislative need for an Audit Committee is questioned when the whole Council can undertake the same role.</b></p>
18	Audit Reg. 17 - CEO to review certain systems and procedures	<p>The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —</p> <ul style="list-style-type: none"> <li>(a) risk management; and</li> <li>(b) internal control; and</li> <li>(c) legislative compliance.</li> </ul> <p>This is onerous and should be removed or amended. Not sure why this would need to go to the Audit Committee then to Council. If retained then should go directly to Council with the Council then determines if any items raised needs further investigation and then putting this to the Audit Committee.</p> <p>In many instances the process is very onerous on the CEO and therefore external assistance is used which comes at a cost to the Council.</p> <p><b>Recommend that there should be different requirements for different 'bands' of local governments and DLGC's expectations need to be amended to allow reviews to be done in house.</b></p>
19	Annual Reports	<p><b>Recommend that there should be different levels of requirements for different 'bands' of local governments</b></p> <p><b>Also question the actual need for them considering little are read by electors.</b></p>
20	Annual Financial Reporting	<p>Currently there is a one size fits all model for the annual financial process and Corporate Business Planning Process. Could a scenario where there is a tiered process that requires a higher level of reporting for larger LG's, similar to the tiered approach that exists with company reporting.</p> <p><b>Recommend that the DLGC develop a "tiered" process on the level of reporting for each LG and on the level of compliance</b></p>
21	Annual Returns	<p>Where a Councillor or designated employer has had no change to their previous Annual Return, they are required to place "No change" "nil" "none" within each box of the return. This does not occur in many cases and Auditors are determining that a Annual Return is not complete due to some boxes in the return have not been marked "none", "nil" or "no change."</p> <p><b>Recommend that the Annual Returns be changed to introduce the ability to declare 'no change from previous year' instead of having to mark every area. This will also assist in the storing of annual returns where only one page needs to be kept on record and not four as is the current case. This does not sound like an issue, however when you have a member that has been on Council for many years, the accumulation of four pages of an annual report does build up.</b></p>
22	Tender Regulations	<p>Operating issues with current regulations, road building materials such as bitumen, asphalt and aggregate should be exempt as are fuel and oils.</p> <p><b>Recommend that road building materials should be exempt from Tender provisions</b></p> <p>Concern that auditors and the DLGC are interpreting the \$150,000 threshold can go over more than two, three or even more financial years which is an issue with the provision of some services, ie tyres from the one firm. Industry belief it only relates to a financial year</p>

		<b>Recommend that the \$150,000 threshold should be per financial year or per project if a project spans more than one financial year.</b>
23	Section 3.5.8 Disposal of Property	<p>Issue is that if a LG gets a Real Estate Agent to sell land on its behalf and that land is sold, then the LG still has to go through the advertising process</p> <p><b>Recommend be changed to allow disposal through real estate agent (without having to go through 3.58 advertising provisions, ie be an exemption) as advertising has been undertaken and the public are well informed of the proposal to sell.</b></p>
24	Exemption of rates	<b>Recommend be changed to allow Council to decide whether or not to allow exemption to each 'charitable organisation' and any other organisation (eg CBH)</b>
25	Financial Workshops	<p>The Department needs to assist local government more rather than being a policeman all the time. One example is where the Department will send you a letter if you forget to supply them with a copy of the annual financials. Instead of waiting for the deadline they could be more helpful and send a reminder prior to the deadline. Most smaller LG's generally rely on one person to undertake this type of function, if they get sick or are on leave there is generally no one to do the role. Also the audit partner could send the annuals document when they advise the Department that the audit has been signed off.</p> <p><b>Recommend that the Department should be providing templates for annual reports, budgets etc, instead of Councils having to pay Moore Stephens to attend workshops, receive templates. Generally the Department should have more of a focus on "helping", not "policing"</b></p>
	General Compliance Requirements	<b>Many of the difficulties experienced are as a result of Departmental Guidelines/expectations as opposed to the actual Local Government Act 1995 and Regulations. It is recommended that a tiered approach towards compliance needs to be taken by the Department, and not apply a one size fits all as many smaller local governments do not have the staff or financial resources to ensure the compliance strictly in accordance with the DLGC expectations. It appears that DLGC go over and beyond what the actual legislative requirements are.</b>

<b>AGENDA ITEM:</b>	<b>10.3.5</b>
<b>SUBJECT:</b>	<b>LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>401.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCE: 05/16-26</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

Council resolved the following at the May 2017 OCM, which formed allocations for Elected Members Allowances in the 2016/2017 Budget:

*"MOVED: CR MALUISH*

*SECONDED: CR WOOD*

1. Council approves the following Elected Members allowances for the 2016/17 Budget:

	<i>Annual Attendance fees in lieu of Council meeting fees</i>	<i>Annual Allowance (President)</i>	<i>Annual Allowance (Deputy President) - 25% of Pres.</i>	<i>Telcom Annual Allowance</i>	<i>Average Travel Reimb.</i>	<i>Totals (per Elected Member)</i>	<i>Grand Total</i>
	<i>Max</i>	<i>Max</i>	<i>Max</i>				
<i>President</i>	<i>\$9,410</i>	<i>\$10,000</i>		<i>\$500</i>	<i>\$50</i>	<i>\$19,960</i>	<i>\$19,960</i>
<i>Deputy President</i>	<i>\$9,410</i>		<i>\$2,500</i>	<i>\$500</i>	<i>\$50</i>	<i>\$12,460</i>	<i>\$12,460</i>
<i>Other Elected Members</i>	<i>\$9,410</i>			<i>\$500</i>	<i>\$50</i>	<i>\$9,960</i>	<i>\$59,760</i>
							<i>\$92,180</i>

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

*Voting 8/0  
CARRIED  
Minute Reference: 05/16-26"*

The *Western Australian Salaries and Allowances Tribunal (WASAT)* are scheduled to release their determination in late June on the review of the Local Government elected member allowances under the Salaries and Allowances Act, 1975, Pursuant to Section 7(B).

At the time of writing this Report the WASAT determination for 2017/2018 had not been received. However, it is not anticipated there will be any significant changes to the fees set in the previous year.

## COMMENT

As staff are in the process of forming the Draft 2017/2018 Budget it is necessary to again determine the level of Elected Members Allowances for this period.

The Staff Recommendation reflects no change other than those reflected in the forthcoming WASAT's determination.

## STATUTORY ENVIRONMENT

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

*Salaries and Allowances Act 1975*

## POLICY IMPLICATIONS

Nil

## FINANCIAL IMPLICATIONS

No significant financial implications as funds are budgeted annually to cover these costs.

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

Nil effect on the LTFP

## STRATEGIC IMPLICATIONS

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

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

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

## CONSULTATION

Not relevant.

## RISK ASSESSMENT

As Council has already budgeted for the funds to accommodate the current level of Elected Members Allowances I believe the risk in this case is *insignificant* i.e.

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

## FINANCIAL IMPLICATIONS

The 2017/2018 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 2016/2017 Budget.

## VOTING REQUIREMENTS

Absolute Majority

## STAFF RECOMMENDATION

1. Council approves the following Elected Members allowances for the 2017/18 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 Pres.</i>	<i>Telcom Annual Allowance</i>	<i>Annual Travel Reimb.</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).

<b>AGENDA ITEM:</b>	<b>10.3.6</b>
<b>SUBJECT:</b>	<b>ROADS 2030 – SIGNIFICANT ROAD EVALUATIONS</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>NOLBA RD/NOLBA STOCK ROUTE; &amp; DURAWAH RD/STATION RD/ STATION VALENTINE RD ROUTE</b>
<b>FILE REFERENCE:</b>	<b>1003.05</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCE: 03/17-22</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>

**SUPPORTING DOCUMENTS:**

		<b>Attached to Report</b>	<b>Under Separate Cover</b>
Attachment 1	CEO's Evaluation Table	√	
Attachment 2	Greenfield Technical Services Report	√	

**DISCLOSURE OF INTEREST**

Cr Warr declared a Proximity Interest at the April 2017 OCM when this matter was discussed by Council.

**BACKGROUND**

At the April 2017 OCM the following was resolved:

*“Council endorses the Road Hierarchy Policy (IP-006) as presented with the following request:*

*Chief Executive Officer investigate the possibility of:*

- a) Nolba Road and Nolba Stock Route; and*
- b) Durawah/Station/Station Valentine Route*

*being consider Significant Local Government Roads and report back for further consideration on the Shire's hierarchal level of these roads.”*

**COMMENT**

An evaluation, based upon the Mid West Regional Road Group's (MWRRG) criteria, has been undertake by the CEO in consultation with the Shire's consultant engineers on the roads/routes mention in the resolution with the results being as follows:

- Nolba Road and Nolba Stock Route – Not considered as being eligible for recognition as a Significant Roads;
- Durawah Road/Station Road/Station Valentine Road Route – Has some chance of being recognised as a Significant Road as it links two existing inter-regional roads/routes (i.e. Chapman Valley & Valentine Roads). The traffic volume and type is also far more favourable for this route to be recognised.

The CEO's evaluation report is shown at **Attachment 1** for Council information and discussion.

The consultant engineers (Greenfield Technical Services) evaluation report is shown at **Attachment 2** for Council information and discussion.

**STATUTORY ENVIRONMENT**

Mid West Regional Road Group Guidelines are directly linked the State Advisory Committee for funding distribution from the State to Local Government.

## POLICY/PROCEDURE IMPLICATIONS

Council Policy (IP-006) shown below is what will be effected by any MWRRG endorsed application for a road to be recognised as a *Significant Road* included into the *Roads 2030 Regional Strategies for Significant Local Government Roads* document.

The Shire's Road Hierarchy identifies the priority roads into the following categories:

- A. Main Arterial Roads (Significant Roads and approved by the MWRRG only);
- B. Main Feeder Roads;
- C. Minor Feeder Roads;
- D. Major Access Roads; and
- E. Minor Access Roads

<b>POLICY NO</b>	IP-006
<b>POLICY</b>	ROAD HIERARCHY
<b>RESPONSIBLE DIRECTORATE</b>	CHIEF EXECUTIVE OFFICER
<b>PREVIOUS POLICY No.</b>	15.200
<b>LEGISLATION</b>	STATE ROAD COUNCIL / REGIONAL ROAD GROUP
<b>RELEVANT DELEGATIONS</b>	

### **OBJECTIVES:**

**To establish an agreed road hierarchy for roads under the control of the Shire of Chapman Valley**

### **POLICY STATEMENT/S:**

Following is the agreed road hierarchy for the Shire of Chapman Valley, reviewed annually at the time Council is allocating resources and funding for the forthcoming year to ensure all mitigating circumstances are taken into account and adjustments made accordingly.

<u>ROAD NO.</u>	<u>ROAD NAME</u>	<u>/</u>	<u>ROAD NO.</u>	<u>ROAD NAME</u>
<b><u>A - MAIN ARTERIAL ROADS</u></b>				
19	Balla Whelarra		130	Chapman Valley Road
34	Coronation Beach		8	Dartmoor
21	Dartmoor Lake Nerramyne		12	East Bowes
150	East Chapman		16	East Nabawa
10	Nanson Howatharra		7	Narra Tarra
131	Northampton – Nabawa		132	Yuna – Tenindewa
13	Valentine			
<b><u>B - MAIN FEEDER ROADS</u></b>				
<b>1</b>	<b>Durawah</b>		7	Naraling - East Yuna
<b>6</b>	<b>Nolba Road (to Nolba Stock Route Junction)</b>		<b>51</b>	<b>Nolba Stock Route</b>
14	Station Valentine		4	Wandana
5	Wandin		95	White Peak
<b><u>C - MINOR FEEDER ROADS</u></b>				
52	Balaam		98	Baugh
68	Bella Vista		23	Bindoo
133	Calder Place		50	Cannon Whelarra
125	Coffee Pot Drive		47	Coonawa
70	David		18	East Dartmoor
151	Eliza Shaw Drive		135	Green Drive
67	Hickety		11	Indialla Road (Townsite)
37	James		94	Kerr Dartmoor
126	Mills Place		9	Murphy Norris
99	Murphy Yetna		82	Nabawa Yetna
96	Nolba Rockwell		22	North Dartmoor
39	St John		15	Station
114	Tenindewa North		97	Wheeldon - Hosking



**D – MAJOR ROAD ACCESS**

45	Binnu East	44	Brooks
40	Burton Williamson	42	Campbells
46	Dartmoor Harris	27	Dindiloa
35	Durawah Northern Gully	24	Forrester Brooks
100	East Terrace	20	Marrah
60	Mt Erin - Nabawa	49	Murrays
31	Newmarracarra	69	Oakajee
28	Olsen	55	Parks
121	Richardson	127	Ridley
30	South Whelarra	88	Scott
53	Urch	41	Valentine Williamson
93	Wandana Exten	128	Wokarena

**E – MINOR ACCESS ROADS**

136	Ahern Place	75	Angels
115	Badgegong	134	Baston Close
72	Beatty Hasleby	162	Brown Lane
149	Bunter Way	112	Burges
80	Butcher Knife	178	Cahill Rise
43	Caratti	147	Carey
163	Cargeeg	154	Carol
113	Cooper St (Nanson)	177	Copperhill Junction
154	Cogley	159	CV Access (Nabawa)
61	Crabbe	140	Dillistone
143	Dixon Place	138	Dolby Place
173	Dune Vista	100	East Terrace
153	East Terrace Acc	71	Eastough Yetna
58	Fairview Farm	91	Farrells Back
160	Flavel	56	Fong
32	Forrester	124	Goodletts
105	Gould	73	Gray Dindiloa
148	Hackett	170	Harmony Place
36	Hayward	78	Heelan Maloney
79	Heelan Mellish	156	Hester
172	Hilltop Loop	63	Hipper
86	Hotel	64	Jacky Jupp
158	James Eastough Close	179	Joon Vista
139	Kennedy	144	Lacey
101	Lauder	89	Lewis
76	Lorimer	122	Marrah Spur
25	McGauran	59	McKay
26	McNaught Mazzuchelli	164	Merino Fairway
110	Mills	54	Morcom
171	Mumbelarra Drive	111	Murphy
38	Thompson-Reidy	120	Norman's Well
87	Norris	65	O'Donnell
84	Old Nabawa Northampton	107	Old Nolba
175	Patten Place	165	Parmelia Boulevard
166	Pitchford Crest	120	Post Office
66	Protheroe	167	Redcliffe
109	Reynolds	146	Rewell
121	Richardson	85	Post Office
141	Royce	129	Richards
152	River	142	Smith
106	Snell	168	Stirling
57	State Farm	117	Warr
145	Wells	176	Westlake Place
62	Whitehurst –Tetlow	123	Wicka
118	Williamson	169	Wittenoom Circle
104	Yarra		

In addition to the aforementioned Policy Council also has the following Management Procedure (IMP-017) in regards to the *Road Funding Allocation Process*:

<b>MANAGEMENT PROCEDURE No.</b>	IMP-017
<b>MANAGEMENT PROCEDURE</b>	ROAD WORK FUNDING ALLOCATION PROCESS
<b>RESPONSIBLE DIRECTORATE</b>	GOVERNANCE
<b>RESPONSIBLE OFFICER</b>	CHIEF EXECUTIVE OFFICER
<b>PREVIOUS POLICY No.</b>	15.220
<b>RELEVANT DELEGATIONS</b>	

**OBJECTIVES:**

**To set guidelines and procedures for categorising road hierarchy network and funding allocation priorities**

**MANAGEMENT PROCEDURE STATEMENT/S:**

1. Council review existing Road Hierarchy List based upon Councillor(s) submissions and staff recommendation(s).
2. Council review existing Regional Road Group priorities based upon Councillor(s) submissions and staff recommendation(s).
3. Council reviews other grant programs (e.g. Black Spot, R2R) based upon Councillor(s) submissions and staff recommendation(s).
4. Taking into account the delegations under Infrastructure Policy IP-003, Council review existing Heavy Haulage Roads.
5. Council review existing Program of Road Works based Councillor(s) submissions and upon staff recommendation(s).
6. Councillors retain the right to present, and justify, changes to any of the above either via Chief Executive Officer's report or directly to the meeting.
7. No changes to be made to any of the above unless fully endorsed by Council.

**FINANCIAL IMPLICATIONS**

Road works is the largest expenditure component of the Shires operations, which makes it important to ensure the limited resources made available by grants and those allocated by Council to this activity are maximised.

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

The intention is the *Road Hierarchy* will complement the *Road Works Programs*, which will also complement the current LTFP.

**STRATEGIC IMPLICATIONS**

As previously reported, it is imperative Council carefully considers where resources are allocated in future road works programs to ensure the higher priority roads are catered for. The Shire's Road Hierarchy identifies the priority roads into the following categories:

- A. Main Arterial Roads (Significant Roads and approved by the MWRRG only);
- B. Main Feeder Roads;
- C. Minor Feeder Roads;
- D. Major Access Roads; and
- E. Minor Access Roads

It is also important *Management Procedure IMP-007* to amend the Road Hierarchy is adhered to. This will ensure the integrity of the *Road Hierarchy* list and therefore the integrity of how Council allocates its resources to road works within the Shire.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Support improved telecommunications, power, <b>road</b> & water services in the community
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## CONSULTATION

The Chief Executive Officer consulted with the Manager Works & Services and the Shire's consultant engineers when developing this Agenda Report.

## RISK ASSESSMENT

There is a risk the integrity of the Road Hierarchy is compromised if the conditions listed in *Management Procedure IMP-007* to amend the Road Hierarchy are not adhered to. However; as this process is currently robust I believe the risk is **insignificant** i.e.

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

## VOTING REQUIREMENTS

Simple Majority.

## STAFF RECOMMENDATION

Council:

1. Endorse a submission to the Mid West Regional Road Group (based on more up to date traffic data) for the Durawah Rd/Station Rd/Station Valentine Rd Route to be recognised as a *Significant Road* to be included into the *Roads 2030 Regional Strategies for Significant Local Government Roads* document.
2. Not support a submission being made the Mid West Regional Road Group for Nolba Road and the Nolba Stock Route to be recognised as a *Significant Road* to be included into the *Roads 2030 Regional Strategies for Significant Local Government Roads* document.

<b>EVALUATION CRITERIA</b>	<b>Nolba Road</b>	<b>Nolba Stock Route</b>	<b>Durawah/Station/Station Valentine Route</b>
<b>FREIGHT &amp; COMMUNITY ACCESS</b>			
1.1 Roads connecting areas of significant population (>500).	NO	NO	NO
1.2 A road which performs a district distributor function in major urban centres.	NO	NO	NO
1.3 A road which forms part of an inter-regional route.	NO	NO	YES
1.4 A road which links inter-regional or regional routes.	NO	NO	YES
1.5 The development of parallel routes should be avoided.	NO	NO	NO
1.6 A road which connects major transport terminals or connects a major transport terminal to a major route.	NO	NO	NO
1.7 A road which serves a major resource or industrial site.	NO	NO	NO
1.8 A road providing access to regional institutions or community service centres.	NO	NO	NO
1.9 A road used for hauling grain from an off road rail bin to a rail head.	NO	NO	NO
1.10 A road which forms part of a regional heavy haulage route.	NO	NO	NO
1.11 A road which provides access to a remote community with a population of more than 250.	NO	NO	NO

1.12	A road which is the only land access between a remote community (population more than 50) and at least one town centre.	NO	NO	NO
<b>TOURISM/RECREATION</b>				
2.1	Roads which provide access to tourist attractions or recreation areas of State or regional significance.	NO	NO	NO
2.2	Roads which form part of a State or regionally significant tourist drive.	NO	NO	NO
2.3	Roads which have a high visual quality proven through a formal visual assessment using a methodology approved by the Australian Institute of Landscape Architects.	NO	NO	NO
2.4	Roads which connect the region with a significant tourist destination and give travel time and distance savings	NO	NO	NO
<b>ENDORSED</b>		NO	NO	YES

## CRITERIA FOR ROADS OF REGIONAL SIGNIFICANCE

### 1. Freight & Community Access

- 1.1 Roads connecting areas of significant population (>500).
- 1.2 A road which performs a district distributor function in major urban centres.
- 1.3 A road which forms part of an inter-regional route.
- 1.4 A road which links inter-regional or regional routes.
- 1.5 The development of parallel routes should be avoided.
- 1.6 A road which connects major transport terminals or connects a major transport terminal to a major route.
- 1.7 A road which serves a major resource or industrial site.
- 1.8 A road providing access to regional institutions or community service centres.
- 1.9 A road used for hauling grain from an off road rail bin to a rail head.
- 1.10 A road which forms part of a regional heavy haulage route.
- 1.11 A road which provides access to a remote community with a population of more than 250.
- 1.12 A road which is the only land access between a remote community (population more than 50) and at least one town centre.

### 2. Tourism/Recreation

- 2.1 Roads which provide access to tourist attractions or recreation areas of State or regional significance.
- 2.2 Roads which form part of a State or regionally significant tourist drive.
- 2.3 Roads which have a high visual quality proven through a formal visual assessment using a methodology approved by the Australian Institute of Landscape Architects.
- 2.4 Roads which connect the region with a significant tourist destination and give travel time and distance savings.

### 3. Road Function

Whether the road services predominantly through traffic or local traffic.

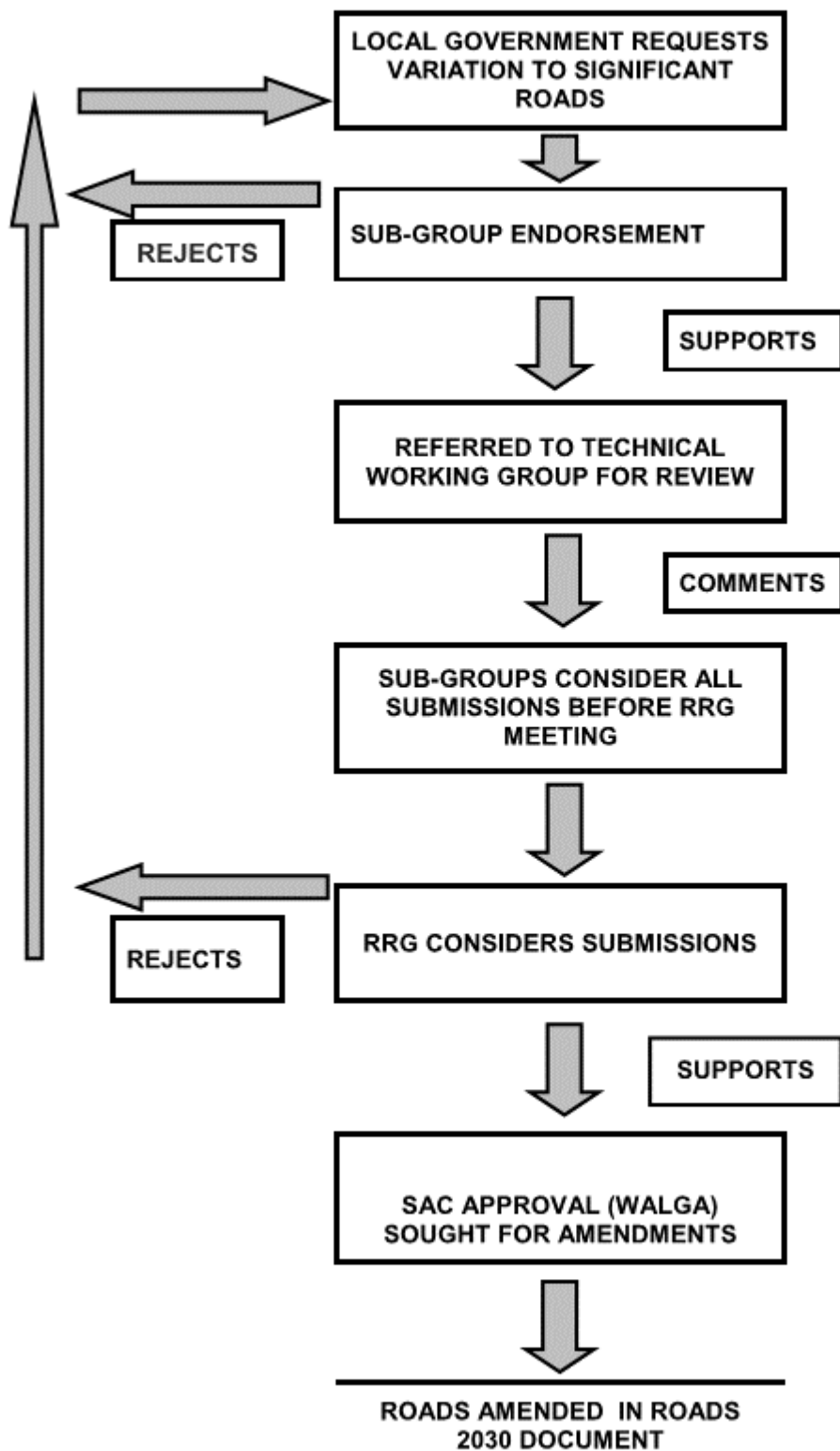
#### DEFINITIONS

**Regional Route:** Shall be defined as a road that provides a connection between inter-regional routes or between areas of significant population.

**Inter-Regional Route:** Shall be defined as a road that provides the main connection between this region, other regions in the State and interstate.

**Major Route:** A road which provides both regional and inter-regional access.

**PROCESS FOR VARIATION TO ROADS OF REGIONAL SIGNIFICANCE**





**GREENFIELD TECHNICAL SERVICE ANALYSIS & REPORT****DURAWAH RD (18.46KM) – STATION RD (8.90KM) – STATION VALENTINE RD (13.65KM)**

The proposed route provides access to the agricultural industry and is a direct link between Chapman Valley Road and Valentine Road. It is also an alternative route between the Nanson region and Mullewa.

These three roads are all included in the Network 6 route in the Main Roads RAV network.

Of the six Main Roads road hierarchy types, the roads within this proposed network are all classed as Local Distributor. There are four road categories above this road type.

The Regional Road Group (RRG) has six different road types ranging from Type 2 (*Formed road*) to Type 7 (*Sealed passing lane*). The road types are based on traffic data as summarised below.

Road Type & Description	2 Formed	3 Gravel	4 Sealed	5 Sealed	6 Sealed	7 Sealed
Seal Width			4.0 m	7.0 m	7.0 m	Passing Lane
AADT Range (veh/day)	0-30	31-50	51-100	101-500	501-1000	> 1000
Daily ESA Range (per day)	0-5	6-20	21-40	41-60	> 60	

***Durawah Rd (27/11 to 11/12/2015)***

AADT on is 47.5 veh/day (both ways) with 29.9 ESAs.

This road is currently Type 4 for approx 12.8km and Type 3 for the remaining 5.66km.

Based on this traffic count the warrant for this road is Type 4.

***Station Rd – No counts available******Station Valentine Rd (22/11 – 07/12/2004)***

AADT on is 42.3 veh/day (both ways) with 58.5 ESAs.

This road is currently Type 3 for the full 13.65km.

Based on this traffic count the warrant for this road is Type 5 however the traffic count is quite old and is not likely to be accepted. RRG requires traffic counts be no older than 3yrs from date of submission.

The route contains approx 28.2km of unsealed pavement that has been constructed using locally sourced natural materials. In various sections along the route the local materials are quite scarce, and given that there is high seasonal agricultural traffic, the maintenance demands in these sections can be quite high.

Given that this route has a high seasonal agricultural traffic there is a need to improve the route to a consistent Type 4 – Sealed road standard capable of providing access in all weather conditions.

It is expected that there would be an increase in traffic if the road were to be developed.

**COMMENT:** *The lack of a traffic count on Station Rd, as well as the lack of a recent count on Station Valentine Rd, mean that the route cannot be properly assessed. If current traffic data on Station Valentine Rd is comparable to the 2004 counts then that would go a long way to establish the warrant for approval of the route. However the traffic volumes on Station Rd would need to be similar to those on the other two roads to establish the connectivity of the route.*

**NOLBA RD (20.96KM) – NOLBA STOCK ROUTE RD (9.50KM)**

The proposed route commences at Chapman Valley Road and ends at the Northampton Shire Boundary. This route provides to access to the agricultural industry but does not link up with any other distributor routes.

These two roads are all included in the Network 6 route in the Main Roads RAV network.

Of the six Main Roads road hierarchy types, the roads within this proposed network are all classed as Local Distributor. There are four road categories above this road type.

The Regional Road Group (RRG) has six different road types ranging from Type 2 (*Formed road*) to Type 7 (*Sealed passing lane*). The road types are based on traffic data as summarised below.

Road Type & Description	2 Formed	3 Gravel	4 Sealed	5 Sealed	6 Sealed	7 Sealed
Seal Width			4.0 m	7.0 m	7.0 m	Passing Lane
AADT Range (veh/day)	0-30	31-50	51-100	101-500	501-1000	> 1000
Daily ESA Range (per day)	0-5	6-20	21-40	41-60	> 60	

***Nolba Rd (01/11 to 15/11/2011)***

AADT on is 23.5 veh/day (both ways) with 8.4 ESAs.

This road is currently Type 3 for the full 20.96km.

Based on this traffic count the warrant for this road is Type 3.

***Nolba Stock Route Rd (23/09 –07/11/2010)***

AADT on is 12.2 veh/day (both ways) with 3.0 ESAs.

This road is currently Type 3 for the full 9.50km.

Based on this traffic count the warrant for this road is Type 2.

The route contains approx 30.46km of unsealed pavement that has been constructed using locally sourced natural materials. In various sections along the route the local materials are quite scarce, and given that there is high seasonal agricultural traffic, the maintenance demands in these sections can be quite high.

It is not expected that there would be an increase in traffic if the road were to be developed.

**COMMENT:** *The lack of recent counts on both roads mean that the route cannot be properly assessed. The traffic counts are quite old and not likely to be accepted. RRG requires traffic counts be no older than 3yrs from date of submission. If current traffic data on Nolba Rd and Nolba Stock Route Rd are comparable to the above counts, there does not appear to be clear warrant established for approval of the route.*

<b>AGENDA ITEM:</b>	<b>10.3.7</b>
<b>SUBJECT:</b>	<b>DISPOSAL OF PROPERTIES: ~ LOTS 19 CHAPMAN VALLEY RD, NABAWA &amp; ~ LOT 102 CHAPMAN VALLEY RD , YUNA</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>LOTS 19 CHAPMAN VALLEY RD, NABAWA &amp; LOT 102 CHAPMAN VALLEY RD , YUNA</b>
<b>FILE REFERENCE:</b>	<b>A1333 &amp; A1345</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFS: ~ SC 07/16-1 (ADOPTION OF 2013/2014 BUDGET) &amp; ~ 03/17-16</b>
<b>DATE:</b>	<b>19<sup>th</sup> APRIL 2017</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

**SUPPORTING DOCUMENTS:**

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

The disposal of Lots 19 Chapman Valley Rd, Nabawa & 102 Chapman Valley Rd, Yuna formed part of the resolutions of Council to adopt the 2016/2017 Budget and was reiterated at the March 2017 OCM when dealing with items from the Building & Disability Services Committee recommendations i.e.

*“MOVED: CR FARRELL*

*SECONDED: CR MALUISH*

*Recommendation 02/17-3 - Sale of Residential Properties – Lot 23 Chapman Valley Road, Yuna & Lot 19 Chapman Valley Road, Nabawa*

*Council sell both residential properties at Lot 23 Chapman Valley Road, Yuna & Lot 19 Chapman Valley Road, Nabawa immediately, irrespective of the tenancy arrangement in place at the time.*

*Voting 5/2*

*CARRIED*

*Minute Reference 03/17-16”*

**COMMENT**

Council has fee simple (freehold) title for Lots 19 Chapman Valley Rd, Nabawa & 102 Chapman Valley Rd, Yuna (formally Lot 23) and has 3 options to dispose of the land under the Local Government Act 1995 Section 3:58(2) i.e.

1. Highest bidder at a public auction;
2. Public Tender; or
3. Private Treaty

Should the council wish to dispose of the property to an employee, section 3.58(3) applies; however, it does not appear this is the intention and the basis of the disposal is to be to the open market.

Local Real Estate Agents (Geraldton Property Team) has been approached seeking a market appraisal of both properties (which does not satisfy the legislation for a sworn valuation). Geraldton Property Team was used to sell other Shire residential properties in the recent past with success, hence the decision to use this agency again.

After discussions with the real estate agent, the feeling is the public auction option does not appear to work well in locations like Nabawa and Yuna, with the advice being to use either the public tender or private treaty option i.e.

Option 1 - Sale by Private Treaty:

Sale by Private Treaty should be undertaken through an Agent and will result in the following:

1. Hopefully attract more interest as the properties will be part of the real estate advertising process for the area;
2. Agents Fee based upon a commission fee of the sale price of the property. This fee will include all advertising, enquiries, open home days, etc.;
3. The legal requirement for a Registered Valuer to provide Council with an independent market value of each property. This is estimated to be a cost of approximately \$950 for both properties;

Option 2 - Sale by Public Tender:

1. Will possible be less effective as it will rely upon the public notice(s) advertised by the Shire only as this process it will not be part of the real estate agents advertising for the area;
2. Will not attract an Agents fee; however, will require public notice advertising by the Shire at the Shire's costs;
3. A market valuation of the properties is not required as this is being disposed of by tender;

## **STATUTORY ENVIRONMENT**

LOCAL GOVERNMENT ACT 1995

3.58. *Disposing of property*

(1) In this section —

*dispose* includes to sell, lease, or otherwise dispose of, whether absolutely or not;

*property* includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
  - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

LOCAL GOVERNMENT (FUNCTIONS & GENERAL) REGULATION 1996

30. *Dispositions of property excluded from Act s. 3.58*

- (1) A disposition that is described in this regulation as an *exempt* disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the *transferee*) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 or
  - (c) the land is disposed of to —
    - (i) the Crown in right of the State or the Commonwealth; or
    - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
    - (iii) another local government or a regional local government;
 or

- (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
- (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
- (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
- (g) it is the leasing of residential property to a person.

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
- (c) the subject of State wide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
  - (i) the names of all other parties concerned; and
  - (ii) the consideration to be received by the local government for the disposition; and
  - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

(2b) Details (see section 3.58(4) of the Act) of a disposition of property under sub regulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.

(3) A disposition of property other than land is an exempt disposition if —

- (a) its market value is less than \$20 000; or
- (b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.

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

No Policy/Procedure affected.

#### **FINANCIAL IMPLICATIONS**

The 2016/2017 adopted (and reviewed) Budget places all funds derived from the sale of either (or both) properties into the Building Reserve Fund. Therefore there is a nil effect on the Shire Municipal Fund if the properties sell or do not sell this financial year.

In the case the properties do not sell in the 2016/2017 financial year it will be necessary to budget for the income derived from any sale in 2017/2018 (or beyond) into the Municipal Funds and subsequently transferred to the Building Reserve Fund. Again a nil effect on the Municipal Fund.

#### **STRATEGIC IMPLICATIONS**

Rationalisation of assets is an integral (yet often forgotten) part of asset management.

Council's decision to dispose of surplus properties is prudent asset management.

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

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

### CONSULTATION

Both tenants in the shire owned residential properties to be sold have been formally written and spoken to about the proposed sales.

Council has discussed this disposition of the properties on a number of occasions, with the most recent being at the Building & Disability Services Committee and March 2017 Ordinary meeting.

### RISK ASSESSMENT

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

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

### VOTING REQUIREMENTS

Simple Majority

### STAFF RECOMMENDATION

Council endorses the disposal of Lots 19 Chapman Valley Rd, Nabawa & 102 Chapman Valley Rd, Yuna by Private Treaty under the following conditions:

1. The CEO arranges for a market valuation of both properties, in accordance with legislative requirements, prior to commencing disposal procedures;
2. The CEO to bring an item back to Council for consideration and determination prior to the legislative process continuing for the property disposals.



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

Nil

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

**13.0 DELEGATES REPORTS**

**14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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

15.1 Lot 90 White Peak

**16.0 CLOSURE**