



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 September 2018
at the Council Chambers, Nabawa
commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

SEPTEMBER 2018

Shire's Vision

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

DISCLAIMER



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

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

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



Maurice Battilana
CHIEF EXECUTIVE OFFICER

INDEX

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

(Note: Quorum = 4 Elected Members)

3.1 ATTENDEES

3.2 APOLOGIES

3.3 PREVIOUSLY APPROVED LEAVE OF ABSENCE

4.0 PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

- NBG Chair Jason Batten and Executive Officer Marieke Jansen on the Northern Biosecurity Group
- Bernie Miller – Regional Manager Main Roads WA – to discuss the Chapman Valley Road and any other matters

7.3 DEPUTATIONS

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council – 15 August 2018 (Previously provided under separate cover)

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS PAGE NO.

10.1 MANAGER OF PLANNING 6

- 10.1.1 Proposed Outbuilding – Coffee Pot Drive
- 10.1.2 Bill Hemsley Park Management Committee
- 10.1.3 Proposed Naming of Park
- 10.1.4 Geraldton Alternative Settlement Agreement

10.2 FINANCE 38

- 10.2.1 Financial Reports for August 2018
- 10.2.2 Community Growth Fund Applications

10.3 CHIEF EXECUTIVE OFFICER 49

- 10.3.1 Royal Commission – Institutional Response to Child Sexual Abuse
- 10.3.2 Local Government Commodity Freight Roads Fund
- 10.3.3 2019/2020 – Mid West Regional Road Group Submissions
- 10.3.4 Management Licence – Chapman Valley Golf Club
- 10.3.5 Off Road Vehicles & Local Government

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 Request for Quotes 3-18/19 Provision of Civil Engineering Services

15.2 Invitation to Tenders 01-18/19 – Panel of Prequalified Suppliers of Plant, Equipment & Traffic Management Services for occasional hire

16.0 CLOSURE

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 Attendees

3.2 Apologies

3.3 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

Cr Warr – October Ordinary Meeting of Council
Cr Forth - November Ordinary Meeting of Council

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 August 2018

That the minutes of the Ordinary Meeting of Council held Wednesday 15 August 2018 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

September 2018

Contents

10.1 AGENDA ITEMS

10.1.1 Proposed Outbuilding – Coffee Pot Drive

10.1.2 Bill Hemsley Park Management Committee

10.1.3 Proposed Naming of Park

10.1.4 Geraldton Alternative Settlement Agreement

AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED OUTBUILDING, WAGGRAKINE
PROPONENT:	R. FERSTAT
SITE:	41 (LOT 14) COFFEE POT DRIVE, WAGGRAKINE
FILE REFERENCE:	A105
PREVIOUS REFERENCE:	N/A
DATE:	24 AUGUST 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Submitted correspondence & plans relating to proposed outbuilding at 41 (Lot 14) Coffee Pot Drive, Waggrakine	√	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to construct a zincalume clad outbuilding upon 41 (Lot 14) Coffee Pot Drive, Waggrakine. The application has been advertised for public comment. This report recommends conditional approval of the application.

Figure 10.1.1(a) – Aerial photograph of 41 (Lot 14) Coffee Pot Drive, Waggrakine



COMMENT

41 (Lot 14) Coffee Pot Drive, Waggrakine is a vacant 2.5289ha property located on the corner of Coffee Pot Drive and Mills Place. The applicant is seeking approval to construct a shed in the north-western corner of Lot 14, 15m from the side/western boundary and 20m from the rear/northern boundary.

The proposed outbuilding would be 16.3m x 9.5 (154.85m²) with the southern half of this floor area enclosed and the northern half open sided. The outbuilding is proposed to have a wall height of 3.56m and an overall apex height of 4.565m.

The outbuilding would meet with the minimum boundary setback requirements for this zone, and also comply with the maximum 200m² area, 4.5m wall height and 5.5m total height requirements for the 'Rural Residential' zone under Council's 'Outbuildings' Local Planning Policy.

However, the Outbuildings policy also requires that uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned 'Rural Smallholdings' or 'Rural' and the application is therefore unable to be determined by Shire staff under delegated authority and is required to be placed before a meeting of Council for its determination.

A copy of the applicant's supporting correspondence and submitted site, floor and elevation plans have been included as **Attachment 10.1.1** to this report.

Figure 10.1.1(b) – View of Lot 14 looking north from Coffee Pot Drive



Figure 10.1.1(c) – View of Lot 14 looking west from Mills Place

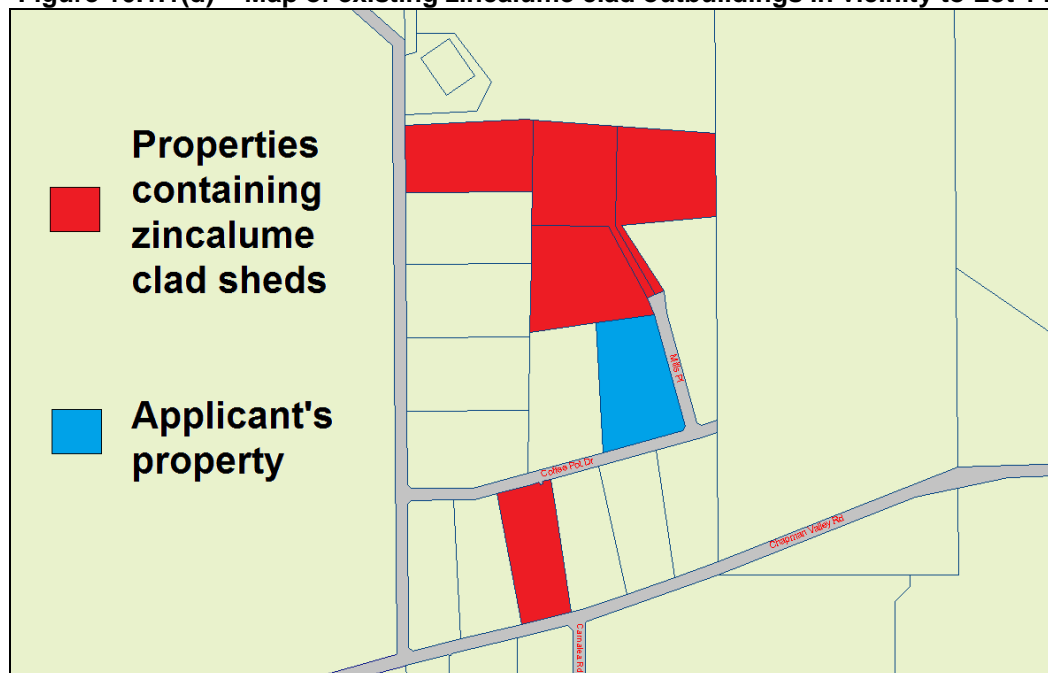


It is considered that conditional approval of the application is warranted in this instance, based upon the following:

- the outbuilding meets with Council's requirements pertaining to area, height and boundary setback as specified in its Outbuildings Local Planning Policy;
- the outbuilding would not dominate the built form of the surrounding area, being setback approximately 80m from Mills Place and 175m from Coffee Pot Drive;
- the use of zincalume cladding on the shed would not be out of character with the built form of the surrounding area as there are 5 existing zincalume sheds within proximity as illustrated in **Figure 10.1.1(d)**;

- the property does not presently contain an outbuilding and its construction would enable the landowner to store personal items securely and out of the weather rather than have them in the open, which may be considered to improve visual appearance and amenity;
- the applicant has commenced landscaping of their property and this will assist in screening the shed from the road and surrounding properties;
- the proposed outbuilding is not considered to cause an inconsistency in the existing streetscape nor cause a detrimental impact to the orderly and proper planning of the townsite;
- the acceptance of the proposed outbuilding as being within the character of the surrounding area has been demonstrated through no objections being received, and 3 submissions being received in support of the application as illustrated in **Figure 10.1.1(e)**.

Figure 10.1.1(d) – Map of existing zincalume clad outbuildings in vicinity to Lot 14



STATUTORY ENVIRONMENT

41 (Lot 14 Coffee Pot Drive, Waggrakine is zoned 'Rural Residential 2' under Shire of Chapman Valley Local Planning Scheme No.2 (the 'Scheme').

Section 4.2.4 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."*

Part 3 of Schedule 11 of the Scheme notes the following for the 'Rural Residential 2' 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."

Section 10.2 of the Scheme lists the following relevant matters to be considered by Council in considering a development application:

- "(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...
- ...(i) the compatibility of a use or development with its setting;...
- ...(n) the preservation of the amenity of the locality;
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;...
- ... (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...
- ...(y) any relevant submissions received on the application...
- (za) any other planning consideration the Local Government considers relevant."

POLICY IMPLICATIONS

Shire of Chapman Valley 'Outbuildings' Local Planning Policy establishes a maximum outbuilding size of 200m² for the 'Rural Residential' zone that can be approved by staff under delegated authority, and the proposed 154.85m² shed complies with this policy requirement.

The proposed wall height of 3.56m and total apex height of 4.565m comply with the maximum 4.5m wall height and 5.5m total height policy requirement for the 'Rural Residential' zone.

Section 4.10 of the Outbuildings policy states that:

- "(a) The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon land zoned 'Rural Smallholdings' or 'Rural'.
- (b) The use of uncoated metal sheeting may be considered in the 'Townsite' zone **or where existing buildings have been constructed with the use of uncoated metal sheeting or similar upon a property or another property located in close proximity.**"

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

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

FINANCIAL IMPLICATIONS

• Long Term Financial Plan:

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

STRATEGIC IMPLICATIONS

• Strategic Community Plan:

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

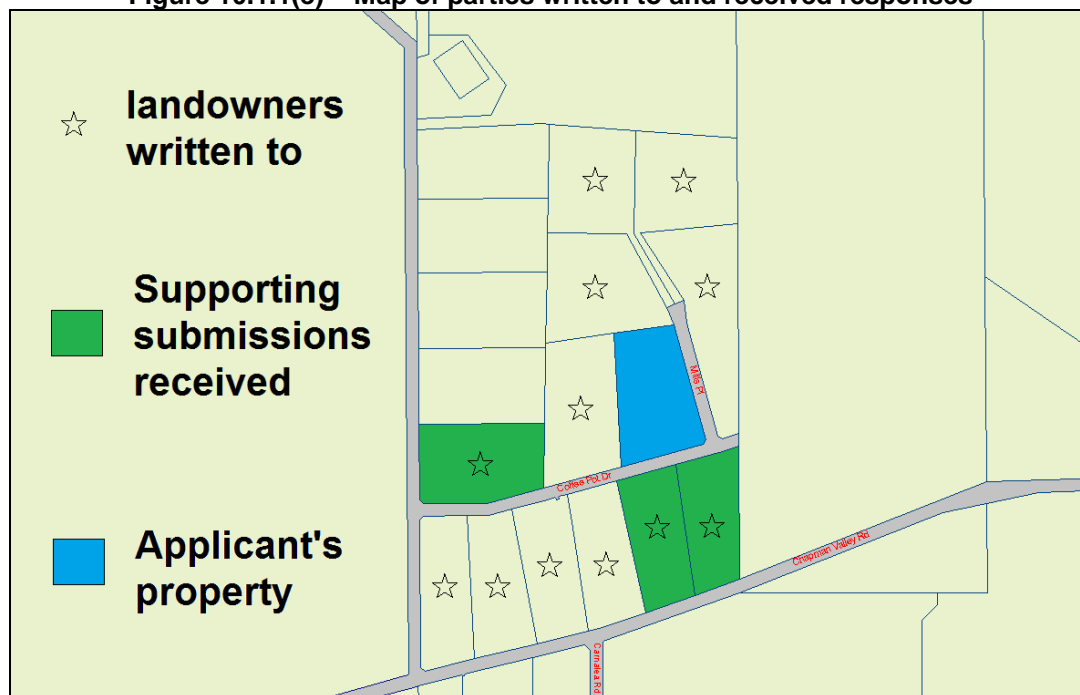
CONSULTATION

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

The Shire wrote to the 9 landowners of the 12 surrounding properties on 26 July 2018 providing details of the application and inviting comment upon the proposal prior to 17 August 2018, a sign was also erected on-site to advise of the received application and the opportunity for comment.

At the conclusion of the advertising period 3 submissions had been received all expressing support for the application, copies of the received submissions can be provided to Councillors upon request.

Figure 10.1.1(e) – Map of parties written to and received responses



RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council grant formal planning approval for a zincalume clad outbuilding to be constructed upon 41 (Lot 14) Coffee Pot Drive, Waggrakine subject to the following conditions:

- 1 Development shall be in accordance with the attached approved plans dated 19 September 2018 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 4 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must not be used for habitation, commercial or industrial purposes.

- 5 Landscaping is required to be maintained between the outbuilding and Coffee Pot Drive and Mills Place for the purpose of softening the visual impact of the structure to the approval of the local government.
- 6 All stormwater is to be disposed of on-site to the approval of the local government.
- 7 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 8 Installation of crossing place(s) to the approval of the local government.
- 9 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

Notes:

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

Rohan Ferstat
41 Acacia Street
Mount Tarcoola, WA 6530
Ph: 0438 382 572

16th July 2018

RE: LOT 14 COFFEE POT DRIVE, WAGGRAKINE, WA 6530 – PROPOSED OUTBUILDING APPLICATION

To whom it may concern,

Please see enclosed our application for the construction of a new outbuilding (shed) on **Lot 14 Coffee Pot Drive, Waggrakine WA 6530**. Our application includes:

1. *Shire of Chapman Valley Shed Checklist*
2. *BA02 Uncertified Building Application*
3. *Shire of Chapman Valley Application for Planning Approval Form*
4. *Lot 14 Certificate of Title including Boundary Plan*
5. *Site Classification/Soil Test Result*
6. *Three (3) copies of engineer endorsed construction drawings*
7. *Specification of material selection*

The proposed outbuilding is a kit shed approximately 9m x 8m (enclosed) with a carport approximately 9m x 8m (not enclosed) located to the rear of the property (north-west corner). Primarily the building will be used for the storage of personal tools & equipment and personal vehicles as well as a small workshop.

As part of our application, we wish to propose a variation to the Shire of Chapman Valley's *Local Planning Policy: Outbuildings, Section 4.10 Materials*. Our preferred material selection for the external cladding of this building is uncoated metal sheeting (i.e. Zinalume). This selection has been made with the following criteria in mind:

- As well as this outbuilding, it is proposed that our future residential dwelling (future application) will celebrate the heritage aspects of the surrounding neighbourhood and incorporate materials and features that are used in the local area. A primary reason for our purchase of Lot 14 Coffee Pot Drive was our appreciation of the local heritage building, the 'Coffee Pot' - a small square building on the site of an experimental coffee plantation which uses materials that we are proposing to use also.
- We wish for our property planning and development to celebrate the country lifestyle/rural aesthetic of the area. The strategic use of the uncoated metal on the shed and future dwellings coupled with the proper site development (fencing etc.) will add to that desired aesthetic.
- The proposed outbuilding has been located well to the rear of the property, on both road frontages (please refer drawing 3009-10 Sheet 2 of 10 - Site Plan). Already the shed is screened from neighbouring properties as there are established trees to the north and west of the proposed shed location.

- The proposed outbuilding will be effectively further screened by new vegetation planting (on both road frontages) which will be strategically selected and sourced in consultation with local permaculture professionals.
- It is proposed that our future residential dwelling (future application) will effectively screen the outbuilding from direct view from Mills Place.
- Majority of existing immediate neighbouring properties have used uncoated metal sheeting (i.e. Zincalume); are within close proximity; and are within view from our property, particularly to the north end of Mills Place. Our proposed use of this matching material will only add to the aesthetic of the neighbouring properties and surrounding area. Please refer Figures 1 – 4.



Figure 1: Existing Neighbouring Outbuilding



Figure 2: Existing Neighbouring Outbuilding



Figure 3: Existing Neighbouring Outbuilding



Figure 4: Existing Neighbouring Outbuilding

For these reasons we believe the option of cladding the building in Zincalume is better suited to the aesthetic of the existing area and neighbouring properties. This proposed selection actively celebrates the heritage aspects of this unique neighbourhood and with reference to Schedule 12 of the Shire's Local Planning Scheme does not have a detrimental impact on the local amenity.

Thank you for your consideration in this matter. We invite the authority to consult as necessary and we look forward to a favourable outcome.

If you need any further information in this matter please do not hesitate to contact me.

Sincerely,

Rohan Ferstat

GENERAL SPECIFICATION: OUTBUILDING FOR LOT 14 COFFEE POT DRIVE, WAGGRAKINE, WA 6530

**Refer to Drawing series 3009-10 [Sheets 1 – 10] for specific details and design criteria*

Span

9 metres nominal

Length

16 metres nominal (4 bays of 4 metres each)

Height

3.7 metres to top of the gutter

Roof Type

Gable, 12 degree pitch

Roof

ZINCALUME® steel CUSTOMORB® steel 0.42 BMT sheeting, BlueScope

Walls & Trims

ZINCALUME® steel CUSTOMORB® steel 0.42 BMT sheeting, BlueScope

Roller Doors

One (1) ZINCALUME® steel 3.0m high x 3.3m wide roller door.

The Roller Door is wrapped for protection during transport.

Personnel Access Doors

One (1) 920mm wide pre-hung double skin ZINCALUME® steel door with keyed lockset and lever handle to one side

One (1) 2150 x 2315 French door – clear glass with lever type lockset handle to both sides

Windows

Materials to frame up for window and door opening(s) including header flashings to suit.

Three (3) 750 x 900 Aluminium framed awning windows – clear glass

One (1) 610 x 900 Aluminium framed awning window – obscured glass

Dividing Walls

One (1) running across the span of the building. ZINCALUME® steel CUSTOMORB® steel 0.42 BMT sheeting.

Vermin Proofing

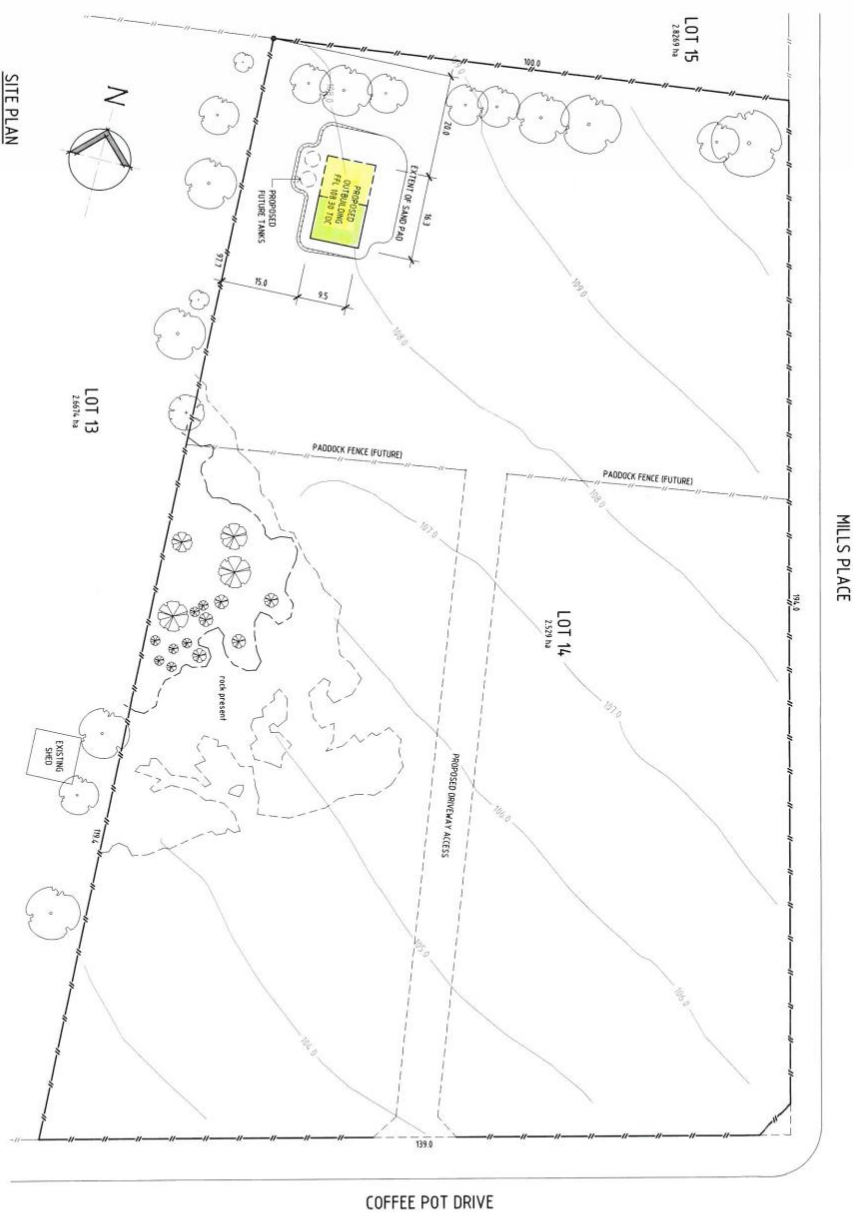
To the perimeter of the building excluding any openings.

Open Gable-Ends

Steel building has sheeting as shown on drawings whilst the north-end-wall-mullions have been removed.

Roof Purlins & Wall Girts:

Z sections bolted to rafters & columns with a minimum overlap of 10% of the bay width. The roof purlins are Z100, the side girts are Z100 and the end girts are Z100.

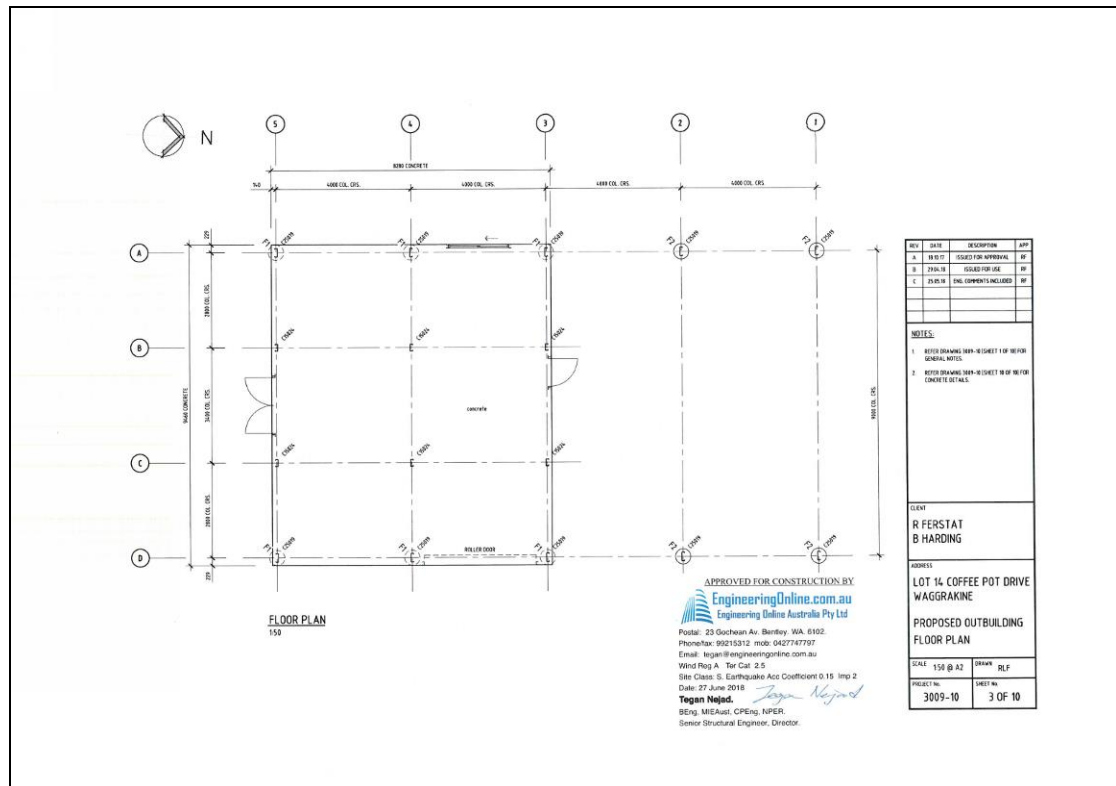
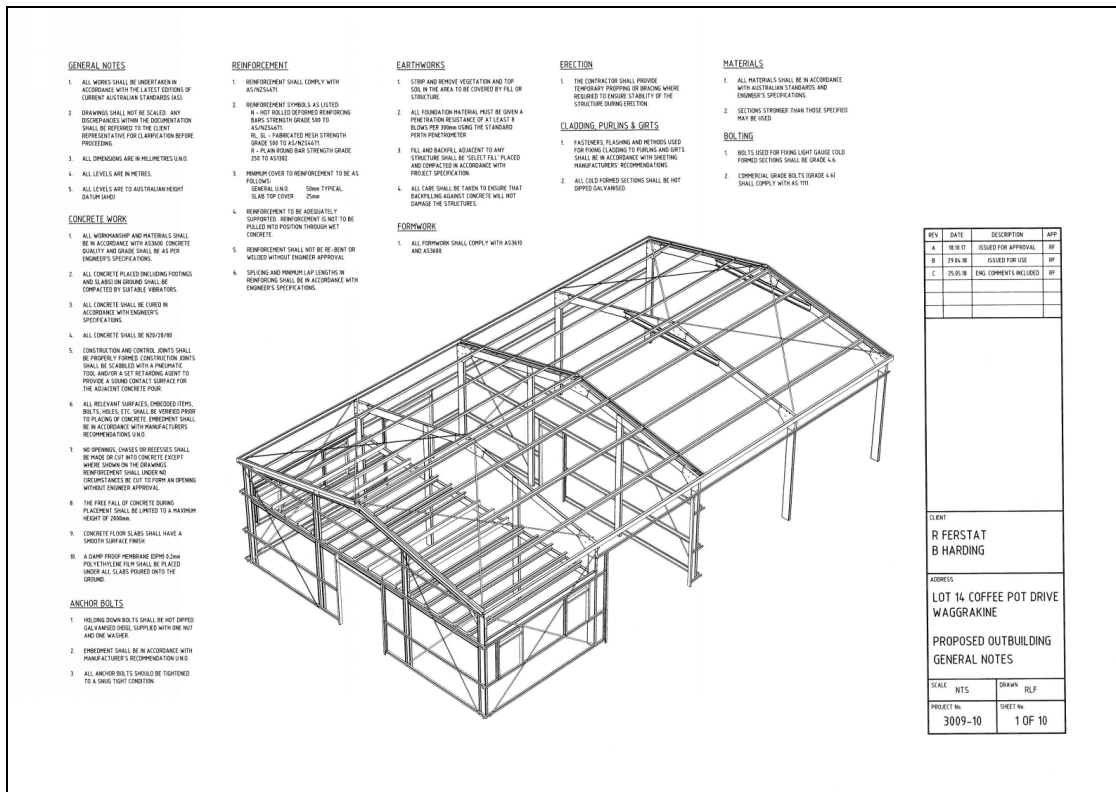


SITE PLAN
1:500

REV	DATE	DESCRIPTION	APP
A	18.01.17	ISSUED FOR APPROVAL	HR
B	29.04.18	ISSUED FOR USE	HR

NOTES:	
1	REFER DRAWING 3009-10 SHEET 1 OF 10 FOR DRIVEWAY NOTES

CLIENT	R FERSTAT B HARDING
ADDRESS	LOT 14, COFFEE POT DRIVE WAGGRAKINE PROPOSED OUTBUILDING SITE PLAN
SCALE	1:500 @ A2
PROJECT No.	3009-10
SHEET No.	2 OF 10
DRAWN	RJF



AGENDA ITEM:	10.1.2
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	RESERVE 49641 REDCLIFFE CONCOURSE, WHITE PEAK
FILE REFERENCE:	A2040
PREVIOUS REFERENCE:	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 & 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 & 05/16-9-12, 06/16-1, 06/16-3-10, 07/16-6-9, 08/16-3-5, 11/16-4-7, 12/16-6, 03/17-9-10, 04/17-10-11, 05/17-4-5, 10/17-9-11, 12/17-5-8 & 05/18-4-8
DATE:	4 SEPTEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Bill Hemsley Park Management Committee Meeting 28 August 2018 Unconfirmed Minutes		√
10.1.2(b)	Bill Hemsley Park Concept Plan		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Bill Hemsley Park Management Committee met on 28 April 2018 and a copy of the minutes from this meeting have been provided as **separate Attachment 10.1.2(a)** for Council's information.

COMMENT

The discussions at the Bill Hemsley Park Management Committee meeting generally concerned how the park was operating/being used since its opening and what maintenance items (e.g. signage, redirecting stormwater drainage) could be resolved to ensure that the facility was responding to cater for this use.

The Management Committee also discussed capital items that might be required in the short term to address the patterns of use at the park (e.g. shade shelters, overflow car parking area, groundwater tank, bollards).

These discussions highlighted that it is now timely for the Bill Hemsley Park Concept Plan to be revisited to enable consideration of the following:

- relocation of the proposed groundwater tank site further down the slope from the location as shown upon the concept plan so that it is closer to the building and the existing tank and less likely to impact on surrounding resident's outlook;
- establishment of a gravel (utilising the material from the temporary driveway) overflow car parking to the east of the bbq gazebo to cater for vehicles during peak usage (the concept plan illustrates that further car parking would be to the south-west of the sealed car park);
- identification of bollards to prevent vehicles from parking alongside the bbq gazebo;
- identification of 3 shade shelter locations around the playground;
- consideration on whether the perimeter horse trail/strategic firebreak as shown on the concept plan might also serve as the path for the fitness trail rather than the internal path as was shown on the concept plan.

The concept plan was prepared to guide the development of the Bill Hemsley Park and with the delivery of the main core area it is considered appropriate to update the plan so that it evolves into a master plan that accurately depicts in detail the components that are now on-ground and their usage patterns, as this will ensure planning and delivery of future items (e.g. native plantings, stormwater direction etc.) is undertaken in a coordinated manner.

Similar to the master plan exercises undertaken for the Nanson Showground and Nabawa Siding it is recommended that an aerial drone photo be taken of the site and this be used as the background for the updating of the concept/master plan.

It is recommended that the Management Committee be requested to review the Bill Hemsley Park Concept Plan with the aim that it be refined and presented to a future meeting of Council for its consideration.

The Bill Hemsley Park Concept Plan as endorsed by Council at its 16 September 2015 meeting is provided as **separate Attachment 10.1.2(b)**.

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 the subsequent 10 November 2015 endorsement, satisfies Part 4 of the Management Agreement and enables expenditure of the trust funds.

The Management Committee also recommended at its 2 September 2015 meeting that matching trust funds be utilised for a tank upon Bill Hemsley Park as part of an unsuccessful grant application.

Council resolved at its 18 November 2015 meeting to endorse the Management Committee’s 10 November 2015 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 the now delivered on-ground items, and instruct Shire staff to seek external funding (matched from the Bill Hemsley Park trust account) for these items. On this basis it should be considered that all trust funds should by now be accounted for.

In the event that the Management Committee were not willing to make recommendation for the construction of shade shelters at Bill Hemsley Park to be funded from the trust account, then Council may consider that this capital expenditure item should not proceed. Alternatively, Council may consider that its budget should be amended to identify that the remaining trust funds be utilised for the delivery of the water supply, which is in line with previous Management Committee recommendations, and utilise Shire own resources for the shade shelters, with this amendment having no net change to the budget but rather adjust where the allocations are drawn from. A third option is for Council to consider that its budget be amended to resource the shade shelters from the Building Reserve, and utilise the remaining trust funds to supplement the Shire own resources already

listed for the water supply item (this third option is not considered appropriate at this time, given the outstanding groundwater grant application that awaits determination).

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.

Trust Account 18 contained \$14,239.97 as at 31/7/18.

FINANCIAL IMPLICATIONS

The Bill Hemsley Park Management Committee resolved at its 28 August 2018 meeting as follows:

“That the Management Committee query whether the budgeted expenditure for the shade structures is from the trust account or from Council own resources.”

The adopted 2018/2019 Council budget lists the following items relevant to Bill Hemsley Park:

COA	Operating Revenue	Budget Amount	Comments
2803	Grants & Other Income Received	\$14,000	20–Trust Recoup from T18 Parkfalls Residents Assoc Inc
COA	Capital Expenditure / Reserve Transfers	Budget Amount	Comments
2834	Land & Buildings – Capital Expense	\$50,921	99–Job:CD023–carry over Mural Wall Project CAN funds–refer COA GL2864 Unspent Grant Reserve Job:CHEM-5 Year Building Program Capital Works-Complete Water Supply \$25,000 Shade Shelter \$15,000 (utilise balance funds from PRA Trust approx. \$14,000 and option to fund from Building Reserve if funding unsuccessful)

It should be noted that the identification of the PRA in the budget comments section identifies that the PRA has a role on the Management Committee that provides recommendation to Council on the expenditure of the trust. Both legal agreements in relation to the trust as prepared by Altorfer & Stow Barristers & Solicitors and McLeods Barristers & Solicitors specifically identify that the trust funds are a payment by the developer to the Shire for expenditure on the park.

• Long Term Financial Plan:

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

STRATEGIC IMPLICATIONS

• Strategic Community Plan:

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

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).

With the exception of the bore/tank item, which is currently subject to grant application, all items have now been delivered on-ground, hence it is now timely to review the concept plan so that it accurately reflects the on-ground items and their usage patterns, but also examines the proposed/future items as shown upon the concept plan.

It is suggested that the review of the concept plan would not seek to introduce new items but rather allow for consideration of how the remaining peripheral park items might be best delivered given that, with the on-ground delivery of the core park items, greater knowledge is now to hand on how the park is being utilised.

The plan would be required to be presented to Council for its consideration and Council, if satisfied with the updated plan, may choose to endorse the plan, or advertise it for comment prior to making its determination.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

STAFF RECOMMENDATION

That Council:

- 1 Receive the minutes of the 28 August 2018 Bill Hemsley Park Management Committee.
- 2 Advise the Bill Hemsley Park Management Committee that the adopted 2018/2019 Council budget lists the balance funds from the trust account as being utilised for the shade shelter.
- 3 Request that the Management Committee prepare an updated version of the Bill Hemsley Park Concept Plan (that details the now completed core area of the park, and provides greater detail in regards to the location of various future items including the shade shelters, water tank, overflow carpark, bollards, perimeter path and other items) for the consideration of Council.

AGENDA ITEM:	10.1.3
SUBJECT:	PROPOSED NAMING OF PARK
PROPONENT:	K PYM
SITE:	LOT 142 RICHARDS ROAD, BULLER
FILE REFERENCE:	A87
PREVIOUS REFERENCE:	NIL
DATE:	7 SEPTEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Applicant's correspondence	√	
10.1.3(b)	Wokarena Heights Structure Plan extract	√	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The landowner of Lot 9 Richards Road, Buller has suggested a name for a new park that will be created as part of their subdivision. This report recommends that Council endorse the name 'Richard Pym Park' and forward this name to the Department of Lands for approval.

COMMENT

The Western Australian Planning Commission approved the subdivision of Lot 9 Richards Road, Buller on 25 August 2014 into 4 x 4,000m² approx. lots fronting Richards Road, a 9.5ha balance lot to the rear and a 7,553m² area of public open space.

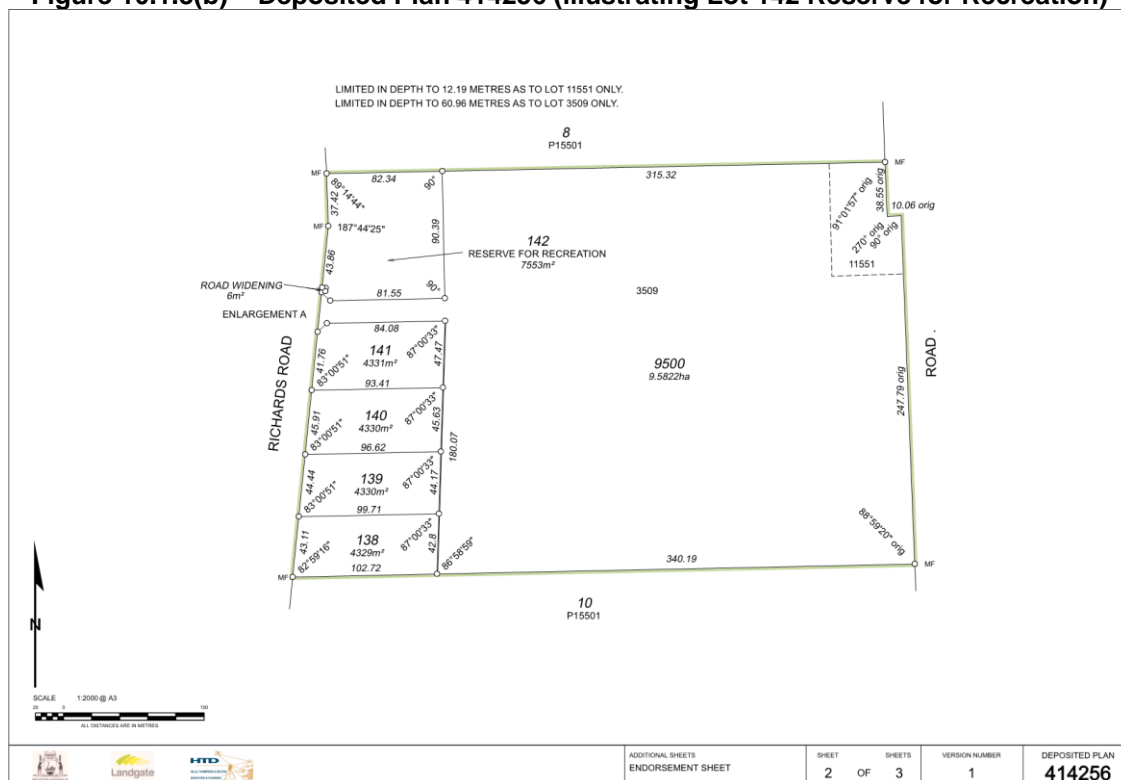
Figure 10.1.3(a) – Aerial Photograph of Lot 9 Richards Road, Buller



The subdivision is nearing finalisation with the surveyor having now lodged Deposited Plan 414256 a copy of which is provided as **Figure 10.1.3(b)**.

The subdivider has written to Council seeking its support for the naming of the proposed park to 'Richard Pym Park' in recognition of their deceased husband, and a copy of their supporting correspondence is provided as **Attachment 10.1.3(a)**.

Figure 10.1.3(b) – Deposited Plan 414256 (illustrating Lot 142 Reserve for Recreation)



The subdivision layout is in accordance with Council's Wokarena Heights Structure Plan a copy of which is provided as **Attachment 10.1.3(b)**.

Figure 10.1.3(c) – View of proposed park site looking north-east from Richards Road



STATUTORY ENVIRONMENT

The Department of Land's Geographic Names Committee are responsible for the final approval of road and park names and deem under their guidelines that the following are not suitable:

- names of living persons;
- first names;
- derogatory or discriminatory names;
- company or commercialised names;
- names that are duplicated or similar to existing names within a 50km radius.

Council are required to forward its suggested name(s) to the Department of Land's Geographic Names Committee for consideration and final approval as per Section 26A of the *Land Administration Act 1997*.

The Geographic Names Committee's 'Policies and Standards for Geographical Naming in Western Australia' states:

"6.1.2 Naming after adjacent streets or features

Priority shall be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve.

If a park or reserve is to be named after an adjacent street, the road type shall not be included as part of the name.

6.2 Naming of parks and reserves under 1ha

Names commemorating or construed to be commemorating living persons shall not be considered for parks or reserves with an area over 1ha.

If a park or reserve is to be named in honour of a person, they should have either had a direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State. Association or contribution can include:-

- two or more terms of office on a local government council;*
- twenty or more years association with a local community group or service club;*
- twenty or more years of association or service with a local or State government agency or organisation;*
- action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community or area;*
- service to the community or organisation must have been voluntary;*
- given and surname combinations may be acceptable.*

Former ownership of land is not an acceptable reason for proposing a name, unless previous criteria apply."

POLICY IMPLICATIONS

Council has Policy CP-012 that lists pre-approved road names but has previously considered park names on an individual basis only, with the most recent being Bill Hemsley Park at its 15 October 2013 meeting.

FINANCIAL IMPLICATIONS

State Planning Policy requires that residential subdivision shall provide 10% of the subdivisional area as public open space ('POS'). The coordinated allocation of POS throughout the Wokarena Heights Structure Plan area results in some landowners not having any POS identified on their lots, and other landowners being required to cede a greater area than 10%.

The subject subdivision will create a POS/Reserve for Recreation area of 7,553m² in accordance with the layout of the Wokarena Heights Local Structure Plan. This POS allocation represents 6.26% of the total land area of Lot 9 and the landowner of Lot 9500 will therefore be required to make payment of a cash-in-lieu contribution equivalent to the outstanding 3.74% (4,514m²) of the unimproved land value of the subdivisional area in accordance with Section 153 of the *Planning and Development Act 2005* at time of their future subdivision of Lot 9500 (i.e. they do not have to pay the cash-in-lieu portion at this time, and are providing the land component upon DP414256).

The transfer of the proposed park site from private to public ownership will enable the Shire to work with the Wokarena Heights community as it develops to create an area that meets its recreational requirements. In its consideration of responsible and staged development of the park, the Shire would have regard for the following to inform its design:

- the type of park facilities that are sought by the Wokarena Heights community (this would be established through a consultation process);
- the type of facilities that are likely to be used by the Wokarena Heights community (this would be established through an evaluation and review process);
- the capital and maintenance cost of the facilities (this would factor the initial and ongoing costs);
- the appropriateness of the facilities in relation to their setting (this would include consideration of the facilities' function, appearance and impact).

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and notes the following of relevance to the future development of the park.

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

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

“The Shire’s population is projected to increase over the next 15 years following annual growth of 5.7% per annum between 2006 and 2011 (latest census figures). This growing population, particularly in the Shire’s coastal and rural-residential areas will place increasing demands on Council for services.”

STRATEGIC IMPLICATIONS

The recognition of notable landmarks, local identities, local flora, local heritage places and events as road names will assist in promoting the heritage and appeal of the Shire of Chapman Valley rather than the application of more generic titles.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was endorsed by Council at its 15 November 2017 meeting and has the stated aim:

“To maintain and build population while ensuring financial and asset management is robust to allow for effective service delivery as an independent shire participating in the growth of the region.”

CONSULTATION

Council may wish to advertise this matter to Richards Road landowners inviting comment prior to making its determination, or alternatively consider that the supporting information provided by the applicant is of sufficient weight to make its determination at this juncture.

The Geographic Names Committee’s ‘Policies and Standards for Geographical Naming in Western Australia’ states:

“6.2.1 Evidence of community support

Proposals to name parks or reserves should include evidence of strong community support for the name. This support can be ascertained by some of the following:-

- *advertising proposals in local papers, inviting comments;*
- *advertising proposals in local libraries;*
- *erection of signs on the park or reserve, advising of the proposed name;*
- *advising residents in the area surrounding the park or reserve of the proposed name in writing; and*
- *advising local progress associations of proposed names and inviting their comments.”*

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

STAFF RECOMMENDATION

That Council advise the Department of Land's Geographic Names Committee that it supports the assignation of 'Richard Pym Park' to the Reserve for Recreation shown as Lot 142 Richards Road, Buller upon Deposited Plan of Survey 414256, and 'Wokarena Park' be provided as an alternative park name in the event that the Department does not support the suggested name.

Submission for Naming The "Richard Pym Park"

With the subdivision of the property at Lot 9 Richards Road, Buller, a new park for recreation was a requirement of the Strategic plan for the Wokarena Heights area. I am requesting that the park, which was a part of my property, be named after its first resident, Richard Pym.

Richard Pym purchased the property in 1987 after living in the area of Drummond Cove for 3 years. It was previously a large lupin paddock which became an eleven lot subdivision from the Hemsley's historic original family farm.

From that time until his death in 2007, Richard worked tirelessly to improve the local Wokarena area. He brought electricity and later worked to bring water to the area. He constructed the first rammed earth house as an owner builder in the area and was the first resident of what is now called the Wokarena Heights area.

Due to my pioneering family's very long historical connection to the Drummond Cove, Yuna, Greenough and the Geraldton districts, Richard became well known to many residents of the Chapman Valley Shire. He worked continuously on a voluntary basis for 25 years within the community in many fundraising for charity and RFDS, farming and community tree planting improvements to all of these districts.

He saw the struggle of many people when they were affected by drought and economic vulnerability. He worked hard to set up a secondary student scholarship fund within the local community to provide many struggling students from the area with scholarships to help support their high school studies. As a member of the masonic lodge, Richard was instrumental in setting up a cropping program that would ensure the future of the Masonic scholarship given to a Yr 12 student for each year

It was as a special teacher at Geraldton Secondary College for over 25 years that many people in the district remember Richard. He was the pioneer of setting up the "Skilling Through Enterprise Program" that has become such a major area in the local Geraldton Secondary College. For many struggling students, Richard became the only stable, fun and caring adult in their lives and they became part of his family. He would feed and clothed them from his own resources.

He found them into work experience opportunities and taught them life skills that made a difference to their lives.

He was directly responsible for setting up the buildings for this program, and worked hard to gain outside funding for many projects and carried them out whilst teaching his students many useful skills. One such project was the building of the adventure playground for Bluff Point Pre Primary and constructing a powered boat for the nautical studies program in the college. He brought in many community members to teach different skills that would enable his students to become employable members of the Geraldton community.

He also taught at the Geraldton Grammar School is remembered for his positive influence on both the students and teachers there.

Richard was known for his cheerful, larger than life personality and his quick wit. It was with this in mind, that the students of Geraldton Secondary College wished to have an annual award to be given in his name as a tribute to his memory. Each year, from 2007, the Richard Pym Award has been awarded at the Year 12 Valedictory Ceremony. A student who has made a difference to the lives of others in promoting a caring and friendly community is chosen as a worthy recipient.

I am confident that the original local resident community of Wokarena and Richards Road would endorse the naming of the new park after Richard Pym. I have spoken with some of the original residents of the Wokarena lots and have had their endorsement that it would be fitting to name the park after Richard Pym.

(a) Berrice and Phil Lodge

(b) Don and Lyn Patten

The other original residents I am sure would also endorse this.

(c) Greg and Gwen Moncrief

(d) Ken and Wiggy Mitsuda

(e) Jim and Shelley Bowbridge

Thank you for your consideration.

Kerry Pym.



AGENDA ITEM:	10.1.4
SUBJECT:	GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT
PROPONENT:	DEPARTMENT OF PLANNING, LANDS & HERITAGE
SITE:	VARIOUS UNALLOCATED CROWN LAND
FILE REFERENCE:	706.00
PREVIOUS REFERENCE:	NIL
DATE:	10 SEPTEMBER 2018
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.4(a)	Geraldton Alternative Settlement Agreement Land Identification, Assessment & Selection Flowchart	√	
10.1.4(b)	Summary of Naraling Unallocated Crown Land – CONFIDENTIAL		√
10.1.4(c)	Shire Response to Department of Planning, Lands & Heritage 16/8/18 - CONFIDENTIAL		√

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of correspondence from the Department of Planning, Lands & Heritage seeking its comment in relation to several land parcels within the Shire of Chapman Valley that have been identified as areas of interest for the native title claimants and are currently being considered for inclusion into the Indigenous Land Use Agreements.

COMMENT

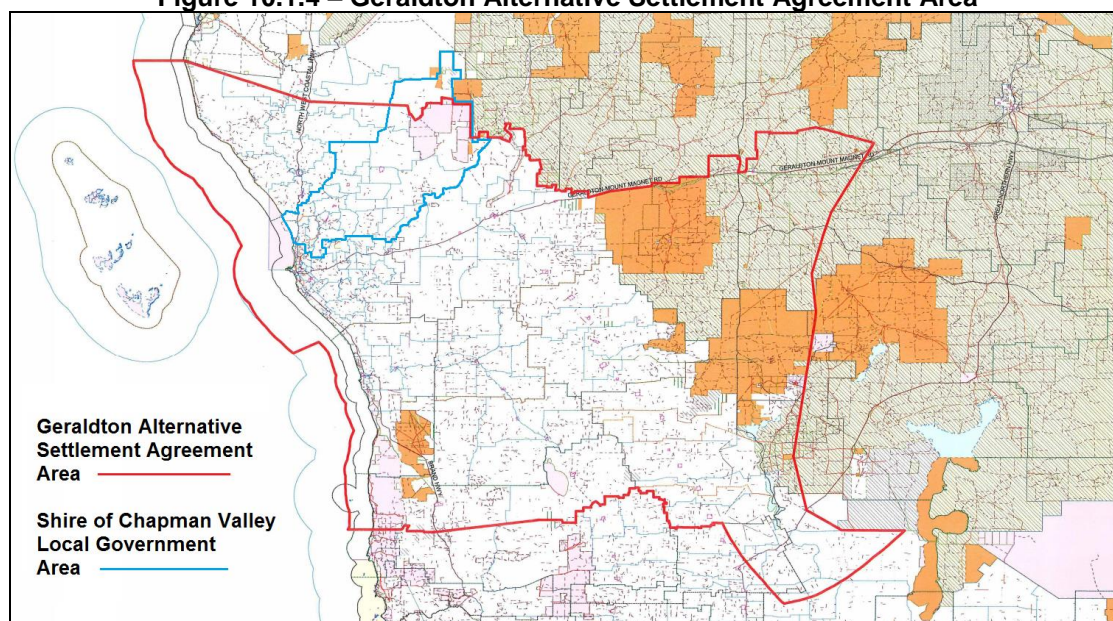
The State of Western Australia is currently negotiating an alternative native title settlement in the greater Geraldton region with four native title claimant groups (Southern Yamatji, Hutt River, Widi Mob and Mullewa Wadjari).

The State's proposal, under the Geraldton Alternative Settlement Agreement ('GASA') is that a settlement package will be agreed in exchange for the surrender of all native title rights and interests within the external boundaries of the GASA.

Negotiations may include the following matters:

- development of, and initial support for, appropriate governance structures to ensure successful implementation of a final agreement;
- a heritage regime based on the Government Standard Heritage Agreement;
- **provision by the State of a land base;**
- joint vesting and/or management of conservation areas, including areas not yet reserved for conservation purposes;
- development of a ranger program;
- financial assistance for business and economic development opportunities; &
- recognition of traditional ownership.

Figure 10.1.4 – Geraldton Alternative Settlement Agreement Area



The State's offer under the GASA includes provision by the State of a land base to the claimant groups. The negotiation of this part of the agreement entails members of the groups' Traditional Owner Negotiation Team selecting various parcels of land within the agreement area which they seek to have transferred to them, or management thereof. The Department of Planning, Lands & Heritage is responsible for reviewing these parcels to identify which of them might be eligible for transfer, what is the appropriate tenure and under what conditions (e.g. freehold, leasing, sole management or joint management of reserves).

A flowchart providing background information on the overall process has been provided as **Attachment 10.1.4(a)**.

The Department of Planning, Lands & Heritage are seeking the Shire's comment upon various Unallocated Crown Land parcels in the former Naraling townsite with respect to the following:

- “1 Are there any future proposals for the land identified? If so, in what time frame?
- 2 Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?
- 3 Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?
- 4 Are there any known land management issues with the land identified e.g. contamination etc?”

Shire staff have prepared **separate confidential Attachment 10.1.4(b)** that provides a cadastral map, aerial photograph and individual comment for each Unallocated Crown Land parcel, and it is suggested that this form the basis for Council's response to the Department of Planning, Lands & Heritage.

The Department of Planning, Lands & Heritage previously made enquiry with the Shire regarding various Crown Reserves predominantly in the South Yuna, Wandana and Yuna localities and a copy of the Shire response dated 16 August 2018 has been provided as **separate confidential Attachment 10.1.4(c)**.

STATUTORY ENVIRONMENT

Section 14 of the *Land Administration Act 1997* requires that:

“Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The GASA is following a similar process to that previously undertaken for the South West Native Title Claim Area, which is at a more advanced stage, that also sought to identify Unallocated Crown Land that might be either transferred to the Noongar Boodja Trust as freehold title or leasehold or managed reserves. The South West Native Title Settlement Fact Sheet, previously prepared by the Department of Premier & Cabinet in 2015 for that process, provides some general guidance on frequently asked questions, noting that:

“What is the difference between Freehold land and Managed Reserve Land?”

Each form of land tenure has different benefits.

- *Freehold is land that the Noongar Boodja Trust will own like any other private land owner in the State. It allows for the land to be developed, used for commercial purposes, used as security against loans, or to be sold. Like all other freehold land, there are costs that must be met, including local government rates and charges, insurance, fire service levies and any land management cost.*
- *Managed reserves are areas of Crown land that has been reserved for a particular purpose. The Trustee will consult with the Noongar community as to the use of any individual reserve – i.e. whether it is held for particular Noongar social, cultural, or economic benefit, whether it can be subdivided, and so on.”*

“Will the Noongar Boodja Trust need to pay rates on the Freehold land allocated under the Settlement?”

As the owner of the freehold land, the Noongar Boodja Trust will be required to meet the normal costs, including rates or service charges, associated with owning freehold land. Freehold land can be exempted from rates under s.6.26(2)(g) of the Local Government Act 1995 (WA) where that land is used exclusively for charitable purposes. However, if the freehold land is used for a commercial purpose or leased for a commercial enterprise, it will not be exempt from rates.”

• **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting and Section 6.3 notes that the objective of asset management is to meet a required level of service in the most cost effective manner through the management of assets for present and future customers. On this basis the Shire comments in relation to the Unallocated Crown Land parcels have been structured to identify, and seek management of, only those parcels which Council would have some future purpose/requirement (e.g. for road widening purposes etc.).

STRATEGIC IMPLICATIONS

• **Strategic Community Plan:**

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

CONSULTATION

The Department of Planning, Lands & Heritage have advised that the parties to the proposed agreement are negotiating under tight timeframes imposed by the Federal Court and the Shire comment is required to be provided by 30 October 2018.

The Department of Planning, Lands & Heritage have advised as follows:

“Please note that this process is being carried out in the context of a Federal Court mediation which is confidential. Accordingly, you are not permitted to share any of the matters pertaining to this referral to a third party.”

The Department of Planning, Lands & Heritage have also advised that the Shire's comments may be provided to the Traditional Owner Negotiation Team members for their consideration.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple majority required

STAFF RECOMMENDATION

That Council:

- 1 Endorse and forward the Shire response to the Department of Planning, Lands & Heritage as provided in Attachment 10.1.4(b).
- 2 Endorse the Shire response to the Department of Planning, Lands & Heritage dated 16/8/18 as provided in Attachment 10.1.4(c).

**GERALDTON ALTERNATIVE SETTLEMENT AGREEMENT –
STAGES OF THE LAND IDENTIFICATION, ASSESSMENT AND SELECTION PROCESS**



10.2

Finance

September 2018

Contents

10.2 AGENDA ITEMS

- 10.2.1 Financial Reports for August 2018
- 10.2.2 Community Growth Fund - Applications

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR AUGUST 2018
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	19 SEPTEMBER 2018
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

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

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The monthly financial statements for August 2018 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

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in August 2018 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. The Risk Rating is Level 1 Insignificant.

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial report supplied under separate attachment for the month of July 2018 comprising the following:

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

AGENDA ITEM:	10.2.2
SUBJECT:	COMMUNITY GROWTH FUND - APPLICATIONS
PROPONENT:	VARIOUS APPLICANTS
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.10
PREVIOUS REFERENCE:	NOT APPLICABLE
DATE:	19th SEPTEMBER 2018
AUTHOR:	DI RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2(a)	Unconfirmed Minutes CGF Advisory Group		√
10.2.2(b)	CGF Operational Procedures		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council included in the 2018/2019 Budget an amount of \$30,000 for a Community Growth Fund (CGF). Applications have been requested and the Community Growth Fund Advisory Group has met to evaluation all applications in readiness for Council determination.

COMMENT

The Shire of Chapman Valley Community Growth Fund (CGF) Advisory Group comprises of the following Council appointed representatives:

Cr Kirrilee Warr (Presiding Member)
 Cr Anthony Farrell
 Cr Pauline Forrester
 Cr Ian Maluish

Chief Executive Officer
 Manager Finance & Corporate Services
 Community Development Officer

The purpose of the Advisory Group is as follows:

“Evaluate applications received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with Guidelines, policies and procedures set by Council and make recommendations to Council to allocate funds.”

A copy of the Unconfirmed Minutes of the CGF Advisory Group held on the 5th September 2018 is provided at **Attachment 10.2.2(a)**.

It was pleasing to see the submission received exceeded the funds available i.e.

- Total of all Submissions received - \$44,930;
- Total Budget Allocation - \$30,000

STATUTORY ENVIRONMENT

Not relevant

POLICY IMPLICATIONS

Council has approved the CGF Operational Procedures (see **Attachment 10.2.2(b)**) and this was the basis upon which the Group evaluated the 2018/2019 applications received.

FINANCIAL IMPLICATIONS

The CGF Advisory Group recommendations come within the budget amount of \$30,000, therefore there will be no effect on the 2018/2019 financial position.

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

No affect envisaged on Council's LTFP

STRATEGIC IMPLICATIONS

Supporting Community organisation's and individuals in accordance with the CGF Operational Procedures is designed to develop and assist the Chapman Valley community. It is also designed to remove the ongoing, periodical requests for funding assistance requests made to Council.

The Community Development Officer has had regular dialogue with the individual groups and individuals within the community to explain the CGF Operational Procedures and will continue to do this.

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

Objective	Strategy	Outcome
Nurture the sense of community	Determine a whole of Shire community integration approach	Advocate a sense of community when opportunity arises

RISK ASSESSMENT

Low impact, minor risk rating 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

ADVISORY GROUP RECOMMENDATIONS

Council receives the Minutes of the Community Growth Fund Advisory Group held on 5th September 2018 and endorse the following recommendations within these Minutes:

RECOMMENDATION 1

Council endorse the following funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2018/2019:

Chapman Valley Community Growth Fund 2018-19

Note: 2018/2019 Council Budget Allocation for Account 3222 is \$30 000

Contact			Project Outline					Budget					
Applicant	Contact Name	Project Title	Project Dates	Location	Project Summary	Eligibility Criteria	Project total cost	CGF request	Org Cont.	Other cont. (grant	In-kind	Project wide funded items	
1	CV Men's Shed	Ralf Mulks	Community Gym in the Menshed	Oct- Dec 18	Men's Shed Nabawa	We are in the progress of establishing an all community gymnasium in the meeting room of the Menshed. The plan is that once the works for the extension of the meeting room (as storage room) is completed, we are able to set up the space as a gym and open it once a week or as often as interested community members want to use it, from October onwards. We sourced already training equipment, gym mats and exercise machines etc. and want to develop a circle training with the help of a professional personal trainer in the first 8 weeks of the opening of the gym - to get the ball rolling. A community gym will benefit the health of ALL community members.	Health, seniors, sport and recreation youth and family services	\$11,800 \$11,400	\$2,000 \$1,600 Remove \$400 event management	\$1,500	\$2,300	\$6,000	Trainer fees, event management, advertising, materials-store room

2	CV Men's Shed	Ralf Mulks	Shinema	Dec 18-Mar 19	Men's Shed Nabawa and Coronation Beach	<p>The success of last year's Shinema, let us hope for another series of open air cinema shows and live music for the coming summer month. This season it's a series of 6 monthly shows - two at Coronation Beach 4 at the Menshed in Nabawa. As a not for profit organisation we are a member of the National Film and Sound archive, which enables us to air selected Australian movies in public-without having to pay very expensive licencing fees, which can be up to \$400 per movie.</p> <p>This membership means we cannot charge entrance fees or accept gold coin donations therefore are seeking again Shire support to fund this venture. By having live music and food available prior to the screening of movies we believe this enables people to gather, talk and have fun building a great experience in the Valley which promotes the Shire as a great place to be and visit. The very positive feedback from last year's Shinema drives us on to improve the quality of the event in adding new equipment and a banner for promoting it professionally.</p>	Arts & culture / tourism and promotion/ events/ youth and family services	\$10,665	<div>\$3,185</div> <div>\$2,685</div> <div>Remove amount for musician costs, yet cover other cash components</div>	<div>\$1,000</div> <div>\$1,500</div> <div>Musician costs</div>	\$0	\$6,480	<p>Musician, professional banner, event management, stage lights and stands, 2x microphones and stands</p>
3	CV Primary School P&C	Jay Rayner	Community Christmas Tree	8-Dec-18	Nabawa CC	<p>To provide a community child friendly Christmas event for the residents, family and friends in the Chapman Valley area. A BBQ will be held along with entertainment for the children and family members that wish to attend the Community Christmas tree.</p>	Not for profit, registered charitable organisation	\$1,989	\$1,839	\$0	\$0	\$150	<p>BBQ, Bouncy Castle Hire</p> <p>Not Recommended</p>

4	CV Historical Society	Julie Clark	Museum electrical works and BBQ	1 Oct 18- 31 Dec 18	CV Museum	Supply and install 3 LED fluros and powerpoint in Railway Carriage which would allow for proper lighting with its own power source. Currently it is linked by extension power cords from the main building which is unsatisfactory. Supply and install 6 LED fluros at Shed 4 where there is no lighting at all apart from the natural light. This will allow for us to have meetings in the evening and on inclement days when it is too dark, and we are forced to close the doors. Also, the provision of a gas barbecue in the grounds of the Heritage Precinct to be available for social events and the general public within the area. It could also be used for groups who hire the Arbour and on special events as well as for the Museum volunteers.	Arts, culture, Tourism and Promotion	\$7,500	\$7,460	\$40	\$0	\$0	Supply and install electrical works at CV Museum, Gas BBQ, 9kg gas bottle
---	-----------------------------	-------------	--	------------------------	-----------	--	--	---------	---------	------	-----	-----	--

5	CV Ag Society	Liz Eliot-Lockhart	Dining Hall Upgrades	1 Feb- 1 Apr 19	Nanson Showground	<p>The 70th Anniversary of the Chapman Valley Show will be celebrated in 2019. In an effort to highlight this significant occasion, upgrades to the Dining Hall are sought. The CVAS requests funding for a suite of upgrades to this ageing building. Upgrades will include, a small portico constructed over the entrance of the Hall to increase façade appeal and provide weather protection for those entering the Hall.</p> <p>Internal upgrades to the Hall will include opening up the internal walls and upgrading the current random-groove plywood walls. Security upgrades to the building will deter historical break and enter activity. An upgraded oven to the Hall will significantly increase cooking capacity on Show days, creating better revenue raising for the Show and support catering for broader community functions throughout the year.</p>	Tourism and promotion, events or people, upgrading community facilities.	\$12,160	\$5,000 Committee does not support security screens	\$5,000	\$0	\$2,160	Hall entry portico-materials, Internal upgrades: open walls, upgrade ply walls, security, commercial oven
6	Yuna Tennis Club	Erin Green	Facilities Upgrade	1 Nov 18- April 19	Yuna Tennis Club	<p>Upgrade the facilities of the Yuna Tennis Club incorporating three components:</p> <ul style="list-style-type: none"> - new court lighting across 3 main courts, - resurfacing of 3 main courts, patching surface of a fourth court - replace fencing of all four courts. 	Sport & Recreation, Health, Events or People, Upgrading Community Facilities	\$100,245	\$10,000 subject condition scope of works may need to be revised if grant funding is unsuccessful	\$10,000	\$73,925	\$6,320	Purchase and installation of lights and light poles, court resurfacing, fencing upgrades
7	PRA	Ian Maluish	Supply BBQ	1 Nov- 30 Nov 18	BHP CC	To purchase another BBQ same as the current one.		\$6,000	\$6,000	\$0	\$0	\$0	<p>Purchase of BBQ</p> <p>Not Recommended</p>

8	PRA	Ian Maluish	Wind Protection	1 Nov- 30 Nov 18	BHP CC	To purchase and erect wind protection on southern side of Community Centre		\$3,250	\$3,250	\$0	\$0	\$0	construction of wind protection
9	CV Football Club	Cate Davies	Shade Sails for Dugouts	Mar 19	Nabawa Oval	<p>We are seeking funding for a water proof (PVC) shade sail to be installed next to both home and opposition dugouts at Nabawa Oval. We currently use a portable gazebo for our teams which has to be erected and dismantled for each game.</p> <p>Using the gazebo has been hazardous at times due to occasional strong winds and with wet ground can cause the pins holding the poles to lift from the ground. We have had to use sandbags around the poles at times and this is a hazard to people as they can trip over them. The purpose of having an undercover area close to the oval is for the football trainers to tend to injuries etc. of the players and protect them from the outside elements. The sails can be removed and stored after each game as the poles would be permanently positioned. We propose to have a 4m x 3m x 2.4m high sail which would give ample room for the trainer beds and their equipment. The posts/sail would be well behind the perimeter fence, we don't see it as a hazard to the players. Alternatively, we can put padding around the pole similar to what is around our goal posts to eliminate any potential hazard.</p>	<p>The Chapman Valley Football Club has been established in Nabawa since 1961. CVFC is the largest sporting club within the Chapman Valley Shire.</p> <p>The 2018 season we had 151 junior players and our three senior teams using the Nabawa oval.</p>	\$7,150.91	\$6,196.36	\$0	\$0	\$928	Concrete, poles, PVC shade Not Recommended
	TOTALS							\$160,760	\$44,930	\$20940		\$21,888	
								\$145,220	\$29,995	\$19,040	\$76,225	\$20,960	

RECOMMENDATION 2

Council endorse the following amendments to the Community Growth Fund Advisory Group Management Procedure CMP-067 (Community Growth Fund):

1. Scheduled timing of process be amended to reflect:
 - a) February – Applications open;
 - b) March - Applications close;
 - c) March/April - Advisory Group determination & recommendation to Council;
 - d) April – Council determination on projects to be placed into draft budget;
 - e) July – Council endorsement of Draft budget and confirmation of successful CGF submissions;
 - f) July/August – Successful & Unsuccessful applicant formally advised.
2. An Evaluation Matrix is developed, based on weighting of *Assessment Criteria* identified in CGF Guidelines. This matrix is to also include additional unweighted aspects i.e.
 - a) Quotes provided or not provided. This will be relevant to nature of submission;
 - b) Asset ownership and ongoing whole of life maintenance and replacement responsibility;
 - c) Applicants ability to undertake project themselves or if the Shire is required to auspice the process on the applicant's behalf;

10.3

Chief Executive Officer

September 2018

Contents

10.3 AGENDA ITEMS

- 10.3.1 Royal Commission – Institutional Response to Child Sexual Abuse
- 10.3.2 Local Government Commodity Freight Roads Fund
- 10.3.3 2019/2020 – Mid West Regional Road Group Submissions
- 10.3.4 Management Licence – Chapman Valley Golf Club
- 10.3.5 Off Road Vehicles & Local Government

AGENDA ITEM:	10.3.1
SUBJECT:	ROYAL COMMISSION – INSTITUTIONAL RESPONSE TO CHILD SEXUAL ABUSE
PROPONENT:	DEPARTMENT OF LOCAL GOVERNMENT, SPORT & CULTURAL INDUSTRIES
SITE:	AUSTRALIA WIDE
FILE REFERENCE:	404.03
PREVIOUS REFERENCE:	NIL
DATE:	19th SEPTEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.1(a)	Information & Discussion Paper – Local Government Summary		√
10.3.1(b)	Information & Discussion Paper		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The following is stated in the Department of Local Government, Sport & Cultural Industries (DLGSC) *Information and Discussion Paper – Local Government Summary* (the *Summary*) **see Attachment 10.3.1(a)**:

“Brief Overview

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) was established in January 2013, to investigate systemic failures of public and private institutions to protect children from child sexual abuse, report abuse, and respond to child sexual abuse.

The Final Report was handed down on 15 December 2017.

*The Western Australian Government’s (the State Government) response was released on 27 June 2018, committing to working on the recommendations with the Commonwealth Government, other states and territories, **local government**, non-government institutions (including religious institutions) and community organisations.*

The findings of the Royal Commission are extensive and require careful and thorough consideration as to how implementation of the recommended reforms will occur. Reform will be a long-term commitment. Given the large scale and scope of the Royal Commission’s recommendations, some reforms will be implemented in early phases, with others over a longer timeframe.

In the second half of 2018, the State Government will develop a staged implementation plan which will identify reform priorities, timeframes and resourcing options.”

The full *Information and Discussion Paper* (the *Paper*) is provided under separate cover as **Attachment 10.3.1(b)**.

COMMENT

I have brought this matter to Council's attention as it is clear from the Paper and Summary local government authorities are going to be directly affected by the Royal Commission's recommendations as is indicated from the following statement from the *Summary*:

"DLGSC Engagement with Key Stakeholders

The Department of Local Government, Sport and Cultural Industries (DLGSC) has commenced engagement with stakeholders and funded bodies to provide information and understanding of the Royal Commission, as well as to gather feedback that will be considered when developing the State Government's implementation plan.

DLGSC engagement will be underpinned by the attached Information and Discussion Paper which focuses on the findings and recommendations from the Final Report relevant to the Department's stakeholders, as well as posing several prompt questions to initiate further discussion.

Local Government

The Royal Commission made one key recommendation specifically for local government:

- *With support from governments at the national, state and territory levels, **local governments should designate child safety officer positions from existing staff profiles** to carry out the following functions:*
 - a. developing child safe messages in local government venues, grounds and facilities;*
 - b. assisting local institutions to access online child safe resources;*
 - c. providing child safety information and support to local institutions on a needs basis;*
 - d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds. This recommendation acknowledges local government as the closest tier of government to the community; one that frequently provides an expansive range of direct services, as well as information, support and guidance to community-based organisations and individuals.*

DLGSC plans to consult with the WA Local Government Association, LG Professionals WA and Western Australian local government authorities on this and other recommendations that are relevant to the sector."

The main concern is the recommendation local government authorities will be required to "...*designate child safety officer positions from existing staff profiles*..." to carry out a number of functions. This is simply another resource requirement being placed on local governments administration. Though the cause is recognised and admirable, it is yet another example of Commonwealth and State Government cost-shifting to the local government rate base to undertake tasks, which are not the core function of a local government authority. Another indirect taxation of the local government rate base system.

The other concern I have is the recommendation to establish *reportable conduct schemes*. It is understandable for a reporting mechanism to be established; however; there must stringent processes and protections in place to ensure the reporting officer is not legally exposed for not reporting an incident (or reporting something, which is false or vexatious).

With the current concerning trend in the local government industry of vexatious complainants creating issues based on conspiracy theories, rumour and innuendo (predominantly using social media as their platform) I fear this could be a serious issue, for both the person being accused and the reporting officer. How is the reporting officer going to differentiate between a vindictive, baseless accusation and one which may have merit or possible validity? Is the reporting officer therefore exposed if they deem the complaint to be baseless, or should they simply report everything presented to them?

I believe there must be strong legal processes and procedures in place to deal with the vexatious complainants creating issues based on conspiracy theories, rumour and innuendo and for those proven to submitting complaints without basis to be dealt with under any proposed legislation (e.g. prosecution, infringement). Otherwise this could simply be another process for the innocently accused (and/or the reporting officer) to be defamed, irrespective of the outcomes of a vindictive, vexatious, baseless complaint.

Another concern is how the proposed recommendation within the Paper will affect sporting clubs and community groups. Recommendation 14.1 states:

“All sporting and recreation institutions, including arts, culture and hobby groups, that engage with or provide services to children should implement the Child Safety Standards identified by the Royal Commission”

I am assuming this will include local junior sport activities & events, playgroups, toy library, etc. If this is the case what is expected of these groups under the proposed *Child Safety Standards* and what resources will be required of them. If maintaining the *Working With Children Check* is all these groups need to do, then this shouldn't be an issue, because this is (or should be) already happening. If; however, these groups need to establish additional processes and procedures to satisfy the proposed *Child Safety Standards* then this could be a resource issue for these groups.

STATUTORY ENVIRONMENT

The *Paper* states:

“State and territory governments should establish nationally consistent legislative schemes (reportable conduct schemes), based on the approach adopted in New South Wales, which oblige heads of institutions to notify an oversight body of any reportable allegation, conduct or conviction involving any of the institution's employees.”

The *Paper* expands upon this by recommending States and Territory Governments should:

- establish nationally consistent legislative schemes, including *Working With Children Check* laws;
- introduce legislation that implements a national legal response in relation to disclosing or revealing the identity of a mandatory reporter to a law enforcement agency.

POLICY/PROCEDURE IMPLICATIONS

Procedure CMP-025 is directly affected (see below). However; as this matter evolves there may be a need for the Shire to establish and introduce processes and procedures to accommodate any legal obligations imposed upon the local government regarding this matter.

FINANCIAL IMPLICATIONS

There will be a resource implication imposed on local government authorities if legislation imposes additional roles and responsibilities on local governments. What the extent of the resource requirements is unknown. Council does have a procedure in place regarding additional administrative functions and tasks (see CMP-025 below). This is an internal procedure and State legislation takes precedence over such policies/procedures.

MANAGEMENT PROCEDURE No.	CMP-025
MANAGEMENT PROCEDURE	ADDITIONAL ADMINISTRATIVE FUNCTIONS & TASKS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY/PROCEDURE No.	6.80
RELEVANT DELEGATIONS	

OBJECTIVES:

Set what additional administrative tasks will be undertaken by Council as a result of impositions being placed on the Shire by other tiers of government.

MANAGEMENT PROCEDURE STATEMENT/S:

1. The Shire of Chapman Valley will not undertake any additional functions/tasks until an independent analysis has been undertaken, at the cost of the Australian Government, State Government, Department or any other organisation involved in imposing these additional functions/tasks, to determine if additional resources are required to adequately cater for the additional functions/tasks being expected of the Shire.
2. If the outcome of the analysis is the Shire would need additional resources to undertake the additional functions/tasks, then the Shire will refuse to perform these functions/tasks until such resources are made available.
3. In the event additional resources are not made available functions/tasks being requested of the Shire, the Shire will formally advise the relevant organisation(s) and all relevant parliamentarians that they cannot perform these functions/tasks. This advice is to state that in the event of any claim against the Shire, due to non-compliance with the requirement to perform the additional functions/tasks, the Shire will use as a defence the fact they informed the relevant individuals and organisations of their inability to comply due to adequate resources not accompanying the additional functions/tasks.

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

It is not expected there will be a significant effect on the Shire's LTFP.

STRATEGIC IMPLICATIONS

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

Ref	Objective	Strategy	Action
1.3	Maintain and enhance safety and security for the community	Enhance community and property security	Encourage improved communications and security across the Shire

CONSULTATION

This Agenda Item forms part of the consultation process being undertaken by the DLGSC with submissions and comments being requested on the *Discussion Paper* distributed on this matter.

Local governments are being requested to respond to the following discussion points. However; I would encourage Council to expand upon these points in any submission made to the DLGSC:

- *What impact would the designation of child safety officers have within a local government's workforce?*
- *What areas of the local government do you believe this designation would occur and how might it benefit and/or be effective in supporting the community to create child safe environments?*
- *What training, resources and support would be required by the local government to successfully implement designated child safety officers?*
- *What would be the most effective method(s) of supporting local government with the implementation of child safety officers?*

RISK ASSESSMENT

It is difficult to determine the risk in this instance as the cost and resource imposition is unknown at this stage. However; I anticipate the risk would be **minor**.

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

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

Council provide the following response to the Department of Local Government, Sport & Cultural Industries (DLGSC) Information and Discussion Paper on the Royal Commission into Institutional Responses to Child Sexual Abuse:

1. Local Governments Child Safety Officer positions from existing staff profiles:
 - a) This position must be fully funded by the State and/or Commonwealth government and cost not be an imposition on the local government (i.e. not another costs-shifting exercise);
 - b) A regional approach could be considered by a group of local government authorities if this is considered appropriate and effective, rather than expecting every individual local government authority to establish a new position, or incorporate the tasks required of the position into existing staff profiles;
 - c) There must stringent legal processes and protections in place to ensure the reporting officer is not exposed for not reporting an incident, or reporting something, which is false or vexatious.
2. Areas of the local government to establish the Child Support Officer designation in supporting the community to create child safe environments
 - a) There is no specific position is small local government authorities, which is best suited to undertaking the role as a Child Safety Officer and this should be determined by the individual local government authority;
 - b) The *Working With Children Check* should be all a sporting and recreation institution, including arts, culture and hobby groups, engaging with or providing services to children should be required to implement and comply with the Child Safety Standards (i.e. the status quo to remain for these groups);
3. Training, resources and support required by the local government to successfully implement designated Child Safety Officers:
 - a) Initial and ongoing training, resources and support of the local government authority and the proposed Child Support Officer needs to be fully funded by the Commonwealth and/or State government and not be at the cost of the local government;
 - b) Any agency established for administering the reporting requirements of local government authorities must be there to support the process, not simply a regulatory body with a focus on compliance by a local government authority;

- c) Help desk, legal support and advice needs to be provided and readily available to the Child Support Officer and the local government authority, with this being the predominant purpose of any such agency.

4. Supporting local government with the implementation of child safety officers

- a) Any agency established for accepting and determining outcomes of matters reported by the local government should provide legal representation on behalf of the local government and any staff in the event of legal action taken against the Child Support Officer and/or local government. Any legal costs must not be the local government authority's responsibility;
- b) Legislation introduced for the proposed reportable conduct scheme must incorporate stringent processes and protections in place to ensure the reporting officer and local government authority is not legally exposed for not reporting an incident, or reporting something, which is proven to be false or vexatious;
- c) There must be strong legal processes and procedures in place to deal with the vexatious complainants creating issues based on conspiracy theories, rumour and innuendo and for those proven to have submitted complaints without basis dealt with under any proposed legislation (e.g. prosecution, infringement).

AGENDA ITEM:	10.3.2
SUBJECT:	LOCAL GOVERNMENT COMMODITY FREIGHT ROADS FUND
PROPONENT:	MAIN ROADS WA
SITE:	AGRICULTURE REGIONS OF WESTERN AUSTRALIA
FILE REFERENCE:	1003.02
PREVIOUS REFERENCE:	NA
DATE:	19th SEPTEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.2(a)	Commodity Freight Road Funds - Guidelines		√
10.3.2(b)	Consultant Engineer's Report – Durawah Rd		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Main Roads WA (MRWA) has provided advice to all local government authorities within the agricultural region of Western Australia of the Commodity Freight Roads Program for 2019/2020 and 2020/2021.

A copy of the Commodity Freight Road Funds Guidelines is provided under separate cover (see **Attachment 10.3.2(a)**).

COMMENT

The Department of Regional Development has allocated \$10M to Main Roads WA (MRWA) for an Agricultural Commodity Routes Fund as part of the Royalties for Regions Program.

It has been decided to combine this allocation with the Commodity Route Supplementary Fund provided via the State Road Funds to Local Government Agreement therefore providing a total allocation of \$15 million over the financial years of 2019-20 and 2020-21.

Projects will be prioritised according to the Application Guideline. The first \$10 million will be allocated to fully fund projects (i.e. no co-funding required) and all Local Government road types are eligible.

The remaining \$5 million will be allocated on a cost sharing basis, requiring a 1/3 co-contribution from the Local Government and roads not eligible for Road Project Grant Funding will be prioritise.

Local Governments can apply for projects to be funded in 2019-20 and/or 2020- 21.

Applications are now being called for the 2019/20 and 2020/21 financial years. The closing date for submissions is **26 October 2018**.

Applicants claiming industry co-contributions must provide supporting documentation to substantiate the availability of the contribution.

The review of all proposals will be a staged process;

1. Local Governments submit project proposals to their Regional Road Group (RRG) Secretariat. The RRG Secretariat will forward the approved submissions to the State Advisory Committee (SAC).
2. The Technical Review Group (TRG) will consider the submissions received. The TRG will prioritise the submissions and make a funding recommendation to the State Advisory Committee (SAC).
3. Main Roads will submit the SAC recommendations to the relevant Ministers for approval.

The Guidelines state:

“Commodity Routes are defined as routes where there is a significant high priority transport task associated with the transportation of commodities such as grain, livestock, timber, agricultural lime and minerals. The DRD portion (\$10m) of the funding has been defined as applicable to agricultural commodities only. Other commodities, such as minerals will be eligible for the remaining \$5 million requiring a 1/3 co-contribution.

As all local government roads are eligible for funding for the first \$10m (i.e. not limited to RRG Significant Roads only) it is being recommended the *Durawah-Station-Station Valentine* route be submitted as a route for consideration for funding. This route is currently not eligible for funding assistance through the Mid West Regional Road Group process and is being used to transport agricultural products.

The intention is to lodge an application to widen the existing sealed and improve drainage on the western end of Durawah Road to a uniform 7.2m width. This would remove the current issues Council has with edge maintenance and shoulder repair works on the narrow-sealed section of this road.

It is unlikely the application will be successful as the amount allocated (i.e. \$15m across the whole of the agricultural area of the State, over two years) is not significant and is expected to be allocated to the more heavily used lime sand routes. However; it never hurts to continually promote road work requirements within the Shire.

Greenfield Technical Services (consultant engineers) in discussions with the CEO and Manager Works & Services, has developed a report and basic cost estimates for the recommended funding application, which is based on 100% funding from the grant program. This information is what would be used if Council agreed to submit a grant application under the Commodity Freight Roads Program for 2019/2020 and/or 2020/2021.

The Shire's Ten-Year Road Works Program does not have the upgrade works being recommended on the Durawah Road. However; I believe this is probably because Council has never had the ability from its own resources to undertake such works. This route (*Durawah-Station-Station Valentine*) is recognised by Council as an important east-west link with Durawah & Station Valentine roads being listed in the Shire of Chapman Valley's Road Hierarchy as a Category B roads. Council has also recently attempted (unsuccessfully) to have the whole route recognised as significant and included into the Mid-West Roads 2030 Strategy. It is based upon this history it was felt the seal widening, shoulder & drainage upgrade works be considered for funding assistance under the Commodity Freight Roads Program.

STATUTORY ENVIRONMENT

The advice received from MRWA and the Department of Regional Development indicates the Commodity Freight Roads Program is being funded from the Royalties for Regions Program; therefore, this will be subject to a financial agreement structured under the *Royalties for Regions Act, 2009*.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy or Procedure affected.

FINANCIAL IMPLICATIONS

In the event Council is successful with the Commodity Freight Roads Program funding application (as recommended) it is anticipated the road works will be fully funded by the grant program. However; if there is a requirement to contribute towards the project for it to be successful this can be considered as part of the 2019/2020 &/or 2020/2021 Shire Budgets.

The Consultant Engineers Report on the Durawah Road Submission and cost estimates is provided under separate cover (se **Attachment 10.3.2(b)**).

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

The LTFP does take into consideration the Council endorsed Ten-Year Roadworks Program, which currently does not incorporate the recommended upgrade works to the Durawah Road. However; if the grant application is successful, with 100% funding of the project, this will not have any financial effect on the LTFP. It will; however, have a positive effect on the LTFP by addressing the recurrent maintenance requirements for the narrow-sealed section of the road.

STRATEGIC IMPLICATIONS

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

Ref	Objective	Strategy	Action
1.3	Maintain and enhance safety and security for the community	Review safe roads and infrastructure	Continue annual review of Road Hierarchy, Road Works Program, Plant Replacement Program

CONSULTATION

The CEO and Manager Works & Services have been in discussions with Greenfield Technical Services (consultant engineers) on the proposal to apply for funding assistance from the Commodity Freight Roads Program.

RISK ASSESSMENT

The risk in this instance is considered **insignificant** if Council's application for 100% funding is successful. There is no intention to submit a funding application where Council is required to contribute. However; if it evolves this would enhance the prospects of success for the project being funded then this contribution can be considered as part of the 2019/2020 &/or 2020/2021 Budget deliberations.

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

1. Council endorse an application for Commodity Freight Roads Program funding to widen the existing seal to a uniform 7.2m width, improve shoulders and drainage on the western end of Durawah Road based on the project being funded in full by the Program.
2. In the event a funding contribution is required from Council for the proposed road works project to receive grant funds from the Commodity Freight Roads Program this be brought back to Council for further consideration.

AGENDA ITEM:	10.3.3
SUBJECT:	2019/2020 – MID WEST REGIONAL ROAD GROUP SUBMISSIONS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1003.02
PREVIOUS REFERENCE:	NA
DATE:	19th SEPTEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The 2019/2020 Mid-West Regional Road Group (MWRRG) grant applications needed to be lodged with Main Roads WA (MRWA) by the 31st August 2018.

During the process of developing the submissions listed for funding in accordance with the Shire's endorsed Ten-Year Road Works Program it became evident some of the projects may not reach the desired scoring level to be funded. Therefore, the submissions were modified to maximise success possibilities for funding allocations.

The purpose of this Agenda Report is to seek Council's retrospective endorsement of the variations made to the MWRRG submissions for 2019/2020.

COMMENT

Dartmoor Road

As anticipated, the traffic volumes on Dartmoor Road are diminishing as the seal program moves further north. This is reflected in the Ten-Year Road Works Program where the MWRRG submissions can be for either seal extension or gravel sheeting. It is unfortunate the 2018/2019 seal extension works will result in the seal stopping approximately two (2) kilometres south of the Brooks Rd Junction. The aim was to hopefully reach the North Dartmoor Rd junction, which is approximately 4.9 kilometres from where the seal will finish in 2018/2019.

There may be an issue with sealing Dartmoor Road any further beyond the current year program due to the increased presence of white ants undermining the road running surface north of this point. Staff report the gravel surface collapsing into sink-holes due to white-ant nest under the road surface. Therefore, it may be appropriate to discontinue the seal extension works at the end of 2018/2019 and focus on gravel sheeting works only after this year.



Indicative score estimates on the Dartmoor Rd are as follows:

- Gravel Sheetting 84.79
- Seal Extension (7.2m wide) 79.79
- Seal Extension (4m wide) 89.79

If agreed to by the MWRRG (and Council) the application for the 4m seal would be based upon the Shire covering 100% of the costs to extend the seal from 4m to 7.2m in width. Bearing in mind the MWRRG covers 2/3 of total project costs (up to a maximum of \$300,000 grant per project submitted). Council's 1/3 contribution would need to be increased to accommodate the additional 3.2m of seal.

Recommendation: The Staff Recommendation seeks Council endorsement of the CEO applying for the 2019/2020 MWRRG Dartmoor Road project to undertake a 4m seal extension, with the Shire covering 100% of additional costs to extend the seal to 7.2m wide.

East Nabawa Road

The submission developed for East Nabawa Road was separated into two sections:

1. Priority 1 – Continuation of 7.2m Seal from the existing roads at west end of road; and
2. Priority 2 – Commencement of 7.2m Seal from the east end of road (i.e. from Yuna Tenindewa Rd junction)

It became evident when compiling the east end project, the traffic volume and types drop of significantly in comparison to those we have recorded on the west section of East Nabawa Rd. This has again created another situation where the traffic data does not warrant a 7.2m wide seal on this section of road in accordance with the MWRRG grant conditions. Therefore, the score for the east section of this road is expected to be very low and not likely to be funded for a 7.2m seal.

If the feeling was to proceed with both projects on the East Nabawa Rd (i.e. both west & east sections) then the east section would have to be submitted for 1/3 funding for a 4m seal only, with the Shire covering 100% of the additional costs to extend the seal to 7.2m in width. A similar situation to Dartmoor Rd project mentioned above.

Indicative score estimates on the East Nabawa Rd are as follows:

- | | |
|---|-------|
| • East Nabawa (West) – 7.2m seal continuation | 95.37 |
| • East Nabawa (East) – 4.0m seal commencement | 76.88 |
| • East Nabawa (East) - Gravel Sheetting | 74.88 |

Recommendation: The Staff Recommendation seeks Council endorsement of the CEO applying for the 2019/2020 MWRRG East Nabawa Road projects as follows:

1. *Priority 1 – Continuation of 7.2m Seal from the existing roads at west end of road; and*
2. *Priority 2 – Commencement a 4m seal extension, of which the grant will cover 2/3 of costs and the Shire covering 100% of additional costs to extend the seal to 7.2m wide at the east end of this road (i.e. commencing at the Yuna Tenindewa Rd junction).*

Reseals

The Ten-Year Road Works Program had Balla Whelarra Rd and Yuna Tenindewa Rd as possible reseals. These projects were not submitted as it was determined the seal on these roads were still in good condition and with reseals being basically all contract and materials this would be an unnecessary expenditure at this stage.

The intention is to undertake an analysis of all sealed roads under the control of the Shire to determine the highest priority reseal locations and bring this back to Council for amendment to the Ten-Year Road Works Program before applying for MWRRG Grant Funds and commencing this work.

Recommendation – The Staff Recommendation seeks Council endorsement the CEO's decision to defer the reseal program on Shire controlled roads until staff have undertaken a full review of all sealed roads and this be brought back to Council for consideration and amendments to the Ten-Year Road Works Program.

Valentine Road

The only other project submitted for MWRRG 2019/2020 funding is Valentine Road, which is to continue the 7.2m seal extension from where the 2018/2019 program finishes. This project scored 97.04 in 2018/2019 and is anticipated to drop marginally to 95.14 in 2019/2020. The success of this, and all other projects, is dependent upon the total pool of funds available to the MWRRG and the number of higher scoring projects submitted by other member local government authorities. So, there is no guarantee grant funds will be received for projects applications submitted.

STATUTORY ENVIRONMENT

Mid-West Regional Road Group – Grant Guidelines.

POLICY/PROCEDURE IMPLICATIONS

As previously mentioned, it was considered necessary to deviate from the current Ten-Year Road Works Program to maximise grant opportunities on Shire roads. Though the Ten-Year Road Works Program is not necessarily a Policy or Procedure it is the basis upon which Council has historically made MWRRG grant submissions.

FINANCIAL IMPLICATIONS

If Council retrospectively endorses the CEO's actions regarding the 2019/2020 MWRRG submissions there will be additional materials & contract expenditure for the unfunded costs to widen the seals on both Dartmoor and East Nabawa from 4m to 7.2m. These costs should be catered for in the 2019/2020 budget, as other high material projects have been completed (e.g. Chapman Valley Rd, Nabawa Stadium Carpark). If the additional materials costs cannot be catered for on the 2019/2020 budget then this could be reconsidered at the time Budget is finalised. However; I do not believe this will be an issue.

The estimate below is based on the actual tenders received for the 2018/2019 bitumen & aggregate tenders (Supply & Spread) for the Dartmoor and East Nabawa roads projects for the additional costs Council could expect to complete the increase the seal width from 4m to 7.2m from own resources:

~ Dartmoor	\$ 80,000
~ East Nabawa (east section)	\$ 60,000
Total	<u>\$140,000</u>

The estimated contract & materials component for the Chapman Valley Road and the Nabawa Stadium Carpark projects in 2018/2019, which will not be required in 2019/2020 due to these projects expected to be fully completed, is as follows:

~ Chapman Valley RD	\$114,000
~ Nabawa Stadium CPark	\$ 4,000
Total	<u>\$118,000</u>

Therefore, it is anticipated the difference could easily be accommodated in 2019/2020 Budget.

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

The LTFP does take into consideration the Council endorsed Ten-Year Roadworks Program. However; the Plan does not consider the Shire funding additional contract & materials capital costs for the unfunded extension of seals from 4m to 7.2m. The long-term reduction in maintenance on edge drop-offs and shoulder repairs on narrow sealed roads will offset the additional capital expenditure incurred from the Shire's own resources.

If Council endorses the variation to the MWRRG funding applications and the submissions are successful the LTFP will need to be amended to reflect these changes.

STRATEGIC IMPLICATIONS

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

Ref	Objective	Strategy	Action
1.3	Maintain and enhance safety and security for the community	Review safe roads and infrastructure	Continue annual review of Road Hierarchy, Road Works Program, Plant Replacement Program

CONSULTATION

The CEO and Manager Works & Services have been in discussions with Greenfield Technical Services (consultant engineers) on the variations to the MWRRG 2019/2020 grant applications.

RISK ASSESSMENT

The risk in this instance is considered **insignificant** due to the long-term reduction in maintenance on edge drop-offs and shoulder repairs on narrow sealed roads offsetting the additional capital expenditure incurred from the Shire's own resources.

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

1. Council endorse the CEO's action to vary the Ten-Year Road Works Program by applying for a 2019/2020 MWRRG grant for the Dartmoor Road project to undertake a 4m seal extension, with the Shire covering additional costs to widen the seal to 7.2m from its own resources.
2. Council endorse of CEO's action to vary the Ten-Year Road Works Program by applying for 2019/2020 MWRRG grants for the East Nabawa Road as follows:
 - a) Priority 1 – Continuation of 7.2m Seal from the existing roads at west end of road; and
 - b) Priority 2 – Commencement of a 4m wide seal extension project at the east end of this road (i.e. commencing at the Yuna Tenindewa Rd junction), with the Shire covering additional costs to widen the seal to 7.2m from its own resources.
3. Council acknowledge and confirm the application lodged for the 2019/2020 MWRRG grant is in accordance with the Ten-Year Road Works Program for the continued 7.2m seal extension works on Valentine Road.
4. Council endorse the CEO's decision to defer the reseal program on Shire controlled roads until staff have undertaken a full review of all sealed roads and this be brought back to Council for consideration and amendments to the Ten-Year Road Works Program.

AGENDA ITEM:	10.3.4
SUBJECT:	MANAGEMENT LICENCE – CHAPMAN VALLEY GOLF CLUB
PROPONENT:	CHAPMAN VALLEY GOLF CLUB
SITE:	PART OF RESERVES 23720 & 52196 NANSON
FILE REFERENCE:	803.14
PREVIOUS REFERENCE:	NIL
DATE:	19th SEPTEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	Draft CV Golf Club Management Licence		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

I have been working with the Chapman Valley Golf Club (CV Golf Club) members on developing a Management Licence for the use of the existing facilities located on Part of Reserves 23720 & 52196, with a copy of the *Draft Management Licence* provided at **Attachment 10.3.4(a)**.

COMMENT

It will be noted the Draft Licence has been established by using the standard template developed by staff in collaboration and consultation with Council legal advisors (McLeod's Barristers & Solicitors).

It also will be noted at Item 5 of the Schedule attached to the Licence the Licence Fee has been set at a peppercorn on demand for the CV Golf Club's use of the facilities. This amount is consistent with the fact the Club has not paid the Shire in the past for the use of the Reserves.

It must be stressed, the Licence presented is a Draft only and Council can amend the documents as they see fit and present this back to the CV Golf Club members for further discussion and negotiation as often as required until a consensus has been reached.

STATUTORY ENVIRONMENT

The Management Licence will be a legally binding document, which both parties will be required to adhere to.

The Management Licence will also cover the Shire's legal obligation under the Local Government Act for the disposition of property, which includes lease, licence and sale of property under the control/ownership of the local government authority.

POLICY IMPLICATIONS

Council has a number of Policies/Procedures, which deal with specific conditions associated with the use of properties under the control/ownership of the Shire. The ongoing process of developing Management Licences for the various land/facilities under the Shire ownership or control has incorporate some of these Policies/Procedures resulting in these being removed as policy/procedures.

There are no current policies or procedures affected by the CV Golf Club Draft Management Licence

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

Ref	Objective	Strategy	Action
1.1	Nurture the sense of community	Development of plans relevant to population needs	Review existing plans and develop new plans as required

CONSULTATION

The establishment of the Draft Management Licence for the CV Golf Club facilities has been through a consultation process with the CV Golf Club members.

In addition, there has been significant prior consultation with Council's legal advisors (McLeod's Barristers & Solicitors) to develop a Management Licence Template to use as a basis for establishing Licences with users of Shire controlled/owned facilities.

RISK ASSESSMENT

The risk in this instance is considered ***insignificant*** i.e.

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

1. Endorses the "*Management Licence for the use of Portion of Part of Reserves 23720 & 52196*" between the Shire of Chapman Valley and the Chapman Valley Golf Club as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions immediately;

AGENDA ITEM:	10.3.5
SUBJECT:	OFF ROAD VEHICLES & LOCAL GOVERNMENT
PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)
SITE:	WESTERN AUSTRALIA
FILE REFERENCE:	203.09
PREVIOUS REFERENCE:	NA
DATE:	19th SEPTEMBER 2018
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.5(a)	WALGA Off Road Vehicles & Local Government Discussion Paper		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

WALGA has provided local government authorities with a Draft Paper on *Off-Road Vehicles and Local Government* to review and provide comment on the issue of Off-Road Vehicles (ORV) across the State.

A copy of the Paper is provided under separate cover as **Attachment 10.3.5(a)**.

COMMENT

It is always concerning when the issue of ORV surfaces as it become yet again another opportunity for local government authorities to be burdened with the management and control of ORV sites. I note this in Recommendation 2 within the Paper i.e.

“Allocate funding for feasibility studies to identify suitable sites for new ORV Permitted Areas throughout the State, which consider future land use planning impacts, public safety, amenity and environmental issues and Local Government risk and liability issues.”

It is understood there may be a need to investigate sites for ORV use. However; as the legislation is currently established, it will the responsibility of the local government authority to manage an ORV site if established.

The Northern Agricultural Catchment Council (NACC) undertook a recent review of land in the Greater Geraldton area to establish a designated ORV, with the coastal area north of Drummond Cove near the Buller River mouth being suggested as an appropriate location. The Shire strongly opposed this suggestion at the time, as did Landgate, due predominantly to the resource issued associated with managing and policing such areas.

It is feared this site will again be promoted as part of the current WALGA discussion Paper.

I concur with the following comments made in the WALGA Paper:

“The issues faced by Local Government however, go beyond trail bike use and include other recreational vehicles such as; quad bikes, licensed four-wheel drives, dune buggies and any other motorised vehicles used illegally in off road environments (especially in coastal areas).”

Illegal use of ORVs has detrimental impacts on the environment, public safety and community amenity and incurs substantial Local Government cost for enforcement, and also the protection and repair of land and infrastructure community assets."

The concern with the establishment of an ORV site within the Shire of Chapman Valley is this site would predominantly cater for users outside the Shire boundaries (i.e. from the City of Greater Geraldton area).

Section 8.8 of the WALGA Paper (Recommendation 7) states:

"Local Government Law Enforcement officers (Rangers and other authorised officers) are often the first called to deal with unlawful ORV use or excessive noise complaints. Local Government officers may need to engage several vehicles and personnel to try to locate and stop unlawful ORV users who are causing social, environmental and community asset damage.

The very nature of ORVs however, makes difficult to track down and stop ORV users who are determined to evade law enforcement.

It is not the role of Local Government law enforcement personnel to engage in vehicle chase and blockade tactics, nor are Local Government law enforcement personnel suitably trained for these purposes. Therefore, Local Governments will request WA Police to attend, particularly where the unlawful ORV use is causing public safety risks, substantial detriment to public amenity and / or substantial damage to the environment or community assets.

WA Police will respond where they have sufficient available resources; however, WA Police response to ORV issues in the community is often treated as a low policing priority. The result is that in some circumstances, unlawful ORV use, the public safety risks and damages to environment and community assets is unable to be controlled and offenders are not infringed or prosecuted.

It is recommended that WA Police work collaboratively with Local Government to develop policing strategies, which can respond to Local Government requests for assistance to address ORV illegal use 'hot spots' in a coordinated and targeted manner."

I have advocated for many years the *Control of Vehicles (Off-road Areas) Act* should be the responsibility of the WA Police, not local government, because they are better suited to deal with the law enforcement and management of ORVs. This will still be a resource issue, yet one the State Government should deal with, not a local government authority.

STATUTORY ENVIRONMENT

The *Control of Vehicles (Off-road Areas) Act 1978*:

- prohibits the use of off-road vehicles in certain places;
- makes provisions as to the use of off-road vehicles otherwise than on a road; and
- provides for areas where the use of off-road vehicles is permitted
- provides requirements for the registration of off-road vehicles.

The *Act* currently only operates in certain areas of the State (Permitted Areas); and provide the Governor with the authority to extend operation of the *Act* to other areas.

Local Governments are responsible for administering and enforcing the *Control of Vehicles (Off-road Areas) Act 1978*.

Sections 3.4; 3.5 and 3.6 of the WALGA Paper expands upon the legislation associated with ORV and how this could affect the local government authority and its constituents.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy/Procedure affected.

FINANCIAL IMPLICATIONS

There will be significant financial implications imposed upon the Shire if it establishes (or has imposed upon it) an ORV site within the Shire, which will require management and control by the Shire.

Even if a private ORV site is established in the Shire there could be environmental and noise issues placed on the Shire to monitor and control. Not dissimilar to Dog Kennels.

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

The current LTFP does not include costs and resource requirement to establish, manage and control an ORV site within the Shire. If such a site was established the liability, cost and resource requirements would need to be established and included into the LTFP.

STRATEGIC IMPLICATIONS

It is understood ORV are a concern and it is sound to undertake a review of this activity to address the number of issues associated with ORV across the State. However; it is imperative any outcomes from the review does not place management, costs and resource burdens on local government authorities, which will undoubtedly result in an increase in rate revenue. The State & Commonwealth governments have a strong history of dealing with social issues by imposing legislation onto local government as a cost-shifting practice. The ORV issue could be yet another example of this unless local governments collectively refuse to accept the cost-shifting and legislative impositions.

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

Ref	Objective	Strategy	Action
1.3	Maintain and enhance safety and security for the community	Enhance community and property security	Encourage improved communications and security across the Shire

CONSULTATION

The draft WALGA Paper: *Off-road Vehicles and Local Government* has been provided to review and provide comment. The paper is also available on the WALGA website.

The Paper will be open for comment until Friday, 19 October

RISK ASSESSMENT

If an ORV area is established within the Shire and it is the responsibility of the Shire to manage and control, there will significant costs and resources required and therefore a **major** risk 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 respond to the Western Australian Local Government's Paper on *Off-Road Vehicles and Local Government* as follows:

1. Local Government should not have Off-Road Vehicles area imposed upon them by legislation or State Government. Such areas (private or public facilities) must only be introduced at the choice and endorsement of the local government;
2. Responsibility for the *Control of Vehicles (Off-Road Areas) Act* should be removed from local government and placed with the WA Police as they are more equipped and trained to deal with the control and management off-road vehicle use;
3. The review and feasibility study into *Off Road Vehicle* activities, responsibility and jurisdiction to manage and control must incorporate detailed estimates for both capital implementation, ongoing recurrent operational costs and resource requirements for the proposed site(s). The review should then determine how these costs are to be catered for.

- 11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 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 Request for Quotes 3-18/19 Provision of Civil Engineering Services
 - 15.2 Invitation to Tenders 01-18/19 – Panel of Prequalified Suppliers of Plant, Equipment & Traffic Management Services for occasional hire
- 16.0 CLOSURE**