



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 20 May 2015
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

MAY 2015

DISCLAIMER



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

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on

WRITTEN CONFIRMATION

of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

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

Maurice Battilana
CHIEF EXECUTIVE OFFICER

INDEX

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS
- 2.0 LOYAL TOAST
- 3.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)
- 4.0 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."*

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
- 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS
 - 8.1 Ordinary Meeting of Council – 15 April 2015
(Previously provided under separate cover)

9.0 OFFICERS REPORTS	PAGE NO.
9.1 MANAGER OF PLANNING	6
9.1.1 Proposed Relocated Building	
9.1.2 Proposed Rezoning	
9.1.3 Review of Outbuildings Local Planning Policy	

9.2	FINANCE	39
9.2.1	Financial Reports for April 2015	
9.3	CHIEF EXECUTIVE OFFICER	41
9.3.1	Annual Tenders 2015/2016	
9.3.2	Review Delegation Register	
9.3.3	Road Hierarchy & Heavy Haulage Vehicle Permit Policy	
9.3.4	Nabawa Oval & Surrounding – Watering	
9.3.5	Flood Damage Contribution	
9.3.6	Disability Access Inclusion Plan – Review	
9.3.7	Financial Assistance Grants to Local Government	
9.3.8	Review of Committee Structure	
9.3.9	Firebreak Notice	
9.3.10	Management Licence Men’s Shed	
9.3.11	Review of Council Policies	
10.0	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
11.0	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	
12.0	URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL	
13.0	MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC	
13.1	Hudson Resources Contribution Deed	
14.0	CLOSURE	

ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 LOYAL TOAST

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

3.1 Present

3.2 Apologies

3.3 Approved Leave of Absence

4.0 PUBLIC QUESTION TIME

4.1 Questions On Notice

4.2 Questions Without Notice

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 DISCLOSURE OF INTEREST

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 15 April 2015

That the minutes of the Ordinary Meeting of Council held Wednesday 15 April 2015 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

9.1 Manager of Planning May 2015

Contents

9.1 AGENDA ITEMS

- 9.1.1 Proposed Relocated Building
- 9.1.2 Proposed Rezoning
- 9.1.3 Review of Outbuildings Local Planning Policy

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED RELOCATED BUILDING
PROPONENT:	M TOZER
SITE:	33 (LOT 175) DOLBYS DRIVE, WAGGRAKINE
FILE REFERENCE:	A1222
PREVIOUS REFERENCE:	N/A
DATE:	12 MAY 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to relocate a former classroom building upon 33 (Lot 175) Dolbys Drive, Waggrakine and undertake internal and external works to convert the building to a residence. This report recommends conditional approval of the application including the lodgement of a bond by the applicant in accordance with Council's policy requirements.

COMMENT

Lot 175 is a 3.6838ha property located on the northern side of Dolbys Drive, the property is situated on the outside of the Dolbys Drive bend and has a frontage to the road of 36.15m. Dolby Creek is located to the north of Lot 175 and the property slopes from the 60m contour at its eastern boundary to the 54m contour at its western boundary.

Figure 9.1.1(a) – Location Plan for 33 (Lot 175) Dolbys Drive, Waggrakine



The property contains remnant vegetation that would assist in screening the relocated building from the road and neighbouring lots to the east. The relocated building would be sited approximately 140m back from the road, and approximately 80m from the western (side) boundary.

Cut and fill earthworks have been undertaken on site to create an elevated sand pad to enable a finished floor level to be created that matches the existing outbuilding approximately 20m east of the proposed relocated building's location.

Figure 9.1.1(b) – Aerial Photograph of 33 (Lot 175) Dolbys Drive & surrounds



The building is a former Beachlands Primary School classroom, consisting of a steel frame with timber flooring and metal sheet roof and the applicant advised that the wall cladding was hardyboard. Shire staff inspected the building in its current Webberton location and whilst the building did not appear to contain asbestos, due to its age, a section of the wall cladding was sent for testing, which did not detect asbestos.

**Figure 9.1.1(c) – View of relocatable building in its current Webberton location
(this is proposed to become the eastern facing elevation and
would have a 66.5m² gabled carport attached to it)**



**Figure 9.1.1(d) – View of relocatable building in its current Webberton location
(this is proposed to become the western facing elevation and**

would have a 36m² gabled patio attached to it)



**Figure 9.1.1(e) – Internal view of relocatable building
(this is proposed to become the dining and kitchen area)**



The applicant proposes to relocate the building to Lot 175 and site the building upon concrete piers and undertake external works including addition of verandahs along both lengths, a carport at one end and a patio at the other end. Skirting is proposed to be installed between the floor level and ground level, and the building would be painted. It is also proposed to undertake internal works to create a one bedroom, two bathroom residence, although the proposed floor plan would enable a second bedroom.

A copy of the submitted correspondence, along with the site, elevation and floor plans and laboratory report have been included as **Attachment 9.1.1(a)** with this report for Council's information.

Figure 9.1.1(f) – View of Lot 175 looking north from Dolbys Drive



Figure 9.1.1(g) – View of sand pad area upon Lot 175 looking west



Figure 9.1.1(h) – View of sand pad area upon Lot 175 looking south



At time of its subdivision in 2012 the Shire required that an easement be placed upon the title of Lot 175 granting access for fire fighting purposes along the western boundary between Dolbys Drive and Dolby Creek. This easement is constructed to a gravel standard and has a fire access gate at the northern end. The proposed siting of the relocatable building does not impact upon the fire access alignment.

The Shire also required notification to be placed upon Lot 175 concerning the location and finished floor height of any future structures upon the property. The proposed location of the relocated building has been raised with fill to match the existing shed upon the property above the 58m contour height. The relocated building would also have a finished floor level a further 500mm above that elevated level to provide a vertical separation of 4-5m above the Dolby Creek bank height and a horizontal separation of 140m.

STATUTORY ENVIRONMENT

33 (Lot 175) Dolbys Drive, Waggrakine is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

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

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

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

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

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

Section 5.8 of the Scheme states:

5.8 Appearance of Land and Buildings

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

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

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

Section 10.2 of the Scheme lists the following relevant matters to be considered by the Local Government 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;...*
- ...(m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (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;...*

(za) *any other planning consideration the Local Government considers relevant."*

POLICY IMPLICATIONS

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

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

"3.1 To ensure that any development proposing to use a second hand building or second hand cladding material meets acceptable aesthetic and amenity requirements in the locality for which it is proposed.

3.2 To address the issue of exposure risks from asbestos cement cladding.

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

"4.1 Definition

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

4.2 General Requirements

(a) The use of second hand cladding materials and second hand buildings can result in unacceptable development by reason of poor aesthetic result and by adversely affecting the amenity of an area. Council requires that an applicant demonstrate that the proposed use of a second hand building and/or the use of second hand cladding material will not result in any adverse effect on the amenity or the aesthetics of the area within which it is proposed.

(b) Unless specific approval is given, all external asbestos cement cladding must be removed and replaced with new material prior to the relocation of a transported building to its new site.

(c) The Shire at its discretion may impose conditions requiring the relocated building to be re-roofed, re-clad and/or re-painted within a specified time frame to ensure the building presentation is of an acceptable standard.

4.3 Application Requirements

An application for a relocated building shall include:

(a) Completed Form of Application for Planning Approval signed by the owner(s) of the property upon which the building will be located.

(b) Plans that have been drawn to scale and include at a minimum:

(i) A site plan;

(ii) Floor plan and elevations for the relocated building. These plans need to demonstrate any proposed works/upgrades that are required to be undertaken to the building (i.e. new cladding, additional verandahs etc.);

(iii) A series of photographs of each elevation of the relocated building prior to it being dismantled showing its standard of presentation;

(iv) A detailed report on the structural integrity of the relocated building prepared by a qualified Building Surveyor or a certified structural engineer; &

- (v) *A written submission from the proponent detailing the proposed works to be undertaken to the relocated building to improve its visual presentation and ensure it complies with the relevant building and health standards as required. This needs to include a clear timeframe over which it is proposed that the above works will be carried out.*
- (c) *Planning Application fee based on the cost of the building plus any transportation, installation and upgrade costs. This is calculated per Item 1 of the Shire's current Planning Services Fees.*

4.4 Post Application

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

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

4.5 Delegation

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

It is considered that this application, subject to conditions, has the capability to meet with the requirements of the Relocated Buildings policy. This application could have been assessed under delegated authority by Shire staff and made subject to conditions requiring external and internal structural works, painting, skirting, and the installation and maintenance of landscaping. However, given the age and condition of the building, and it not being currently in a habitable standard as per the Building Code of Australia requirements, Shire staff have, as allowed for under Section 4.5 of the Policy deemed that the application should be advertised and then placed before a meeting of Council for determination.

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

FINANCIAL IMPLICATIONS

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

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

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

CONSULTATION

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

Upon receipt of the application the Shire wrote to the landowner of the seven (7) surrounding lots on 21 April 2015, providing information on the received application and inviting comment. At the conclusion of the 21 day consultation period no submissions had been received.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council grant formal planning approval for the siting of a relocated building upon 33 (Lot 175) Dolbys Drive, Waggrakine and its conversion to a habitable building, subject to compliance with the following conditions:

- 1 Development shall be in accordance with the plans included as Attachment 9.1.1 to the Council Agenda report and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The building is required to be externally clad and painted (inclusive of skirting between the floor level and ground level) to the approval of the Local Government.
- 4 The building must not be occupied until it is compliant with the Class 1 requirements of the Building Code of Australia to the requirements of the Local Government.
- 5 A bond of \$5,000 must be lodged by the applicant with the Shire that will be returned upon completion of the requirements pertaining to the abovementioned conditions within a period of 12 months, and in the event that the works described in the application are not carried out within the 12 month timeframe the bond shall be forfeited to the Shire.
- 6 Landscaping is required to be maintained between the relocated building and Dolbys Drive and the neighbouring properties for the purpose of softening the visual impact of the structure upon the land to the approval of the Local Government.
- 7 All stormwater is to be disposed of to the approval of the Local Government to prevent erosion of the sand pad.
- 8 Erosion protection measures shall be implemented and maintained by the applicant for the side slopes of the fill upon which the relocatable building is located.

Notes:

- (i) In regards to condition 5 should the bond be forfeited then Shire staff will present a report to Council for its consideration outlining how the forfeited bond monies should be expended to address the outstanding conditions.
- (iii) 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.

Date:14/04/2015

RAY STENT: DIP Building Surveyor: No 110

PO Box 3210

ABN: 23 401 420 560 - Contractor Building Surveyor REG 90

Bluff Point WA 6531

Ph: 0418 905 049

EMAIL: raystent@westnet.com.au**BUILDING SURVEYOR****BUILDING CONSULTANT****PROJECT MANAGER.****Re: Lot 175 #32 Dolby Drive Waggrakine.****Dear Simon;**

Removable/Re-Located Building.

The building proposed to be re-located to the above address was previously used as a classroom at a local primary school.

The building is constructed on an engineered steel framed chasis, has a timber sheet floor, wall framed out of treated timber, timber is 90mm x 45mm throughout and is built to BCA, Volume Two Part 3.4 Framing, AS 1684.2_Residential Timber Framing Construction. The roof has a steel beam designed for the applicable span. Timber rafter/Purlins attach to the steel beam and timber wall frames.

The proposed internal wall framing will extend from floor to ceiling, thus further strengthening the whole structure.

External walls are clad in Hardy board and is in a quite reasonable condition with minor replacement/patching being required.

External walls have insulation in place as does the roof/ceiling.

A sheet metal roof protects the whole of the building.

The building will be set on concrete piers anchored to the ground.

The building comes with verandahs, steps and ramp, these will be re-used North & South elevations

To the West Elevation it is proposed to construct a alfresco/verandah and to the East elevation a car-port, all construction will match the existing building.

The area between ground and floor will be filled in to form a skirt and have access gates for inspection and maintenance.

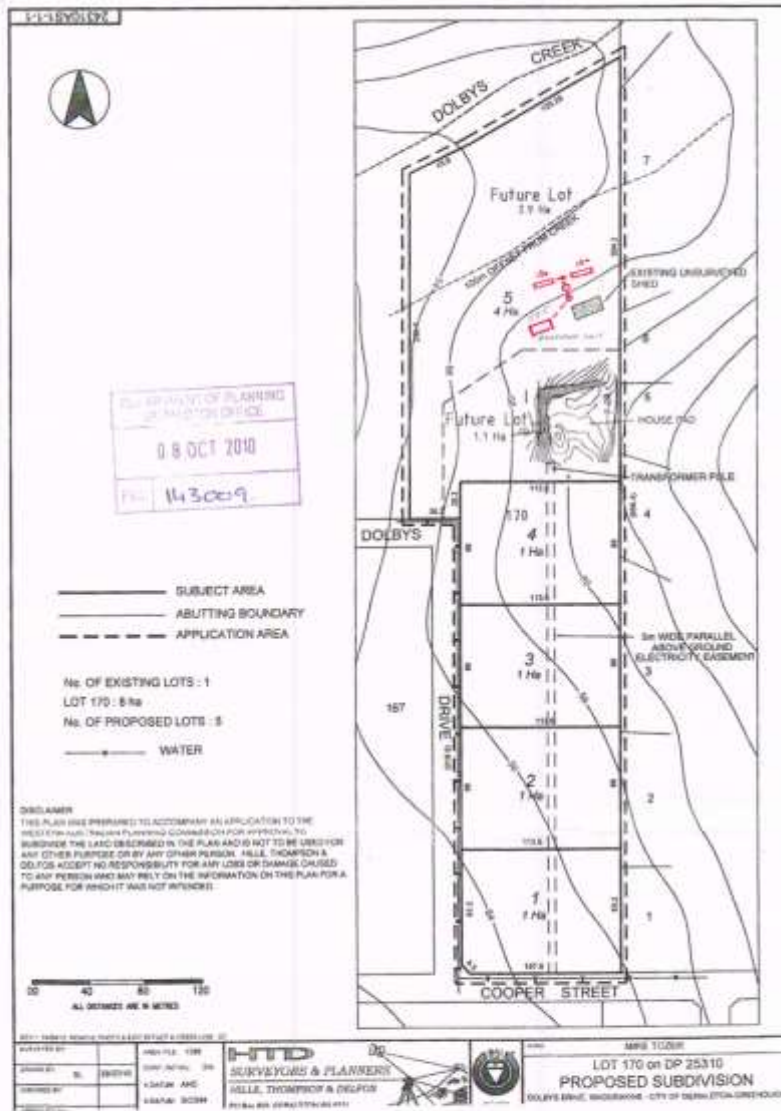
The complete building will be painted with neutral colours to compliment the area.

Existing Septic system has more than sufficient area/volume to connect to.

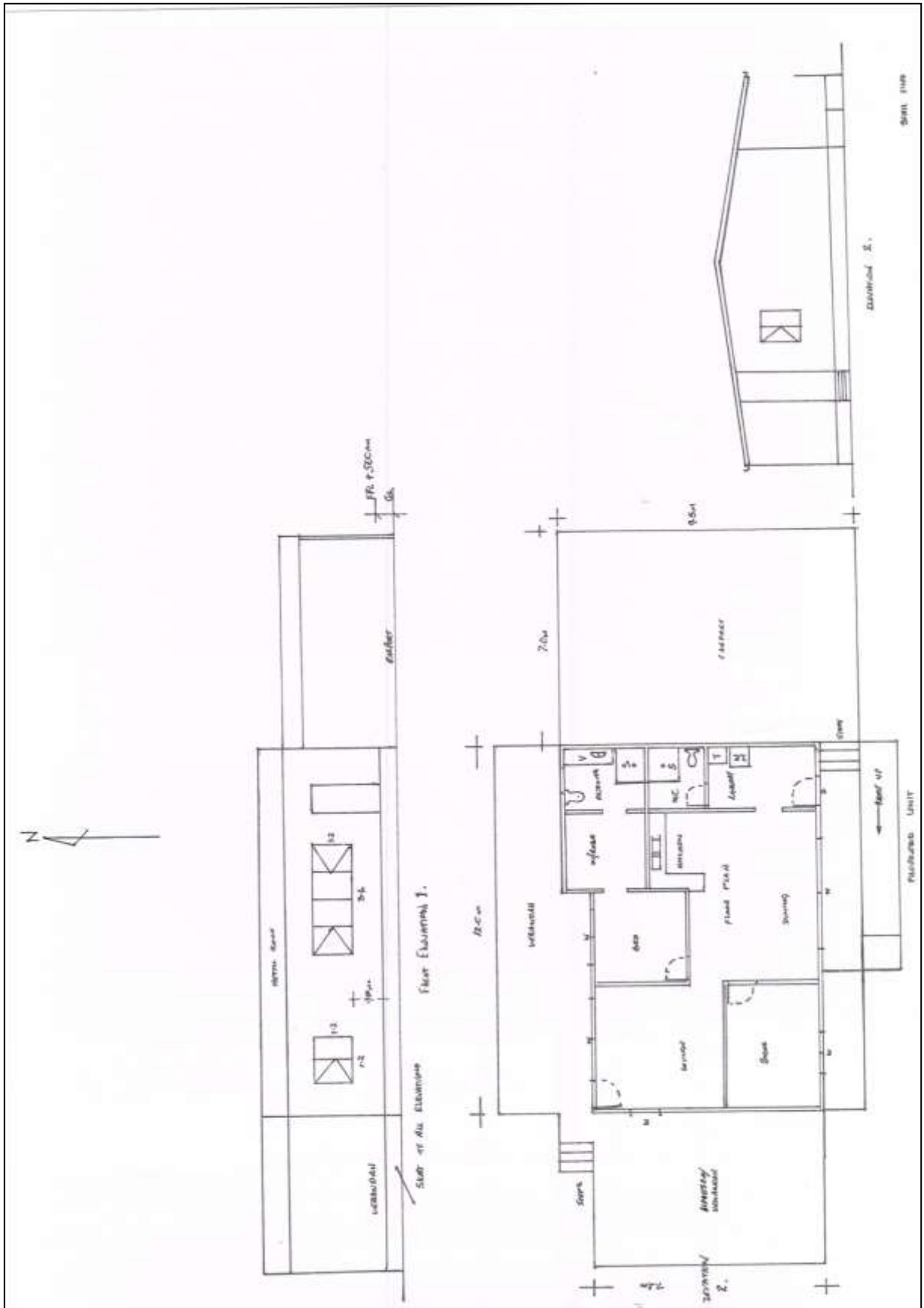
Mains Power and Water are available.

You are in possession of photo's sent previously.

Regards Ray.



*Approved 20th April 2010 - 10:00 AM
 Increasing 200m - 200m Office
 200m 200 200/1000 and Family Household*



LABORATORY REPORT

Job Number: 15-3389
Revision: 00
Date: 11 May 2015

ADDRESS: **Ray Stent**
 PO Box 3210
 Bluff Point WA 6531

ATTENTION: Ray Stent

DATE RECEIVED: 8/05/2015

YOUR REFERENCE: Ray Stent

PURCHASE ORDER: Invoice: 108076

APPROVALS:



Tim Chao
 Approved Identifier



Adam Green
 Approved Signatory



SAMPLING COMMENTS:

Samples are analysed on an "as received" basis

METHOD:

ASBID Qualitative identification of fibre type in bulk samples by Stereo Microscope Examination and Polarised Light Microscopy, including Dispersion Staining, using ARL in-house method ASBID and in accordance with AS4964-2004.

Sample Number	Sample Description	Sample Type	Approximate Sample Weight (g)	Asbestos in Bulk Sample
15-3389-1	Demountable School Building	Cement	86	No Asbestos Detected Organic Fibres Detected

REPORT COMMENTS:

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED REZONING
PROPONENT:	LANDWEST FOR MUMBEMARRA PTY LTD
SITE:	LOT 9 CHAPMAN VALLEY ROAD, NARRA TARRA
FILE REFERENCE:	A337 & 204.04.01
PREVIOUS REFERENCE:	N/A
DATE:	10 MAY 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application seeking to rezone Lot 9 Chapman Valley Road, Narra Tarra from the 'General Farming' zone to the 'Rural Smallholding' zone, to allow for the later subdivision of the 54.81ha property into 2 lots. This report recommends initiation of the rezoning application as Scheme Amendment No.1 to Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme).

COMMENT

Lot 9 is a 54.81ha property, with its western boundary fronting Chapman Valley Road, its eastern boundary abutting the Chapman River reserve and its northern boundary abutting the Shalom Pet Sematary.

Figure 9.1.2(a) – Location Plan for Lot 9 Chapman Valley Road, Narra Tarra



Lot 9 is a vacant property that has been previously cleared except for some minor remnant vegetation sited along a tributary line that runs west/east through the middle of the lot feeding storm event runoff from the Moresby Range footslopes into the Chapman River. The majority of the property is generally flat with some fall from the 75m contour at the western (Chapman Valley Road) frontage to a 70m contour height at the eastern (Chapman River) boundary.

Figure 9.1.2(b) – Aerial Photograph of Lot 9 Chapman Valley Road, Narra Tarra



The applicant has prepared an Indicative Subdivision Guide Plan (included as **Attachment 9.1.2**) proposing that Lot 9 be subdivided into 2 lots as divided by the tributary line.

A copy of the submitted Scheme Amendment documentation has been provided to Councillors as a **separate attachment** to the Council Agenda.

Figure 9.1.2(c) – View of Lot 9 looking north-east along tributary line



Lot 9 has a 1.5km road frontage, and an on-site meeting between the applicant and Shire staff identified a number of locations where vehicle crossover points might be safely located. The section of Chapman Valley Road from Hackett Road to Morrell Road is under the management of the Shire and is approved for vehicles to a maximum length of 20m.

In assessing this application it is considered that the proposal has some merit, as follows:

- The rezoning of the subject property presents no environmental constraints;
- The rezoning of the subject property presents no heritage constraints;
- The rezoning of the subject property, and subsequent subdivision with application of building envelopes, presents no bushfire hazard constraints;

- The rezoning of the property presents the opportunity for a degraded area of land to be rehabilitated through the application of conditions at time of subdivision relating to building envelopes, native vegetation rehabilitation and fencing from stock;
- The 1.5km road frontage provides opportunity for 2 vehicle access points to be located with good visibility and sight lines;
- The land parcel due to its 54.81ha size, elongated shape and location between Chapman Valley Road and Chapman River that isolates it from other landholdings does not lend itself to broadacre farming practices and the subdivision of the land would enable rural lifestyle, rural tourism and intensive agriculture opportunities to be better explored;
- The Oakajee Narngulu Infrastructure Corridor ('ONIC') alignment studies conducted since the formulation of the Local Planning Strategy confirm that the property is not impacted by the ONIC land area requirements;
- The ONIC studies also confirm that the strip of land (of which Lot 9 forms part) that is located between the Moresby Range Precinct and the Chapman River is not directly impacted by the ONIC alignment and should therefore be considered as a logical southern extension back towards the Greater Geraldton urban area of the Rural Smallholding precinct along the tourist and community artery of the Chapman Valley Road;
- The proposed lots are consistent in size with the lots in the surrounding area;
- The subject area has frontage to the existing sealed road network;
- The lot does not front a section of road identified for heavy haulage;
- The rezoning process will give formal opportunity to the Environmental Protection Authority ('EPA'), the Department of Water, the Department of Agriculture & Food, the Department of Health, the Department of Fire & Emergency Services, service authorities and neighbouring landowners (amongst others) to make comment upon the proposed Scheme Amendment and the accompanying Indicative Subdivision Guide Plan;
- The subdivision that would be enabled by the rezoning process would present the opportunity to the Department of Water and/or Department of Parks & Wildlife to seek further widening of the Chapman River reserve if it considered this necessary to improve flora and wildlife corridor linkages;
- The rezoning and subdivision proposals are considered to meet many of the objectives of State Planning Policy 2.5 Land Use Planning in Rural Area relating to promoting regional development and sustainable settlement adjacent to urban areas.

STATUTORY ENVIRONMENT

Lot 9 Chapman Valley Road, Narra Tarra is zoned 'General Farming' under the Scheme.

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

"4.2.5 Rural Smallholding Zone

The objectives of the Rural Smallholding Zone are to:

- Provide for residential development within a low density environment and integrated with a variety of agricultural/rural activities, including agricultural/rural activities undertaken on a commercial basis;*
- Provide for other land-uses compatible with the predominant use of the land;*
- Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- Protect the environmental and landscape values of the land."*

Part 5 of the *Planning & Development Act 2005* provides for the amendment of a Scheme.

Should Council support this rezoning application then it is required to forward a copy of the Scheme Amendment documentation to the EPA for its assessment as per Section 81 of the *Planning & Development Act 2005*. Should the EPA advise that the proposed rezoning does not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986* then the Shire would forward a copy of the Scheme Amendment documentation to the Western Australian Planning Commission ('WAPC') seeking its consent to advertise the rezoning application.

Schedule 12 of the Scheme lists the following conditions relevant to the 'Rural Smallholding 2' zone:

"1 Subdivision

- Subdivision, development and land use shall generally be in accordance with the Structure Plan as adopted by the Local Government and endorsed by the Western Australian Planning Commission.*
- The minimum lot size shall be 20 hectares*

- 2 *Building*
- (a) *Buildings shall be confined to the building envelope as identified on the Structure Plan.*
 - (b) *All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.*
 - (c) *All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.*
 - (d) *All building development shall accord with the Local Government's Rural Bushfire Policy & FESA requirements.*
 - (e) *All property boundaries for new lots shall be fenced to a minimum standard of 6 strand ring lock in a uniform manner.*
- 3 *Stock Control*
- (a) *The keeping of animals (other than domestic pets) shall accord with the maximum stocking rates as prescribed by the Department of Agriculture and Food.*
 - (b) *Application for approval to increase the stocking rate above the minimum prescribed is to be submitted to and determined by the local government. The Local Government in determining an application for an increase in the stocking rate may consult with Department of Agriculture and Food and affected surrounding land owners on desirable rates and applicable pasture types.*
 - (c) *Notwithstanding a) above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.*
- 4 *Vegetation Protection*
- (a) *Prior to subdivision, all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard as prescribed by the local government.*
 - (b) *Remnant vegetation is not to be cleared outside the building envelopes.*
- 5 *Servicing*
- (a) *No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of the local government in consultation with the Health Department of WA.*
 - (b) *The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider provide fire fighting facilities (or a financial contribution in-lieu of) in accordance with the local government's Rural Bushfire Policy requirements.*
 - (c) *The Local Government or Main Roads WA may request the WA Planning Commission impose a condition at the time of subdivision that requires the subdivider construct and/or upgrade any roads required to provide adequate vehicular access to the proposed lots, including the immediate local road network.*
 - (d) *Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300m² from all building/s and a rain water storage tank of at least 100,000 litres to sustain a potable water supply for domestic and fire fighting use in accordance with the local government's Rural Bushfire Policy requirements.*
 - (e) *The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.*
 - (f) *No vehicle access is permitted onto or from Chapman Valley Road and Morrell Road.*
- 6 *Land Use*

- (a) Landowners shall not proceed with any form of development or change in land use without having first obtained planning consent from the local government.
- (b) Vehicle and pedestrian crossings over watercourses shall be designed and constructed to minimise impact on their natural form and function.
- (c) Construction of a dam or soak on the property shall be subject to formal planning consent being granted by the local government.
- (d) Dams constructed upon the property shall have provision to bypass summer flows in the watercourse to downstream users.

7 Advice to Purchasers

The local government may request that the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider to ensure that prospective purchasers and successors in title are advised of:

- (a) The local planning scheme provisions which relate to the use and management of the land;
- (b) The constraints associated with the use of ground and surface water for intensive agricultural pursuits, and the need to liaise with the Department of Water regarding ground water licensing requirements for commercial use.
- (c) The recommendations detailed in any Aboriginal Heritage Survey that may have been prepared as a requirement of the rezoning process.”

POLICY IMPLICATIONS

Lot 9 Chapman Valley Road, Narra Tarra is located within Precinct No.3 – Chapman Valley of the Shire of Chapman Valley Local Planning Strategy (2008) the vision for which is:

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

Figure 7 of the Local Planning Strategy does not identify Lot 9 as within the area designated for ‘Proposed Rural Smallholdings (20-40ha)’ and the rezoning application may therefore not be considered to accord with the strategic direction of the Shire’s Local Planning Strategy.

However, it may be worth considering that the Strategy pre-dates the relocation of the proposed ONIC alignment from west of Chapman River in the vicinity of Lot 9 to the other/eastern side of Chapman River and the previous/now outdated ONIC alignment (as shown on the Local Planning Strategy Map) would have had some influence on the Strategy’s direction.

Figure 9.1.2(d) – extract from Local Planning Strategy Precinct No.3 Map

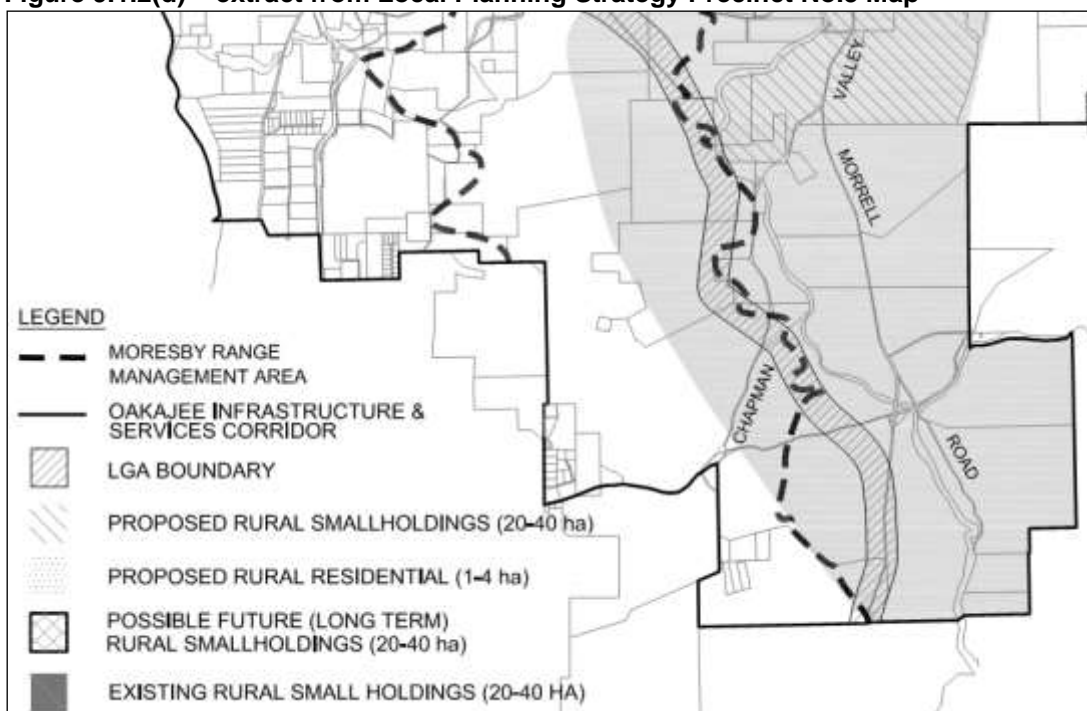
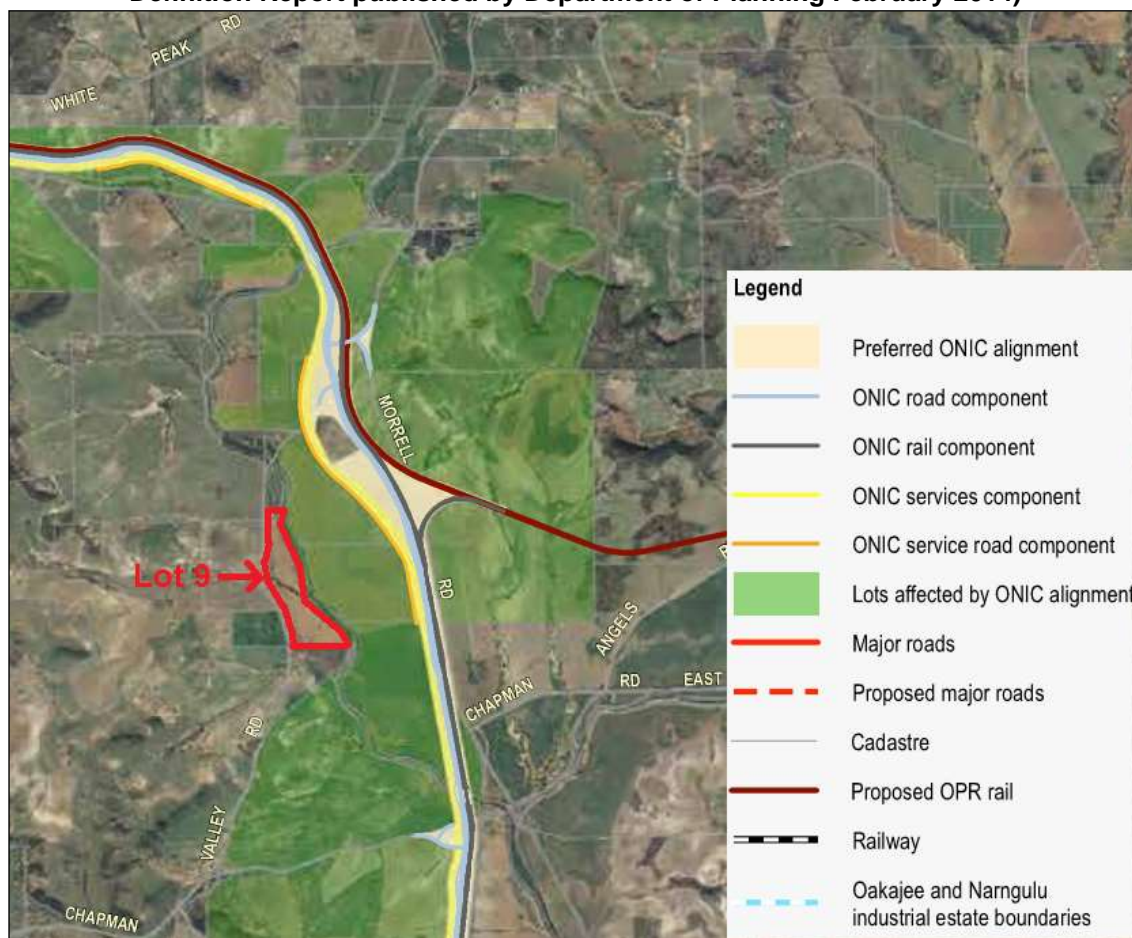


Figure 9.1.2(e) – Proposed ONIC alignment in relation to Lot 9 and surrounding area (alignment as provided within the Oakajee Narngulu Infrastructure Corridor Draft Alignment Definition Report published by Department of Planning February 2014)



The rezoning application might be considered to accord with the following community objective for Precinct 3 of the Local Planning Strategy:

“3.1.1 Ensure that the rezoning and subdivision of rural land into Rural Smallholdings maximises and reflects the agricultural potential of the land, and can accommodate a range of agricultural pursuits coupled with lifestyle opportunity.”

The rezoning application does not accord with the following community objective for Precinct 3 of the Local Planning Strategy:

“3.1.5 Encourage the rezoning and subdivision of land into Rural Smallholdings and Rural Residential lots in accordance with Section 3.5 and Figure 3.”

The rezoning application has the potential to better meet the following environmental objective for Precinct 3 of the Local Planning Strategy through conditions attached to the subsequent subdivision of Lot 9 that would follow any rezoning:

- “3.3.1 Encourage revegetation and retention of existing vegetation in order to minimise soil erosion and salinity levels.*
- 3.3.2 Protect and enhance existing catchments, botanical linkages and vegetation/wildlife corridors, with particular emphasis on the Chapman River.”*

The rezoning application can be considered to accord with the following infrastructure objectives for Precinct 3 of the Local Planning Strategy:

- “3.4.2 Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use, rezoning, development or subdivision, to avoid burden (financial or otherwise) on the Council’s resources.*
- 3.4.3 Identify, support and facilitate the efficient and coordinated use of existing road linkages.”*

The Strategy also notes of Precinct 3 as follows:

“Consideration will be given to the objectives of the precinct when determining land use and subdivision proposals.

Council may support other land uses and/or subdivision proposals not listed within this Precinct by reference to the Precinct objectives and the provisions in Councils Town Planning Scheme and policies. Council may refer the proposal to other relevant Authorities for comment. Guidelines for preparation and assessment of proposals are contained in Appendix D.

To enable Council to make informed decisions on certain land use and subdivision proposals, supporting information detailing the capability and suitability of the land for the proposed use may be required including a survey of the site. Council should be consulted regarding these requirements prior to lodging such proposals.”

FINANCIAL IMPLICATIONS

The applicant has been charged the \$3,558.50 (GST inc.) fee for a request to Council for the initiation of a (minor) Scheme Amendment under the Shire of Chapman Valley 2014/2015 Planning Service Fees. In the event that the WAPC were to not grant consent to advertise the Scheme Amendment, 50% of the fee would be refunded to the applicant as per the Fee Schedule.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

The Geraldton Region Plan was released in 1999 by the WAPC to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a Structure Plan for the Greater Geraldton area which identifies Lot 9 as ‘Rural’.

The Greater Geraldton Structure Plan was updated in 2011 by the WAPC to account for a number of strategic planning directions, including the relocation of the ONIC. The Plan identifies Lot 9 as still being ‘Rural’, although it does now also identify land to the north of the subject area as being ‘Development Investigation Area 2 - Yetna’ noting that:

“This area is identified as ‘rural’ with general farming currently being the predominant land use. It will be considered for future intensification. It is acknowledged that in the Shire of Chapman Valley Local Planning Strategy the subject area is proposed for rural living purposes.

The area is bisected by the proposed Oakajee Narngulu Infrastructure Corridor. Finalisation of the alignment of the corridor and resolution of its associated buffers will effectively inform the extent of this precinct.

An amendment to the local planning scheme will be necessary for any eventual change in zoning. This may require an environmental assessment to be undertaken by the Environmental Protection Authority.”

The proposed alignment for the ONIC has been realigned so that it is now proposed to run 1km to the east of Lot 9 on the other side of the Chapman River.

If Council does not consider that the rezoning application should be supported then it may consider the following wording appropriate in its formulation of a resolution:

“That Council resolve to not proceed with the rezoning of Lot 9 Chapman Valley Road, Narra Tarra after having given regard to the Shire of Chapman Valley Local Planning Strategy which requires that Council may generally only support the subdivision of land within Precinct No.3 – Chapman Valley where it has been identified for such purposes by the Strategy. Council further advises that the Local Planning Strategy will be reviewed to have regard for several strategic planning studies undertaken since the Local Planning Strategy’s adoption in 2008 (including the relocation of the proposed alignment for the Oakajee Narngulu Infrastructure Corridor) and that the implications of these studies will inform and allow for review of the Council’s strategic planning direction for the area in which Lot 9 is located.”

Lot 9 falls outside the area identified as ‘Range Precinct’ by the Moresby Range Management Plan (2010) and ‘Special Control Area 2-Moresby Range Landscape Protection’ by the Scheme.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. It may be considered that support for this rezoning, and subsequent subdivision applications by Council would assist in addressing the community strategy of ‘*Make the right land available to increase housing*’ with the outcome of ‘*More people and families move into the Shire*’ and the environmental objective of ‘*We want to make the most of our environment, including the ranges, rivers and coastline*’ with the strategy of ‘*Explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics*’ as outlined by the Shire’s Strategic Community Plan.

CONSULTATION

Were the WAPC to grant consent to advertise the Scheme Amendment then the Shire would undertake the following actions of consultation, inviting comments and responses within a 42 day advertising period:

- erect a public notification sign upon the site;
- place a notice within a locally circulating newspaper;
- place a copy of the Scheme Amendment documentation on the Shire website;
- place a copy of the Scheme Amendment documentation in the Shire office/library for public viewing;
- write directly to all surrounding landowners; &
- write directly to all relevant government agencies and service authorities.

At the completion of the advertising period all received submissions would be presented for Council’s consideration, and should the Scheme Amendment be given final approval at this point by Council then the rezoning documents would be forwarded to the WAPC seeking final assessment and approval.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

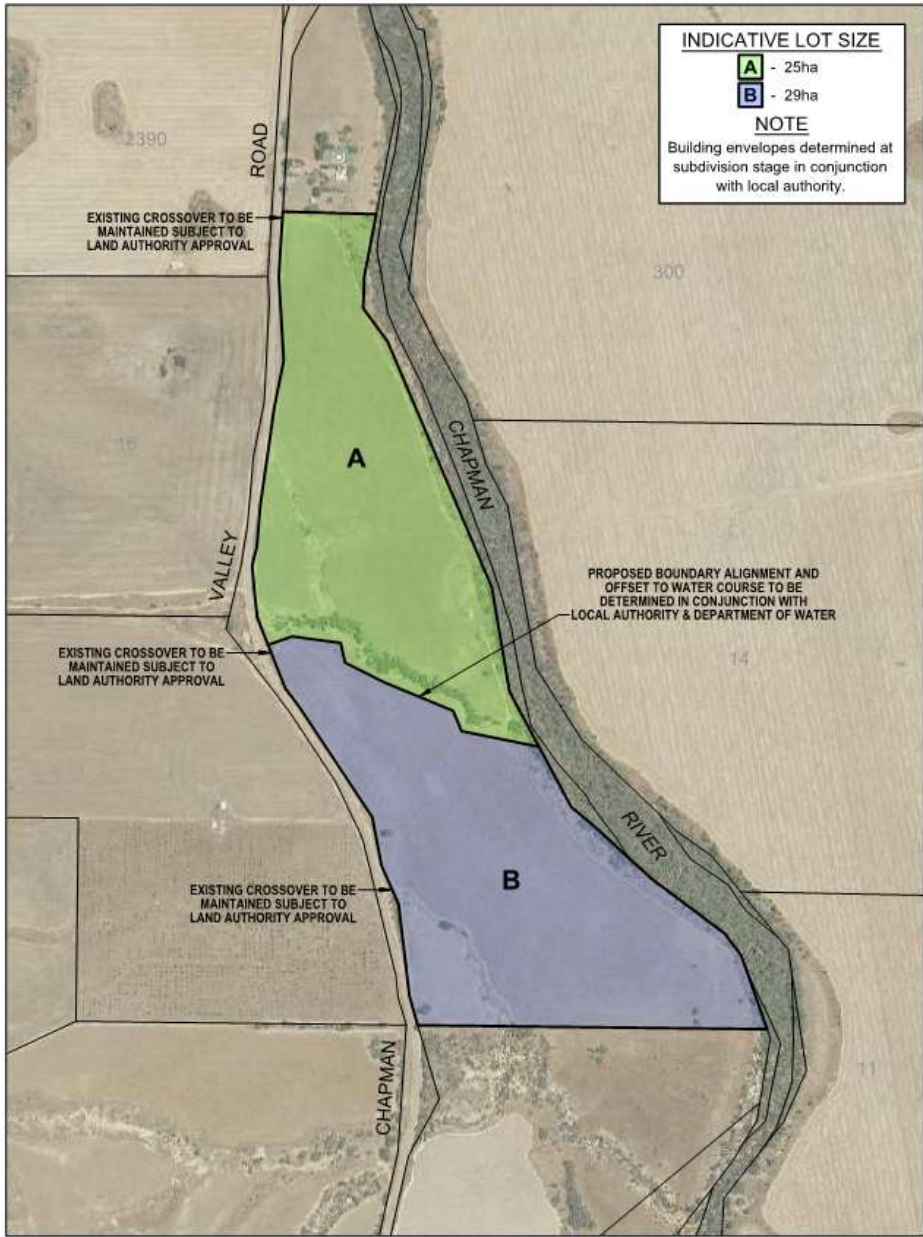
Simple majority of Council


STAFF RECOMMENDATION

That Council pursuant to Part 5 of the *Planning and Development Act 2005* amend Shire of Chapman Valley Local Planning Scheme No.2 by:

- 1 Rezoning Lot 9 Chapman Valley Road, Narra Tarra from ‘Rural’ to ‘Rural Smallholding’ (RS2);
- 2 Modifying the Description of Land column for RS2 in Schedule 12 by replacing the words “and 13/14” with “, 13/14 and 14/14”;
- 3 Modifying Condition 5(f) for RS2 in Schedule 12 by replacing the words “Chapman Valley Road and Morrell Road” with “any road within a Major Road Reserve”; and
- 4 Labelling Lot 9 Chapman Valley Road, Narra Tarra on the Scheme Map as RS2.

ATTACHMENT 9.1.2



 <p>8 Anzac Terrace Geraldton WA 6530 PO BOX 1597 Geraldton WA 6531 Email : info@landwest.net.au Phone : (08) 9965 0550 Fax : (08) 9965 0559</p>	CLIENT:	MUMBEMARRA PTY LTD						
	TITLE:	INDICATIVE SUBDIVISION GUIDE PLAN LOT 9 ON DIAGRAM 82787 CHAPMAN VALLEY ROAD, NARRA TARRA						
	CERTIFICATE OF TITLE:	1643-87	DATE LAST MODIFIED:	01/04/2015	REV:	DATE:	DETAILS:	BY: APPROVED:
DESIGNED:	GMB	DRAWN:	SD	APPROVED:		SCALE:	1:10000 @A4	
<small>* This plan remains the property of Landwest and must not be used for any purpose other than which it was prepared for, in relation to the land duly described. Landwest accepts no responsibility for any losses or damages caused to any person's who may use the information for a purpose for which it was not intended.</small>							PLAN:	14143-SGP

AGENDA ITEM:	9.1.3
SUBJECT:	REVIEW OF OUTBUILDINGS LOCAL PLANNING POLICY
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	06/08-19, 07/08-8, 10/08-7, 05/12-08, 02/14-33, 03/15-9, 04/15-3
DATE:	5 MAY 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

During Councillor debate over an outbuilding application at the 10 December 2014 meeting a foreshadowed motion was raised, and subsequently lapsed, that included the following:

“Instruct Shire staff to prepare a review of the Outbuilding Local Planning Policy for Councillor consideration at the February 2015 Forum Session.”

Council also resolved by procedural motion at its 10 December 2014 meeting in relation to its review of the Sea Container Local Planning Policy:

“That the Question be adjourned until the outbuilding policy can be discussed and reviewed by Council.”

A report in relation to outbuildings was presented to Councillors at the 18 February 2015 Forum Session, and based on the resulting general discussion a revised local planning policy was presented to Council for its consideration at the 18 March 2015 meeting, with it subsequently being resolved:

“That Council pursuant to Section 2.4 of the Shire of Chapman Valley Local Planning Scheme No.2 resolve to:

- 1 Adopt revised Local Planning Policy ‘Outbuildings’ as contained in Attachment 9.1.4(a) for public comment and advertise it for a period of 42 days.*
- 2 Should no written, author-identified objections be received during the 42 day advertising period, then adopt for final approval Local Planning Policy ‘Outbuildings’ as contained in Attachment 9.1.4(a) and proceed to publish a notice to this effect in a local newspaper.*
- 3 Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.”*

The advertising period for the Outbuildings Local Planning Policy has now concluded with no submissions being received from external parties, and one internal submission arising from Councillor debate regarding a greenhouse application at the 15 April 2015 meeting, where it was resolved as follows:

“Instruct Shire staff to return the Outbuilding Local Planning Policy to Council upon completion of its current advertising to allow for consideration of a revised definition that makes allowance for outbuildings clad in permeable and semi-permeable materials.”

This report recommends that the advertised Outbuildings policy be adopted subject to two minor amendments to better address the definition of outbuildings, and the public consultation procedure in the event that applications exceeding the requirements of the policy are received. Neither amendment is considered to alter the intent of the policy but rather improve the efficiency and service associated with the operation of the policy.

COMMENT

The Shire’s Outbuildings policy is intended to balance the expectations of the community on what is an appropriate standard of amenity, and the requirements for general domestic storage which in a regional and rural-residential setting can often include larger items such as 4WD’s, trailers, caravans, boats, crapyots, ride-on mowers, motor/quadbikes and stock keeping/feeding items.

16 May 2012 review

Council gave specific consideration to its Outbuildings policy at the 16 May 2012 meeting when it made minor amendment to enable greater efficiency when dealing with applications in the 'Rural Residential' zone. The modifications were based on accepted precedents and did not increase the total outbuilding area or height permitted by the policy for this zone. The policy modifications instead addressed the manner in which applications were assessed internally e.g. removing the requirement for consultation with adjoining landowners for outbuildings between 150m² and 200m² in area, and adjusting the permitted wall height without modifying the permitted overall height to better account for standard roof pitches, higher openings to allow access for caravans and boats, and cut and fill siteworks.

19 February 2014 review

Council reviewed all of its Local Planning Policies at the 19 February 2014 meeting and in relation to its Outbuildings policy the modifications largely concerned establishing requirements for the newly introduced 'Residential R2.5' zone which addressed the Wokarena Heights subdivision and the 9 lots on the western side of Bill Hemsley Park. The modifications did increase the permitted outbuilding area for 'Residential' zoned properties (from the previous 75m² to 120m²) but did not increase the outbuilding area or height requirements pertaining to 'Rural Residential' zoned properties.

18 March 2015 review

The Minister for Local Government address to the 2014 annual meeting of the Western Australian Local Government Association urged Councils to seek consistency particularly in the area of planning guidelines. With this in mind Councillors gave consideration to the size and area requirements of the Outbuildings policies adopted in neighbouring local government areas in its general discussion at the 18 February 2015 Forum Session.

The City of Greater Geraldton's Outbuildings policy was last reviewed at its 17 December 2013 meeting and increased the size of permitted outbuildings for each of its zones. General Councillor feedback at the 18 February 2015 Forum Session indicated that there was not support to match these limits which are substantially greater than those permitted under the Shire's current Outbuildings policy.

The outcome of the 18 March 2015 Council meeting was that the current Outbuildings policy be refined so that the current restriction on 200m² outbuildings should be applied for rural-residential lots less than 4ha rather than the previous 20ha. The general discussion was that Councillors considered that outbuilding area restrictions were appropriate for lots less than 4ha (10 acre), but that lots greater than this were of sufficient size (and with accompanying ability for increased setbacks and landscaping) to reasonably accommodate larger outbuildings.

19 May 2015 suggested modifications

During its consideration of an application for a greenhouse at the 15 April 2015 meeting Councillor discussion gave consideration as to how the Outbuildings policy might be further refined to better serve the community, and the debate centred on two key issues; the definition of what constitutes an outbuilding, and streamlining the manner in which applications that exceed the delegated authority levels are received, to enable prior neighbour consultation before being placed before Council for its consideration.

Definition

Section 4.1 of the current and advertised version of the Outbuildings policy defines an outbuilding as follows:

"4.1 For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open) covered by a permeable or semi permeable roof."

It is suggested that to provide greater clarity for landowners and businesses on what constitutes an outbuilding that the definition contained within the Shire's policy be modified as follows:

“4.1 For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open).”

It is noted that existing Section 4.3 of the policy assists in providing further clarity to this matter by stating the following:

“4.3 Pre-fabricated garden sheds, “cubby houses”, kennels and other animal enclosures (such as aviaries, stables) less than 9m² in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence, and of a design and colour considered in keeping with the amenity of the area by the Local Government.”

This modification would clarify that an application that exceeded the total area, height or setback requirements of the Outbuildings policy, be it for structure that was a shed, greenhouse, aviary (or combination thereof), would not be assessed under delegated authority by staff but presented to Council for its consideration.

Consultation

During consideration of the greenhouse application at the 15 April 2015 Council meeting there was some discussion amongst Councillors that applications of this type in future should be advertised to surrounding landowners inviting comment prior to being placed before Council. The advantage of this approach was considered two-fold, firstly it would enable Councillors to consider both the application and any received submissions in its deliberation on the application, and secondly provide greater efficiency to the applicant by eliminating the scenario whereby an application was received by Council, advertised, and then in the event that an objection was received being returned to Council for further consideration.

Discussion at the Council meeting largely concerned this approach being taken for the infrequent applications that might not meet the standard definition of an outbuilding (e.g. non-commercial greenhouse or aviary) and resulted in the total outbuilding area exceeding the delegated authority requirements of the policy.

However, it is considered that the community and Council (through the matter not being brought before repeated meetings) might benefit from the policy being modified to stipulate that any application for an outbuilding that does not meet the delegated authority requirements of the policy shall be advertised to surrounding landowners inviting comment prior to the matter being placed before Council for its deliberation.

Section 4.11 of the current and advertised version of the Outbuildings policy addresses the issue of consultation as follows:

“4.11 Any variation to any part of the Policy may require consultation with effected owners and/or occupiers and the application and any received submissions placed before a meeting of Council for consideration.”

It is suggested that to both streamline the process and provide greater clarity for landowners and businesses on the process that will be followed upon lodgement of an application with the Shire that Section 4.11 of the Shire’s policy be modified as follows:

“4.11 Consultation

Applications that propose variation to any part of the Policy will require consultation with effected owners and/or occupiers, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.

Note: The advertising of a received application that proposes variation to any part of the Policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted.

The local government in determining the application will take into account the submissions received but is not obliged to support those views.”

Neither of the suggested modifications to Sections 4.1 or 4.3 alter the intent of the policy, with the outbuilding areas and heights permitted under delegated authority being unchanged, but are instead intended to provide greater certainty and efficiency to the community, Shire staff and Councillors in the operation of the policy.

A copy of the advertised draft Outbuildings policy, with the suggested further modifications included in red, is provided as **Attachment 9.1.3(a)**.

STATUTORY ENVIRONMENT

Revisions to the existing Local Planning Policy 'Outbuildings' must be adopted under Part 2 of Shire of Chapman Valley Local Planning Scheme No.2 which states:

“2.2 Local Planning Policies

The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the Policy.*

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

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

Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for Making or Amending a Local Planning Policy

2.4.1 If a Local Government resolves to prepare a Local Planning Policy, the Local Government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft Policy may be inspected;*
 - (ii) the subject and nature of the draft Policy; and*
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;**
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Local Government considers appropriate.*

2.4.2 After the expiry of the period within which submissions may be made, the Local Government is to:

- (a) review the proposed Policy in the light of any submissions made; and*
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.*

2.4.3 If the Local Government resolves to adopt the Policy, the Local Government is to:

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the Local Government, the Policy affects the interests of the Western Australian Planning Commission, forward a copy of the Policy to the Western Australian Planning Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.”

An advertising period was conducted as per Section 2.4.1 of the Scheme and no external submissions were received during this time, however, the Council’s resolution at the 15 April 2015 meeting is considered to be a submission to the policy and the matter is therefore now returned to Council for its consideration and action as per Section 2.4.2 of the Scheme.

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The advertising cost of amending a local planning policy is covered by the Council’s existing planning budget allocation.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

For the most part local planning policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of local planning policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. Policies also provide a consistent approach to approving land use and development, therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

This report and the draft updated policy highlight the importance of a continued review of local planning policies to keep pace with current and evolving development trends, community demands and Council expectations.

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. It is not considered that the determination on this matter by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

Section 2.4.1 of the Scheme requires that Council advertise the amendment of a local planning policy for a minimum period of 21 days with a notice being placed in a locally circulating newspaper for 2 consecutive weeks.

The advertising of the Outbuildings Local Planning Policy was commenced with a notice being placed in the Mid West Times on 26 March 2015, a further notice in the 2 April 2015 Mid West Times, a notice being placed in the Shire E-News on 1 April 2015, and the placement of a poster on the Parkfalls Estate noticeboard, and a copy of the draft policy being placed on the Shire website. No external

submissions were received during this time, and one internal submission was received, this being Council's resolution at its 15 April 2015 meeting.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council pursuant to Sections 2.4.2 and 2.4.3 of the Shire of Chapman Valley Local Planning Scheme No.2 resolve to adopt the modified Local Planning Policy 'Outbuildings' as contained in Attachment 9.1.3(a) and proceed to publish a notice to this effect in a local newspaper.

OUTBUILDINGS

LOCAL PLANNING POLICY



1. PURPOSE

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

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

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

2. SCOPE

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

3. OBJECTIVE

- 3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.
- 3.2 To provide a clear definition of what constitutes an "outbuilding".
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
- 3.4 To limit the visual impact of outbuildings.
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
- 3.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

4. POLICY STATEMENT

~~4.1 For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open) covered by a permeable or semi permeable roof.~~

- 4.1 For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open).
- 4.2 Should Ancillary Accommodation be constructed within a Class 10 Outbuilding (i.e. a box or rectangular shaped structure constructed of coated or uncoated metal sheeting which does not include additional features such as eaves, verandahs, windows and other 'house' like features) the Ancillary Accommodation will be considered to be included within the total outbuilding area of a property. However, should the Ancillary Accommodation structure be purposely constructed as a Class 1A building and incorporate design features such as eaves, verandahs, windows and other 'house' like features the building would not be considered within the aggregate outbuilding area permitted upon a property.
- 4.3 Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m² in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence, and of a design and colour considered in keeping with the amenity of the area by the Local Government.
- 4.4 In consideration of an application the following maximum standards apply to outbuildings:

Zone	Standard	Maximum
Residential (R10 and higher density)	Area (total aggregate)	120 m ²
	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
Townsite	Area (total aggregate)	120 m ²
	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
Residential (R5 and lower density)	Area (total aggregate)	180 m ²
	Wall Height	3.5 metres*
	Overall Height (single story)	4.5 metres
Rural Residential Rural Smallholding Rural (lots less than 4 ha)	Area (total aggregate)	200 m ²
	Wall Height	4.5 metres*
	Overall Height (single story)	5.5 metres
	Overall Height (double story barn)	6.5 metres
Rural Residential Rural Smallholding Rural (lots greater than 4 ha)	Exempt from the area and height requirements of this policy	

* wall heights are to be measured from natural ground level.

- 4.5 Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
- 4.6 The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. cray pots, building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.

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

Note: For the purpose of this statement the 'front building line' is to be measured from the closest point of the house to the front boundary drawn parallel to the boundary as illustrated below:

Figure 1

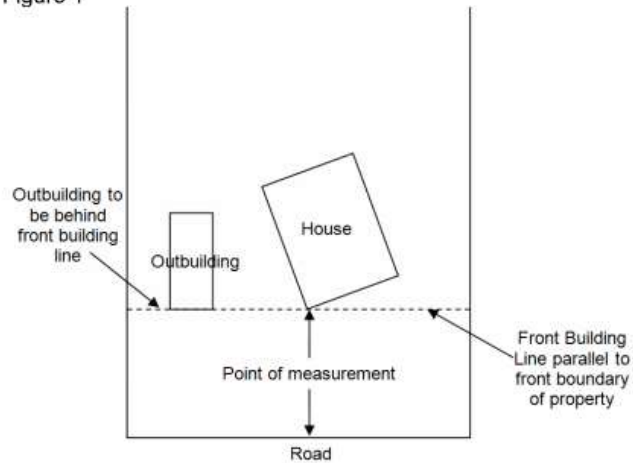
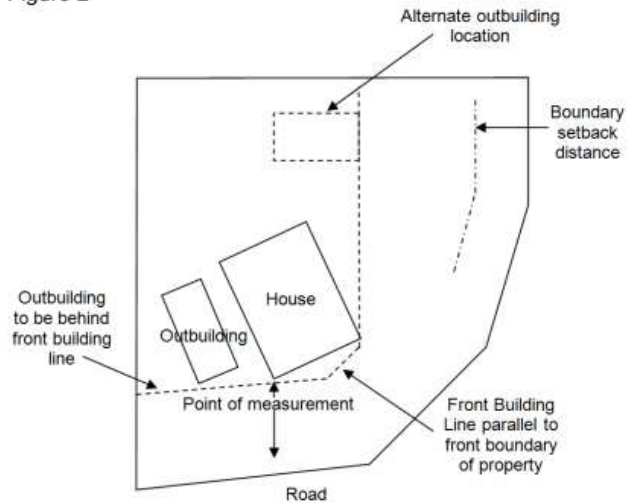


Figure 2



- 4.8 The development of an outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently).

4.9 Setbacks for outbuildings:

- a. For lots zoned 'Townsite' or 'Residential' lots zoned R5 and higher density the side/rear boundary can be reduced to nil (subject to compliance with the Building Code of Australia) provided neighbour consent is given. No planning application is required to be lodged.
- b. For 'Residential' lots zoned R2.5 and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope.
- c. For lots zoned 'Rural-Residential', 'Rural Smallholding' and 'Rural' the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.

4.10 Materials

- 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.

~~4.11 Any variation to any part of the Policy may require consultation with effected owners and/or occupiers and the application and any received submissions placed before a meeting of Council for consideration.~~

4.11 Consultation

Applications that propose variation to any part of the Policy will require consultation with effected owners and/or occupiers, by means of the Shire writing directly to the surrounding landowners inviting comment, and placement of an advisory sign on-site for a period of not less than 21 days, prior to the application and any received submissions being placed before a meeting of Council for consideration.

Note: The advertising of a received application that proposes variation to any part of the Policy is undertaken to make the proposal available for inspection in order to provide opportunity for public comment and it should not be construed that final approval will be granted.
The local government in determining the application will take into account the submissions received but is not obliged to support those views.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

Adopted at the 19 February 2014 Ordinary Meeting of Council.
Adopted for advertising for public comment at the 18 March 2015 meeting of Council.

9.2 Finance May 2015

Contents

9.2 AGENDA ITEMS

9.2.1 Financial Reports for April 2015

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR APRIL 2015
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	20 MAY 2015
AUTHOR:	KRISTY WILLIAMS & DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for April 2015 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

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

FINANCIAL IMPLICATIONS

As presented in April 2015 financial statements.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial report supplied under separate attachment for the month of April 2015 comprising the following:

- Summary of Payments
- Summary of Financial Activity,
- Net Current Assets
- Detailed Statement of Financial Activity,
- Details of Cash and Investments,
- Statement of Significant Variations,
- Summary of Outstanding Debts
- Reserve Funds
- Information on Borrowings
- Disposal of Assets
- Acquisition of Assets
- Rating Information
- Trust Fund Reconciliations
- Bank Reconciliation

9.3 Chief Executive Officer May 2015

Contents

9.3 AGENDA ITEMS

- 9.3.1 Annual Tenders 2015/2016
- 9.3.2 Review Delegation Register
- 9.3.3 Road Hierarchy & Heavy Haulage Vehicle Permit Policy
- 9.3.4 Nabawa Oval & Surrounding – Watering
- 9.3.5 Flood Damage Contribution
- 9.3.6 Disability Access Inclusion Plan – Review
- 9.3.7 Financial Assistance Grants to Local Government
- 9.3.8 Review of Committee Structure
- 9.3.9 Firebreak Notice
- 9.3.10 Management Licence Men's Shed
- 9.3.11 Review of Council Policies

AGENDA ITEM:	9.3.1
SUBJECT:	ANNUAL TENDERS – 2015/2016
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	408 TENDERS
PREVIOUS REFERENCE:	N/A
DATE:	20 MAY 2015
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The purpose of this item is to seek Council endorsement for the Chief Executive Officer to call for tenders for those items identified in the 2015/2016 Adopted Budget, which are required to go to tender in accordance with Section 3.57 of the *Local Government Act 1995*.

The Staff Recommendation below does not specifically identify each individual item, rather requests authorisation for the Chief Executive Officer to call tenders on an “*as needs*” basis in accordance with items identified in the Shire’s 2015/2016 Budget.

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

To expedite Council’s 2015/2016 roadwork’s program it is necessary to resolve to call tenders for the acquisition of road building material as soon as possible.

COMMENT

It is a requirement under the Local Government Act and Regulations for Council to resolve to call tenders for the provision of goods and services, which will exceed the \$100,000 (GST Exclusive) threshold. Therefore, as a resolution is required from Council now for the Chief Executive Officer to call tenders for all road building materials I believe it is also appropriate to incorporate all other items, which may be in excess of the tender threshold amount of \$100,000 at the same time.

Tenders will be called at the appropriate time for all items and will come back to Council for final approval and endorsement of the successful tender prior to commencing purchase of any item.

The Staff Recommendation below incorporates a resolution for Council to call tenders for all items identified in the 2015/2016 Budget at the most appropriate time during the financial year, rather than the situation of requiring a separate resolution of Council on each occasion.

STATUTORY ENVIRONMENT

Local Government Act, 1995

Local Government (Function & General) Regulations 1996

POLICY IMPLICATIONS

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

- *Policy 5.90 – Purchasing; and*
- *Policy 5.100 – Regional Price Preference Policy*

FINANCIAL IMPLICATIONS

All items, which require tenders to be called will be identified in the 2015/2016 Budget.

The intent is to obtain the best price for expenditure identified in the 2015/2016 Budget for tender and purchasing.

STRATEGIC IMPLICATIONS

To obtain the best possible price for the tender prices for the acquisition of goods and services identified in the 2015/2016 Budget.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

- 1 Council authorise the Chief Executive Officer to call tenders for all items within the 2015/2016 Budget, which require tenders to be called in accordance with legislation.
- 2 Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the amount authorized in the 2015/2016 Budget for these tender items.
- 3 All other tenders are to be brought back to Council for resolution on successful tender.

AGENDA ITEM:	9.3.2
SUBJECT:	REVIEW OF DELEGATION REGISTER
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.03
PREVIOUS REFERENCE:	MINUTE REFERENCES: 05/14-12 and 05/14-13
DATE:	21ST MAY 2015
AUTHOR:	MAURICE BATTILANA
DISCLOSURE OF INTEREST	
Nil	

SUMMARY

To allow Council to review the current Delegations Register for delegations given to the Chief Executive Officer as required by the Local Government Act 1995:

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

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

BACKGROUND

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

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

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

** Absolute majority required.*

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

The Act also allows the Chief Executive Officer to delegate any of his/her powers to any employee; such sub-delegation must be done in writing. The Chief Executive Officer is permitted under the Act to place conditions on any sub-delegation passed onto another employee. Council last reviewed the delegations register at the May 2014 OCM.

COMMENT

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

STATUTORY IMPLICATIONS / REQUIREMENTS

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No Impact

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

No Impact

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

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

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Absolute Majority – If Changes made i.e.

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

Simple Majority – If no changes made to existing register

STAFF RECOMMENDATION

That Council endorse changes to the Delegations Register as presented with change.

AGENDA ITEM:	9.3.3
SUBJECT:	ROAD HIERARCHY & HEAVY HAULAGE VEHICLE PERMIT POLICIES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1021.00
PREVIOUS REFERENCE:	ROAD INSPECT NOTE RI03-2 & MINUTE REFERENCE 04/15-8
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Councillors & Staff met on the 16 March 2015 for the Annual Road Inspection followed by a meeting in the Council Chambers, Nabawa, on the same day.

As not all issues could be resolved on the day of the Road Inspection discussions were continued at the March 2015 Forum Session.

The Notes from the Inspection and subsequent Forum Session discussions were presented to the April 2015 OCM with the following being resolved:

MOVED: CR ROYCE

SECONDED: CR FARRELL

That Council receives the notes of the Roads Inspection and endorse the following recommendations:

- 1. Council endorse the 10 Year Road Works Program – 2015/2016 to 2024/2025 as presented at Attachment 1 and this PROGRAM be used as a basis for resource allocation into the Draft 2015/2016 Budget with understanding there will be projects scheduled for 2014/2015, which will need to be carried-over and completed in 2015/2016;*
- 2. List for budget consideration \$150,000 to continue improvements in accordance with the approved Parkfalls Estate Development Plan.*
- 3. Dartmoor Road – Regional Road Group application to continue seal works in preference to gravel sheeting under the condition the traffic volume & type will attract RRG funding for seal extension. If the traffic volume & type does not warrant seal extension then the gravel sheeting program be applied for.*

**Voting 6/2
CARRIED
Minute Reference 04/15-8**

Note: Staff Recommendation was carried with the exception of Item 4 which lay on the table to be bought back to the May Council meeting.

The purpose of this Agenda Item is to again present the item listed at the April 2015 Meeting (Item 4 which was laid on the table) regarding the *Road Hierarchy* and *Heavy Haulage Vehicle Permit* Policies as requested by Council.

COMMENT

Attachment 1 is an extract from the Road Inspection Notes, which specifically refers to the *Road Hierarchy* and *Heavy Haulage Vehicle Permit* Policies.

STATUTORY ENVIRONMENT

Not Applicable

POLICY IMPLICATIONS

- 15.100 Heavy Haulage Vehicle Permits
- 15.200 Road Hierarchy
- 15.220 Road Works Funding Allocation Process

FINANCIAL IMPLICATIONS

Road works is the largest income and expenditure component of the Shires operations, which makes it important to ensure the limited resources made available by grants are maximised and those allocated by Council to this function are allocated with due regard to a strong rationale and basis.

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

The Proposed Road Works Program endorsed by Council at the April 2015 OCM was structured in a way to maintain the Shires Own Resources contribution towards the overall program irrespective of the grants received. This will complement the estimated expenditure allocation in the current LTFP.

STRATEGIC IMPLICATIONS

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

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

It is important the Policy/Procedure to amend the Road Hierarchy (i.e. Policy 15.220) is adhered to. This will ensure the integrity of the Road Hierarchy list and therefore the integrity of how Council allocates its resources to road works within the Shire.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Support improved telecommunications, power, road & water services in the community
---	---	---

CONSULTATION

Consultation occurred with the Shire's Manager Works and Services (Esky Kelly) and Leading Hand (Marty Elks) when developing the proposed road works program and reviewing the *Road Hierarchy* and *Heavy Haulage Vehicle Permit* Policies. This was also presented to the Annual Road Inspection and March Forum Session where all Councillors were involved in discussions.

RISK ASSESSMENT

The risk associated with not having a robust basis for allocating limited resources to road works is the roads in most need may not be catered for, hence the reason for the Road Hierarchy and consultation with the road works staff being essential to the integrity of the process and funding allocations. We should not be subject to allocating funds to road as a result of the "*Squeaky Wheel receiving the most oil*".

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council endorses the *Road Hierarchy* and *Heavy Haulage Vehicle Permit* Policies as presented without change.

DISCUSSION ITEM:	3.2
SUBJECT:	ROAD HIERARCHY & HEAVY HAULAGE VEHICLE PERMIT ROADS
PROPONENT:	CHIEF EXECUTIVE OFFICER & MANAGE WORKS & SERVICES
SITE:	WHOLE SHIRE
FILE REFERENCE:	1002
PREVIOUS REFERENCE:	NA
DATE:	16 MARCH 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

BACKGROUND

The purpose of this Item is to present Councillors the current endorsed Road Hierarchy and Heavy Haulage Vehicle Permit Roads for discussion and review.

COMMENT

Attached to this Item is the existing Road Hierarchy (Policy 15.200) which has all the roads within the Shire the local government is responsible for place into the following categories:

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

Also attached is a copy of Council's current Heavy Haulage Vehicle Permit Roads (Policy 15.110). It important to note the Item 3 of *General Conditions* section of this Policy when considering any changes i.e

3. *Procedures For Establishing A New Heavy Haulage Route*
 - *Operator applies to Shire of Chapman Valley.*
 - *Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria.*
 - *Shire staff put recommendation to Council to reject or progress the application.*
 - *If Council resolves to progress the application a request be forwarded to MRWA, Geraldton.*
 - *MRWA regional staff inspect route and make appropriate recommendation to MRWA Heavy Vehicle Officer (HVO).*
 - *MRWA HVO approves or rejects route and advised Shire of Chapman Valley accordingly.*
 - *Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council).*

POLICY IMPLICATIONS

In addition to the aforementioned Policies (i.e. 15.110 and 15.200) Council has also adopted the following Policy in regards to the *Road Funding Allocation Process*:

15.220 ROAD WORK FUNDING ALLOCATION PROCESS

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

FINANCIAL IMPLICATIONS

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

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

The Proposed Road Works Program has been structured in a way to maintain the Shires Own Resources contribution towards the overall program irrespective of the grants received. This will complement the estimated expenditure allocation in the current LTFP.

STRATEGIC IMPLICATIONS

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

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

It is important the Policy/Procedure to amend the Road Hierarchy is adhered to. This will ensure the integrity of the Road Hierarchy list and therefore the integrity of how Council allocates its resources to road works within the Shire.

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

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

VOTING REQUIREMENTS

Simple Majority

Cr Wood left Chambers at 5.08pm

ROAD INSPECTION RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR MALUISH

Council endorses the *Road Hierarchy* and *Heavy Haulage Vehicle Permit* Policies as presented without change.

**Voting 4/0
CARRIED
Note Reference RI03/15-2**

15.200 ROAD HIERARCHY

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

<u>ROAD NO.</u>	<u>ROAD NAME</u>	<u>ROAD NO.</u>	<u>ROAD NAME</u>
-----------------	------------------	-----------------	------------------

A - MAIN ARTERIAL ROADS

19	Balla Whelarra	34	Coronation Beach
8	Dartmoor	21	Dartmoor Lake Nerramyne
33	East Chapman	10	Nanson Howatharra
150	Narra Tarra	131	Northampton – Nabawa
132	Yuna – Tenindewa	13	Valentine
16	East Nabawa	12	East Bowes

B - MAIN FEEDER ROADS

1	Durawah		
17	Naraling Yuna		
6	Nolba Road (to Nolba Stock Route Junction)		
51	Nolba Stock Route	14	Station Valentine
4	Wandana	5	Wandin
95	White Peak		

C - MINOR FEEDER ROADS

52	Balaam	98	Baugh
68	Bella Vista	23	Bindoo
133	Calder Place	50	Cannon Whelarra
125	Coffee Pot Drive	47	Coonawa
70	David	18	East Dartmoor
151	Eliza Shaw Drive	135	Green Drive
67	Hickety	11	Indialla Road (Townsite)
37	James	94	Kerr Dartmoor
126	Mills Place	9	Murphy Norris
99	Murphy Yetna	82	Nabawa Yetna
96	Nolba Rockwell	22	North Dartmoor
39	St John	15	Station
114	Tenindewa North	97	Wheeldon Hosking
108	Yuna South		

D – MAJOR ROAD ACCESS

45	Binnu East	44	Brooks
40	Burton Williamson	42	Campbells
46	Dartmoor Harris	27	Dindiloa
31	Durawah Northern Gully	138	Forrester Brooks
100	Indialla Road(outside townsite)	24	Marrah
60	Mt Erin Nabawa	49	Murrays
148	Newmarracarra	69	Oakajee
28	Olsen	55	Parks
121	Richardson	127	Scott
137	South Whelarra	88	Thompson Reidy
53	Urch	41	Valentine Williamson
93	Wandana Exten	128	Wokarena

E – MINOR ACCESS ROADS

30	Ahern Place	75	Angels
115	Badgegong	134	Baston Close
72	Beatty Hasleby	136	Bunter Way
112	Burges	80	Butcher Knife

43	Caratti	147	Carey
113	Cooper St (Nanson)	61	Crabbe
140	Dillistone	143	Dixon Place
20	Dolby Place	149	East Terrace
71	Eastough Yetna	58	Fairview Farm
91	Farrells Back	56	Fong
32	Forrester	124	Goodletts
105	Gould	73	Gray Dindiloa
35	Hackett	36	Hayward
78	Heelan Maloney	79	Heelan Mellish
63	Hipper	86	Hotel
64	Indialla Spur	139	Kennedy
144	Lacy	101	Lauder
89	Lewis	79	Lorimer
122	Marrah Spur	25	McGauran
59	McKay	26	McNaught Mazzuchelli
110	Mills	54	Morcom
111	Murphy	38	Nolba (North of Nolba Stock Road)
11	Norman's Well	89	Norris
65	O'Donnell	84	Old Nabawa Northampton
107	Old Nolba	120	Post Office
66	Prothro	146	Rewell
109	Reynolds	121	Richards
85	Ridley	141	Royce
129	Ryan Place	142	Smith
106	Snell	57	State Farm
117	Warr	145	Wells
62	Whitehurst Tetlow	123	Wicka Homestead
118	Williamson	104	Yarra

Policy Reviewed – Min Ref 12/02-15

15.110 HEAVY HAULAGE VEHICLE PERMITS

TIER ONE (GAZETTED) HEAVY HAULAGE ROUTES	
<p>(Note: Tier 1 Routes can vary between 27.5m or 36.m maximum vehicle length)</p> <p>The following conditions apply to all Tier 1 roads:</p> <ul style="list-style-type: none"> • Speed limit is to be 30kmph below the regulated speed limit for shire unsealed roads and 20kph below the regulated speed limit for shire sealed roads, other than townsites. • Main Roads WA will determine speed limits within the Yuna & Nabawa townsites. <p>Additional conditions relevant to specific roads all listed hereunder.</p>	
Balla Whelarra Road	Tier 1 - Gazetted (36.5m)
Morrell Road	Tier 1 - Gazetted (36.5m)
Nabawa Northampton Road	Tier 1 - Gazetted (27.5m)
Narra Tarra-Moonyoonooka Road	Tier 1 - Gazetted (36.5m)
East Chapman Road	Tier 1 - Gazetted (36.5m)
East Nabawa Road (Between Valentine & Yuna Tenindewa Road junctions only). See "Conditional Routes for balance of this road.	Tier 1 - Gazetted (27.5m)
Valentine Road	Tier 1 - Gazetted (27.5m)
Yuna Tenindewa Road (0 to 8 slk only)	
TIER TWO (CONDITIONAL) HEAVY HAULAGE ROUTES	
<p>(Note: Tier 2 Routes are for 27.5m vehicles only)</p> <p>The following conditions apply to all Tier 2 roads:</p> <ul style="list-style-type: none"> • Speed limit is to be 30kmph below the regulated speed limit for shire unsealed roads and 20kph below the regulated speed limit for shire sealed roads, other than townsites. • Main Roads WA will determine speed limits within the Yuna & Nabawa townsites. <p>Additional conditions relevant to specific roads all listed hereunder.</p>	
Cannon Whelarra ((Whole of Road Now Included)	<p>Tier 2 – Conditional</p> <p>School busses operate on this road. Operators must show courtesy to school buses and local traffic and exercise due care on school days</p> <p>Headlights must be switched on in the dipped position at all times.</p>
Coonawa Road	Tier 2 – Conditional
Dartmoor Lake Nerramyne Road	Tier 2 – Conditional
Dartmoor Road	Tier 2 – Conditional
Durawah Road	Tier 2 – Conditional
Durawah Northern Gully Road	Tier 2 – Conditional
East Bowes Road	<p>Tier 2 – Conditional</p> <p>From the Chapman Valley/ East Bowes Roads junction to the</p>

	7.70slk only.
East Dartmoor Road	Tier 2 – Conditional
East Nabawa Road (See "Gazetted Routes" for eastern section of this road)	Tier 2 – Conditional 60kph speed limit from intersection with Chapman Valley Road and Richardson Road.
Kerr Dartmoor Road	Tier 2 – Conditional
Marrah Road Section between Richardson & Naraling East Yuna Roads only. (See "Seasonal Routes" for balance of this road)	Tier 2 – Conditional
Naraling East Yuna Road	Tier 2 – Conditional
Nolba Road Section between the Chapman Valley Road to Nolba Stock Route junctions only	Tier 2 – Conditional
Nolba Stock Route Road	Tier 2 – Conditional
Richardson Road	Tier 2 – Conditional
St John Road	Tier 2 – Conditional
South Whelarra Road	Tier 2 – Conditional
Station Road	Tier 2 – Conditional
Station-Valentine Road	Tier 2 – Conditional
Tenindewa Road North	Tier 2 – Conditional
Wandana Road	Tier 2 – Conditional
Wandin Road	Tier 2 – Conditional
Wheeldon-Hosking Road	Tier 2 – Conditional
Yuna-Tenindewa Road (8slk to Mullewa Boundary)	Tier 2 – Conditional

TIER THREE (SEASONAL) HEAVY HAULAGE ROUTES (Note: Tier 3 Routes are for 27.5m vehicles only)	
Badgedong	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Baugh Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions

	<p>be reviewed annually.</p> <ul style="list-style-type: none"> • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Bindoo Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Brooks Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Dindiloa Road (Between Hayward Road and McNaught Mazzuchelli Road junctions only)	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Grey-Dindiloa Road	<p>Tier 3 - Seasonal</p>

Page 17

	<ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Hayward Road	<p>Tier 3 – Seasonal</p> <ul style="list-style-type: none"> • Maximum 30kph speed limit for the 100 metres sections before and after the causeway. • Maximum speed 60km/h for balance of route. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
McNaught-Mazzuchelli Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum 30kph speed limit for the 100 metres sections before and after the causeway. • Maximum 50kph for balance of this route • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.

<p>Marrah Road</p> <p>Section from Richardson Rd to Chapman Valley Road. (See "Conditional Routes" for balance of this road).</p>	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
<p>Norman's Well</p>	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/hr. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at the same time as school buses. • This permit and conditions to be reviewed annually. • Forward Pilot Vehicle at all times. • Council reserves the right to withdraw all, or any, specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
<p>North Dartmoor</p>	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed

Page 19

	<p>annually.</p> <ul style="list-style-type: none"> • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
Nolba Rockwell Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.
State Farm Road	<p>Tier 3 - Seasonal</p> <ul style="list-style-type: none"> • Maximum speed 60km/h. • Daylight hour use only. • If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses. • This permit and conditions be reviewed annually. • Council reserves the right to withdraw all or any specific permit as a result of adverse conditions. • Any breach of conditions will result in automatic cancellation of permit.

GENERAL CONDITIONS - RELEVANT TO ALL APPROVED HEAVY HAULAGE ROUTES

1. Heavy Haulage Stock Transport Vehicles

- Heavy haulage stock transport vehicles will be allowed up to a maximum length of 36.5m on all approved heavy haulage routes only.
- Maximum speed of 75kph, unless otherwise stipulated.
- Daylight hour use only.
- If a school bus route, heavy haulage permit vehicles are not allowed on this road at same time as school buses.

2. Other Conditions

- Council reserves the right to withdraw any specific permit due to adverse road conditions.
- A breach of any condition

4. Procedures For Establishing A New Heavy Haulage Route

- Operator applies to Shire of Chapman Valley.
- Shire staff inspect new route to determine suitability in accordance with basic MRWA criteria.
- Shire staff put recommendation to Council to reject or progress the application.
- If Council resolves to progress the application a request be forwarded to MRWA, Geraldton.
- MRWA regional staff inspect route and make appropriate recommendation to MRWA Heavy Vehicle Officer (HVO).
- MRWA HVO approves or rejects route and advised Shire of Chapman Valley accordingly.
- Once a route has been approved it remains relevant to all operators who then make direct application to MRWA for a permit (not to Council).

Cr Wood re-entered Chambers at 5.13pm

CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 5.14pm.

AGENDA ITEM:	9.3.4
SUBJECT:	NABAWA OVAL & SURROUNDS - WATERING
PROPONENT:	CHIEF EXECUTIVE OFFICE /MANAGER WORKS & SERVICES
SITE:	NABAWA OVAL
FILE REFERENCE:	A1327
PREVIOUS REFERENCE:	NIL
DATE:	18th FEBRUARY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the February 2015 OCM the following was resolved:

MOVED: CR FARRELL

SECONDED: CR FORRESTER

Council

- i. endorses the immediate use of Water Corporation Bore 8 or access to an alternative water source (e.g. Cooper's Bore) to supplement the Shire owned bore for watering the Nabawa oval and surrounds to be funded from within current budget savings;*
- ii. staff continue investigations into the establishment of a new Shire Bore or access to an alternative water sources (e.g. Cooper's Bore) to improve water supply to the Nabawa oval and surrounds as an option for the future in comparison to the ongoing use of Water Corporation Bore 8.*

Comment

The above amendment may result in additional capital cost being required to establish a new long term watering system. If this is the case these costs will be brought to Council for consideration either this financial year or allocation made in the draft 15/16 Budget for Council consideration.

*Voting 7/0
CARRIED*

Minute Reference 02/15-

Since then the Shire staff have been working with Water Corporation to establish access to water from Bore 8 with a number of issues delaying this. However, this has now progressed to another level where Water Corporation is now prepared to gift Bore 8 to the Shire.

As reported at the February 2015 OCM Council waters the Nabawa oval and surrounds from a Bore located adjacent to the recreational precinct (see map below).



Though this bore is still being used it appears to no longer to be able to maintain the quantity of water required to adequately cater for the watering needs of the oval and surrounds.

COMMENT

The state of the oval is very good, which has been a result of rainfall, water cartage by Shire staff, and close monitoring and water scheduling adjustment for several months.

As reported, samples of the water from Bore 8 were sent to Great Northern Rural Services to determine if the quality is suitable for use on the Nabawa oval and surrounds. The response from Great Northern Rural Services is this water is suitable for the oval and surrounds watering. See map below for location of Bore 8.



It has been identified by Water Corporation the submersible pump at Bore 8 was not functional and had actually been removed due to its condition. In light of this development Water Corporation has informally advised they are prepared to gift Bore 8; however, the Shire would need to acquire a new submersible pump for the bore.

The repair & replacement of the pump was a Shire responsibility in accordance with the lease agreement for Bore 8, so we would be required to purchase a new pump if we were to continue to lease the bore anyway.

At the February 2015 OCM the cost associated with acquisition of water from Bore 8 was estimated as follows:

Maximum Requirement 50kl/day x 6 days/wk	Charge per kl	Cost per week	* Average 35 Peak Watering Weeks per year
---	---------------	---------------	---

300	@ \$1.50	\$450	\$15,750 pa
300	@ \$2.05	\$615	\$21,525 pa
Minimum Requirement 20kl/day x 6 days/wk	Charge per kl	Cost per week	Average 35 Peak Watering Weeks per year
120	@ \$1.50	\$180	\$6,300 pa
120	@ \$2.05	\$246	\$8,610 pa

*Note: The 35 peak watering weeks per annum is an estimate only and this may vary; however, should be considered a worst case scenario

Since then Water Corporation has agreed to a reduce charge of \$0.723 per kl for water from Bore 8 which results in the following estimates:

Maximum Requirement 50kl/day x 6 days/wk	Charge per kl	Cost per week	* Average 35 Peak Watering Weeks per year
300	@ \$0.7023	\$210	\$7,374 pa
Minimum Requirement 20kl/day x 6 days/wk	Charge per kl	Cost per week	Average 35 Peak Watering Weeks per year
120	@ \$0.7023	\$84	\$2,950 pa

*Note: The 35 peak watering weeks per annum is an estimate only and this may vary; however, should be considered a worst case scenario

The estimated cost to purchase and fit a submersible pump to Bore 8 is approximately \$3,000. However, this may be reduced if an agreement can be reached with Water Corporation. I am currently working with Water Corporation on this and am confident this cost will be reduced significantly.

Therefore, based upon the above revised estimates I do believe it would financially prudent to use water from Bore 8 for sustained periods and to accept the offer from the Water Corporation to gift the bore to the Shire as the cost of the submersible pump would be easily covered within the first year in lieu of the water consumption charge to be paid to Water Corporation if we stayed with the Access Agreement structure.

STATUTORY ENVIRONMENT

The costs associated with access to water from the Water Corporation Bore 8 in 14/15 to fit a new pump is covered within the existing budget and there is no need to make a variation to the budget i.e.

- COA 114820 – Included an amount of \$3,000 for a new bore pump

POLICY IMPLICATIONS

No Policy effected.

FINANCIAL IMPLICATIONS

The funds which would be available to allocate towards fitting a submersible pump to Bore 8 is catered for under COA 114820:

- ~ New Bore Pump \$3,000

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

Though there is no noticeable immediate affect on the LTFP it is important to ensure the Nabawa oval and surrounds are adequately maintained otherwise significant cost may be required to recover the area if the grass dies

STRATEGIC IMPLICATIONS

The option of Council establishing a second bore to accommodate the watering requirements of the oval and surrounds has not been investigated to any great length at this stage.

I believe it is practicable for the Shire to accept Water Corporation gift of Bore 8 as an additional water source during the peak watering periods. This will not remove the request as per Council's resolution to seek other alternative water source for the future i.e.

- ii. *staff continue investigations into the establishment of a new Shire Bore or access to an alternative water sources (e.g. Cooper's Bore) to improve water supply to the Nabawa oval and surrounds as an option for the future in comparison to the ongoing use of Water Corporation Bore 8.*

This investigative work has commenced and will be brought back to Council for consideration when completed. However, as stated, I see the acquisition of Bore 8 complementing this work, not working against it. All sources of water are welcomed.

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

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

CONSULTATION

Extensive consultation has occurred between Shire staff, Great Northern Rural Service and Water Corporation to determine possible solutions to the current watering problem Council has at the Nabawa oval and surrounds.

RISK ASSESSMENT

There is a High Risk the Nabawa oval and surrounds grass will die if adequate watering is not introduced, which will result in significant community backlash and be detrimental to ongoing sporting activities at the Sporting Complex.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council accepts the Water Corporation's gift to take over ownership and responsibility of Bore 8 and staff continues investigations into the establishment of additional alternative water sources to the Nabawa oval and surrounds.

GREAT NORTHERN RURAL SERVICES



Parkquest Pty Ltd ABN 788 2067 7449
31 Boyd Street (PO Box 2078) Geraldton WA 6530
Telephone (08) 9964 1274 Facsimile (08) 9921 5274
Email: john@greatnorthernrural.com.au



LOCALLY OWNED AND OPERATED

Date: 9th February 2015

Attn: Maurice Battilana

Re: Nabawa Oval

Maurice,

In relation to the oval at Nabawa and the water short fall to keep the state of oval at an acceptable condition, and the new irrigation system compared to the old system please note the following.

Old installation Pre Pop up Sprinklers:

Details are from Memory as old record discarded

Watering was done by a S.X Cross travelling irrigator, with a performance of

Oval Diameters: 190 m length by width 143 m

Tank capacity : 54 000 litres

Bores : Fill rate was estimated at 75 lpm this was from two bores

Irrigator : Delivering 185 lpm at 413 kpa travelling at 18 metres per hour with a spray coverage of 50 metre diameter per run. In 11 hour run the irrigator would apply 16mm precipitation.

From memory the irrigator was manually positioned 3 times per week in summer to run for 10 hours per run by 6 runs. Its path of watering could be changed due to wind directions during the week.

Water usage:

Irrigator : 185 lpm by 600 minutes 111 000 litres

Tank capacity : 54 000 litres

Water recovery : 75 lpm x 600 minutes 45 000 litres

Short fall : 12 000 litres

Recovery time : 14 hours

Estimated Usage per Week 666 000 litres

Estimated precipitation per week 32mm

The new System when installed was based on

Storage Tank : 130 000 litres

Bore refill : 5 100 lph (85 lpm) bore was report to be capable of 110 lpm in 2007

Surface pump Discharge: Peak Supply 550 litres per minute at 600 kpa (sprinkler head 550 kpa)

Run times as follows:

Program A Stations 1-2-3-4-5 running for 45 minutes each
Station 14-15 running for 20 minutes each
Day's On: Monday, Wednesday and Friday
Starting at: 24.00 hours

Program B Stations 6-7-8-9-10-11 running for 45 minutes each
Days on: Sunday, Tuesday and Thursday.
Starting at 24.00 hours

Program C Stations 12 & 13 running for 120 minutes each
Days On: Sunday, Monday, Tuesday, Wednesday
Starting at 7.00 pm (these Stations are operated from scheme, not the bore water from the tanks)

Watering requirements when a full cycling is being used

Odd days watering Program A
Stations 1-2-3-4-5 with 14 -15

Program A. 34 Sprinklers at 78 lpm each x 45 minutes = 119 340 litres
 14 Sprinklers at 50 lpm each x 20 minutes = 14 000 litres

Peak Water usage is now 133 340 litres in 265 minutes (4 ½) hours
Recovery rate during that period is 22 525 litres
Storage at end of irrigation period 19 185 litres
Required time for total refill of tank to 130 kl after watering at rate of 85 lpm will be an additional
21 ¾ hours

Even day watering Program B
Stations 6- 7-8-9-10-11

Program B 41 sprinklers at 78 lpm each x 45 minutes = 143 910 litres

Peak Water usage is now 143 910 litres in 270 minutes (4 ½) hours
Recovery rate during that period is 22 950 litres
Storage at end of irrigation period 9 040 litres
Required time for total refill of tank to 130 kl after watering at rate of 85lpm will be an additional
23 ¾ hours

At the above water times the system would only applying 36 mm per week, in the Geraldton City area they work on 40mm per week to maintain a healthy lawn. With the higher temperatures in Nabawa and lower rainfall it would be expected to be 50mm per week would be required to maintain the same level.

At present the existing bore supply is down to 76 lpm and previous history shows it keeps declining in flow during season due to Iron bacteria build up, the decrease in flow keeps putting pressure on the system.

- 3) Use Bore water from Water Corporation bore Number 8 that has been offered
- The water sample provided By Water Corporation shows it to be quite suitable for use on oval.
 - Pipe work already exist to Work depot (to be confirmed)
 - Extend pipe work to tank
 - Add a telemetry system at tank to operate bore (cost \$900.00 plus electrical work at bore controls)
 - Increase run times on oval to bring up to 40mm application per week in summer months
 - This will give allowance to reduce strain on existing bore and allow for any breakdowns

I hope the above information is helpful. When the actual locations of pipe work, the flow rate and the cost associated for the supply of water from Bore no 8 are determined we can over more costing when needed.

Please feel to contact myself on the above numbers for any more information

Regards

John Mckay
Water Manager

AGENDA ITEM:	9.3.5
SUBJECT:	FLOOD DAMAGE CONTRIBUTION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1001.00
PREVIOUS REFERENCE:	NIL
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

As previously reported the Shire has received formal notification from the Department of the Premier & Cabinet the surface flooding, trough and associated flooding event between the 28th February & 8th March 2015 has been proclaimed an *eligible disaster* under the Western Australia Natural Disaster Relief & Recovery Arrangements (WANDRRA). See Attachment 1.

COMMENT

Since this announcement I have employed the services of the Shire contract engineers (Greenfield Technical Services) to undertake a detailed cost estimate of the damage incurred. The cost to use the consultant engineer can be reimbursed from the WANDRRA flood damage funds and has been incorporated into the cost estimates provided.

It will be noted at Attachment 3 a cost estimate summary for all roads affected by the flood event, which totals \$794,351. These estimates are those lodged with Main Roads WA on the 7th May 2015 and are subject the amendment once Main Roads WA staff have undertaken their due diligence and scrutiny of the estimates. This is a requirement of the WANDRRA process to ensure the estimates are realistic before final endorsement to proceed.

It will also be noted at Attachment 2 where the Shire of Chapman Valley is required to contribute an amount of \$143,200 (the minimum contribution) towards the overall flood damage costs. The purpose of this Agenda Item is to seek Council endorsement of where this Shire contribution is to be funded from.

STATUTORY ENVIRONMENT

Western Australia Natural Disaster Relief & Recovery Arrangements (WANDRRA)

POLICY IMPLICATIONS

Though no Policy is directly affected or relevant to the flood damage works Council has endorse the 2015/2016 Road Works Program for inclusion into the forthcoming Budget considerations with the following priorities being in place:

“That Council receives the notes of the Roads Inspection and endorse the following recommendations:

4. Council endorse the 10 Year Road Works Program – 2015/2016 to 2024/2025 as presented at **Attachment 1** and this PROGRAM be used as a basis for resource allocation into the Draft 2015/2016 Budget with understanding there will be projects scheduled for 2014/2015, which will need to be carried-over and completed in 2015/2016;
5.”

Voting 6/2
CARRIED
Minute Reference 04/15-8

2015/2016 PROPOSED ROAD WORKS PROGRAM

CONDITIONS:

1. Priority 1 *“Grant Funded”* Projects will take precedence over all other road works;
2. Priority 2 *“Maintenance Works”* Projects will take precedence over Priority 3 *“Own Resource”* Projects (e.g. gravel sheeting);
3. *“Own Resource”* Project listed are indicative only and not guaranteed to be completed in the year they are listed.
4. Amounts listed for *“Maintenance Works”* & *“Own Resource”* Projects are indicative only and subject to variation.
5. *“Maintenance Works”* amount does not include other recurrent maintenance works (e.g. maintenance grading, spraying, etc)

Grant Projects	Maintenance Works & Own Resource Projects	Type of Works	Length SLK	Estimated Total Project Costs	Funding Sources				
					Shire	RRG?SBS	R2R	Direct	Other
Priority 1 Works									
Dartmoor		Gravel Sheetting	4.00	\$144,000	\$33,000	\$96,000			\$15,000
# Valentine		Upgrade to 7m Seal	3.00	\$392,500	\$130,833	\$261,667			
Yuna Tenindewa		Widen from 4m to 7m Seal	2.00	\$263,000	\$0		\$263,000		
Wheeldon Hosking/East Naraling Rd		Junction Realignment (Design Only)	0.00	\$20,000	\$6,667	\$13,333			
	Anticipated 2014/2015 Project(s) C/Fwd	Anticipated 2014/2015 Project(s) C/Fwd	-	\$242,000	\$25,000		\$217,000		
WANDRAA Flood Damage		WANDRRA Grant Funded	0.00	\$643,000	\$143,000				\$500,000
		Betterment - Fully Shire Funded	0.00	\$25,000	\$25,000				
Priority 2 Works (Amount listed is indicative only and may vary. If additional Maintenance Works required Priority 3 Works will reduce)									

	Maintenance Works - Various Roads	Vegetation Clearance; Drainage Works; Etc)	0.00	\$100,000	\$8,000			\$92,000	
Priority 3 Works (Amounts listed are indicative only and may vary. Works not guaranteed to be completed in this year)									
	Durawah	Gravel Sheeting	4.00	\$184,000	\$184,000				
	Wandana	Gravel Sheeting	4.00	\$184,000	\$184,000				
	Parkfalls Estate	Continuation of improvements in accordance with PEDP	2.00	\$150,000	\$150,000				
	Hickety	Gravel Sheeting	3.60	\$165,600	\$165,600				
	Nabawa Yetna	Minor Gravel Repairs	1.00	\$46,000	\$46,000				
	Indialla	Gravel Sheeting	4.00	\$184,000	\$184,000				
				\$2,743,100	\$1,285,100	\$371,000	\$480,000	\$92,000	\$515,000
			-	Total Grants		\$1,458,000			

Subject to confirmation of grant funds being available. State Government reduction in MWRRG funds for 15/16 may result in this project not being funded

FINANCIAL IMPLICATIONS

It will be noted from the above WANDRRA figures (**Highlighted in RED**) the estimates at the time were a little low (i.e. \$643,000 at time of Road Inspection compared to \$794,351 now). This is understandable as the river crossing and some of the road damage could not be estimated until the river had subsided.

Irrespective of the differences in the estimates the Shire will only be subject to the minimum contribution amount of \$143,200 plus the indicative amount of \$25,000 for betterment items. This will result in a total contribution of approximately \$168,200 subject to actual betterment costs, which are yet to be finalised.

Council has an amount of approximately \$112,000 in the Roadworks Reserve. The purpose of this Reserve is as follows:

“To be used for road infrastructure projects”

I believe these Reserve funds should be utilised in the first instance and this Reserve Fund closed, with the balance of funds required (i.e. approx. \$56,000) being derived from municipal fund as follows:

- 14/15 roadworks maintenance budget for Materials & Contract contingency;
 - 15/16 specifically budgeted for from the municipal fund road works program as previously resolved (i.e. as mentioned above - *Minute Reference 04/15-8*)
- **Long Term Financial Plan (LTFP):**
No adverse affect envisaged on the LTFP.

STRATEGIC IMPLICATIONS

It is strategically sound (even if the WANDRRA guidelines do support this approach) to undertake betterment to problem areas subject to continually flood damage at the same time the restoration flood works are undertaken.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Support improved telecommunications, power, road & water services in the community
---	---	---

CONSULTATION

Consultation has been undertaken between Shire staff, consultant engineer and Main Roads WA throughout the process as well as with Council at the Annual Road Inspection, Forum Session and the most recent Council meeting on this issue.

RISK ASSESSMENT

The only risk, which I believe is low, is the Shire not receiving the WANDRRA Flood Damage funding if they are unable to make the minimum contribution.

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

Council:

1. Endorses using the funds currently held in the Shire of Chapman Valley's Roadworks Reserve to assist in funding its contribution towards the minimum contribution to the WANDRRA funding program and betterment works covered in total by the Shire for the Flood Damage works identified in the Shire;
2. The Road Reserve fund be depleted of all funds held in this reserve and the Reserve discontinued once this has occurred;
3. The balance of funds required for the Shire to cover the minimum contribution to the WANDRRA funding program and betterment works by the Shire for the Flood Damage works identified in the Shire be derived from either or both of the following sources:
 - i. If required in 14/15 from the roadworks maintenance budget allocation for Materials, Contracts and Contingency;
 - ii. If required in 15/16 an amount is specifically budgeted for in the municipal fund road works program as previously resolved (i.e. *Minute Reference 04/15-8*).



Government of **Western Australia**
Department of the **Premier and Cabinet**



Australian Government
Attorney-General's Department

2014/15 WANDRRA ELIGIBLE DISASTER PROCLAMATION NOTIFICATION
Surface Trough and Associated Flooding (28 February – 8 March 2015)

The above event has been proclaimed an *eligible disaster* under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) pursuant to Section 4.2 of the Natural Disaster Relief and Recovery Arrangements Determination 2012 Version 1, issued by the Commonwealth Government Attorney-General. The State Government will provide immediate financial assistance to those people who have been affected through joint State and Commonwealth disaster relief and recovery arrangements.

A surface trough triggered thunderstorms leading to heavy rainfall and widespread flooding over northern and central parts of the State during the period 28 February to 8 March 2015.

Pursuant to Section 2.1.1 of the NDRRA Determination 2012 Version 1, 'flood' is deemed to be an eligible *natural disaster* event.

For the purposes of the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) this event will be referred to as '***Surface Trough and Associated Flooding (28 February - 8 March 2015)***'.

WANDRRA is jointly funded by the State and Commonwealth Governments and administered by the Department of the Premier and Cabinet (DPC), with assistance from other agencies. Through WANDRRA, the Western Australian and Commonwealth Governments provide help to people who have suffered the direct impact of a proclaimed natural disaster event.

The Local Government districts subject to this proclamation are as follows:

- Shire of Ashburton
- Shire of Carnamah
- Shire of Chapman Valley
- Shire of Cue
- Shire of Dalwallinu
- City of Greater Geraldton
- Shire of Meekatharra
- Shire of Mingenew
- Shire of Morawa
- Shire of Mount Barker
- Shire of Mukinbudin
- Shire of Murchison
- Shire of Northam
- Shire of Sandstone
- Shire of Three Springs
- Shire of Yalgoo

If information becomes available that identifies other local government districts as potentially having been directly impacted by this natural disaster event, subject to further assessment these local government districts may, at a later date, be included in the affected area.

The eligible costs for this event are anticipated to be largely associated with the restoration and replacement of essential public assets, mainly the local and state road network infrastructure. It is expected that considerable costs may also be incurred for the clean-up of local and state government owned property.

Assistance may be available for the following measures (*where appropriate*) typically covered by the WANDRRA:

- **For individuals and families** – Personal Hardship and Distress grants which are administered by the Department for Child Protection and Family Support (CPFS). Potential measures include emergency food, accommodation, clothing, temporary living expenses, replacement of essential household contents and housing repairs to return housing to a habitable, safe and secure condition. **Note – some of these measures are subject to income and/or assets testing.**
- **For small businesses** – interest rate subsidies on 'new' loans approved by Authorised Deposit-taking Institutions.
- **For Primary Producers** – Assistance may be available toward freight costs, materials for boundary fences (***only where it is demonstrated that public safety is at risk***), professional advice grants and interest rate subsidies on 'new' loans approved by Authorised Deposit-taking Institutions. These *eligible measures* are administered by the Department of Agriculture and Food. **Important Note - Claims should be lodged before 12 September 2015.**
- **For Local Governments & State Government Agencies** – Clean-up costs and the restoration or replacement (to pre-disaster standard) of *essential public assets* including local road damage. State road damage is also included through Main Roads Western Australia (MRWA). Only costs incurred that are 'additional' costs, and are directly related to the event, will be eligible for reimbursement. **Important Note - The allowable time limit for eligible claims expires on 30 June 2017.**

Claims in respect of any other *eligible measures* may also be considered.

It should be noted that assistance under the WANDRRA is not designed to supplant, or operate as a disincentive for self-help by way of commercial insurance.

Primary Contacts

Primary contacts for assistance/advice are:

- Department for Child Protection and Family Support, by phone on 1800 032 965, or via website [here](#);
- Local Government – Main Roads Western Australia regional offices for road infrastructure via website [here](#);
- Department of Agriculture and Food, Rural Business Development, by phone on 1800 198 231 or via website [here](#); and
- Other enquiries may be directed to the Department of the Premier and Cabinet - contact (WANDRRA Administrator) by phone on 6552 5088 or 6552 6250, or by email to – WANDRRA@dpc.wa.gov.au END

**WESTERN AUSTRALIA NATURAL DISASTER RELIEF & RECOVERY ARRANGEMENTS (WANDRRA)
LIMIT OF EACH LOCAL GOVERNMENT'S CONTRIBUTION (PER WANDRRA EVENT) FOR FY 2014-15**

Local Government District City (C); Shire (S) or Town (T)	Total Rates Levied (TRL) \$	1% of TRL \$	Limit of contribution \$
Albany (C)	28,961,010	289,610	289,610
Armadale (C)	42,875,000	428,750	428,750
Ashburton (S)	13,309,415	133,094	143,200
Augusta-Margaret River (S)	15,546,057	155,461	155,461
Bassendean (T)	10,707,000	107,070	143,200
Bayswater (C)	34,549,860	345,499	345,499
Belmont (C)	52,084,909	520,849	520,849
Beverley (S)	2,203,752	22,038	143,200
Boddington (S)	3,543,947	35,439	143,200
Boyup Brook (S)	2,024,488	20,245	143,200
Bridgetown-Greenbushes (S)	3,456,005	34,560	143,200
Brookton (S)	1,564,659	15,647	143,200
Broome (S)	16,807,502	168,075	168,075
Broomehill-Tambellup (S)	1,877,318	18,773	143,200
Bruce Rock (S)	1,048,010	10,480	143,200
Bunbury (C)	28,727,502	287,275	287,275
Busselton (C)	31,086,844	310,868	310,868
Cambridge (T)	19,492,500	194,925	194,925
Canning (C)	45,164,689	451,647	451,647
Capel (S)	7,287,228	72,872	143,200
Carnamah (S)	1,692,529	16,925	143,200
Carnarvon (S)	3,492,797	34,928	143,200
Chapman Valley (S)	2,069,802	20,698	143,200
Chittering (S)	4,435,176	44,352	143,200
Claremont (T)	11,262,492	112,625	143,200
Cockburn (C)	57,630,033	576,300	576,300
Collie (S)	4,449,328	44,493	143,200
Coolgardie (S)	5,011,548	50,115	143,200
Coorow (S)	2,464,965	24,650	143,200
Corrigin (S)	1,923,527	19,235	143,200
Cottesloe (T)	8,423,694	84,237	143,200
Cranbrook (S)	2,030,000	20,300	143,200
Cuballing (S)	785,310	7,853	143,200
Cue (S)	1,532,567	15,326	143,200
Cunderdin (S)	1,518,255	15,183	143,200
Dalwallinu (S)	2,637,184	26,372	143,200
Dandaragan (S)	4,849,297	48,493	143,200
Dardanup (S)	8,052,063	80,521	143,200
Denmark (S)	4,945,310	49,453	143,200
Derby/West Kimberley (S)	6,057,528	60,575	143,200
Donnybrook-Ballingup (S)	3,374,446	33,744	143,200
Dowerin (S)	1,010,565	10,106	143,200
Dumbleyung (S)	1,316,610	13,166	143,200
Dundas (S)	1,937,545	19,375	143,200
East Fremantle (T)	5,712,000	57,120	143,200
East Pilbara (S)	9,965,265	99,653	143,200
Esperance (S)	13,508,614	135,086	143,200
Exmouth (S)	2,953,684	29,537	143,200
Fremantle (C)	33,852,955	338,530	338,530
Gingin (S)	6,430,958	64,310	143,200
Gnowangerup (S)	2,871,502	28,715	143,200
Goomalling (S)	1,747,068	17,471	143,200
Gosnells (C)	51,889,238	518,892	518,892
Greater Geraldton (C)	36,726,815	367,268	367,268
Halls Creek (S)	1,759,660	17,597	143,200

H:\Events\Local Governments\LG Contribution Limits under WANDRRA\FY 2014-15\Local Government Contribution Limits for FY 2014-15 (v1).xlsx Page 1 of 3

**WESTERN AUSTRALIA NATURAL DISASTER RELIEF & RECOVERY ARRANGEMENTS (WANDRRA)
LIMIT OF EACH LOCAL GOVERNMENT'S CONTRIBUTION (PER WANDRRA EVENT) FOR FY 2014-15**

Local Government District City (C); Shire (S) or Town (T)	Total Rates Levied (TRL) \$	1% of TRL \$	Limit of contribution \$
Harvey (S)	13,843,143	138,431	143,200
Irwin (S)	4,123,068	41,231	143,200
Jerramungup (S)	2,490,558	24,906	143,200
Joondalup (C)	77,390,493	773,905	773,905
Kalamunda (S)	26,266,903	262,669	262,669
Kalgoorlie-Boulder (C)	20,938,801	209,388	209,388
Katanning (S)	2,556,530	25,565	143,200
Kellerberrin (S)	1,546,447	15,464	143,200
Kent (S)	1,889,794	18,898	143,200
Kojonup (S)	3,129,456	31,295	143,200
Kondinin (S)	2,206,626	22,066	143,200
Koorda (S)	844,621	8,446	143,200
Kulin (S)	1,531,447	15,314	143,200
Kwinana (C)	26,028,934	260,289	260,289
Lake Grace (S)	3,578,435	35,784	143,200
Laverton (S)	3,002,779	30,028	143,200
Leonora (S)	4,783,620	47,836	143,200
Mandurah (C)	61,600,000	616,000	616,000
Manjimup (S)	7,043,102	70,431	143,200
Meekatharra (S)	3,840,816	38,408	143,200
Melville (C)	52,526,896	525,269	525,269
Menzies (S)	2,203,767	22,038	143,200
Merredin (S)	3,424,248	34,242	143,200
Mingenew (S)	1,366,354	13,664	143,200
Moora (S)	3,479,634	34,796	143,200
Morawa (S)	1,339,814	13,398	143,200
Mosman Park (T)	6,772,523	67,725	143,200
Mount Magnet (S)	988,744	9,887	143,200
Mount Marshall (S)	1,176,823	11,768	143,200
Mukinbudin (S)	892,538	8,925	143,200
Mundaring (S)	22,769,775	227,698	227,698
Murchison (S)	297,654	2,977	143,200
Murray (S)	11,123,405	111,234	143,200
Nannup (S)	1,298,032	12,980	143,200
Narembeen (S)	1,322,776	13,228	143,200
Narrogin (S)	863,385	8,634	143,200
Narrogin (T)	3,029,089	30,291	143,200
Nedlands (C)	17,900,311	179,003	179,003
Ngaanyatjarraku (S)	352,786	3,528	143,200
Northam (S)	7,758,164	77,582	143,200
Northampton (S)	3,189,393	31,894	143,200
Nungarin (S)	410,000	4,100	143,200
Peppermint Grove (S)	2,300,000	23,000	143,200
Perenjori (S)	2,440,566	24,406	143,200
Perth (C)	67,226,365	672,264	672,264
Pingelly (S)	1,402,170	14,022	143,200
Plantagenet (S)	5,418,543	54,185	143,200
Port Hedland (T)	18,857,082	188,571	188,571
Quairading (S)	1,740,900	17,409	143,200
Ravensthorpe (S)	3,432,896	34,329	143,200
Rockingham (C)	46,429,992	464,300	464,300
Roebourne (S)	36,400,000	364,000	364,000
Sandstone (S)	1,031,821	10,318	143,200
Serpentine-Jarrahdale (S)	12,976,751	129,768	143,200
Shark Bay (S)	1,097,561	10,976	143,200

H:\Events\Local Governments\LG Contribution Limits under WANDRRA\FY 2014-15\Local Government Contribution Limits for FY 2014-15 (v1).xlsx Page 2 of 3

**WESTERN AUSTRALIA NATURAL DISASTER RELIEF & RECOVERY ARRANGEMENTS (WANDRRA)
LIMIT OF EACH LOCAL GOVERNMENT'S CONTRIBUTION (PER WANDRRA EVENT) FOR FY 2014-15**

Local Government District City (C); Shire (S) or Town (T)	Total Rates Levied (TRL) \$	1% of TRL \$	Limit of contribution \$
South Perth (C)	25,741,471	257,415	257,415
Stirling (C)	110,057,433	1,100,574	1,100,574
Subiaco (C)	18,641,575	186,416	186,416
Swan (C)	82,400,000	824,000	824,000
Tammin (S)	717,752	7,178	143,200
Three Springs (S)	1,610,358	16,104	143,200
Toodyay (S)	5,023,495	50,235	143,200
Trayning (S)	806,361	8,064	143,200
Upper Gascoyne (S)	270,222	2,702	143,200
Victoria Park (T)	28,549,608	285,496	285,496
Victoria Plains (S)	1,981,801	19,818	143,200
Vincent (C)	24,248,455	242,485	242,485
Wagin (S)	1,848,600	18,486	143,200
Wandering (S)	666,575	6,666	143,200
Wanneroo (C)	100,408,108	1,004,081	1,004,081
Waroona (S)	3,205,060	32,051	143,200
West Arthur (S)	1,379,774	13,798	143,200
Westonia (S)	729,291	7,293	143,200
Wickepin (S)	1,154,267	11,543	143,200
Williams (S)	1,343,510	13,435	143,200
Wiluna (S)	3,048,349	30,483	143,200
Wongan-Ballidu (S)	2,479,843	24,798	143,200
Woodanilling (S)	576,453	5,765	143,200
Wyalkatchem (S)	913,082	9,131	143,200
Wyndham East Kimberley (S)	6,761,077	67,611	143,200
Yalgoo (S)	1,522,994	15,230	143,200
Yilgarn (S)	4,577,103	45,771	143,200
York (S)	3,724,939	37,249	143,200

Notes

- The above calculations are based upon 'Total Rates Levied', rather than 'Total Revenue'.
- The figure for each local government has been sourced from the 2014 WA Local Government Directory.
- The contribution limit for each local government is the greater of:
 - 1% of Total Rates Levied; or
 - 0.25% of WA's '1st Threshold for FY 2014-15' (\$ 57,305,250) under the NDRRA. This equates to \$ 143,263. however this has been rounded down to \$ 141,200.
NB - WA's 2nd Threshold for 2014-15 is \$ 100,284,188 (i.e., 1.75 x 1st Threshold).
- The number of Councils recognised for the purposes of the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) totals 138. *(NB - For the purposes of the WANDRRA, Christmas Island and the Cocos (Keeling) Islands Councils are excluded).*
- The *small disaster criterion* remains at \$ 240,000, per event, for FY 2014-15.

Disaster Relief and Recovery Arrangements

NDRRA or Abnormal Event

Cost Estimate

Date of Event : 28 February - 8 March 2015
 NDRRA or Abnormal Event : NDRRA
 If NDRRA, please provide Event Name : Surface Trough and Associated Flooding (28 February - 8 March 2015) AGRN:661
 If Abnormal Event, please describe below : _____

Name of Applicant : SHIRE OF CHAPMAN VALLEY

Cost Estimate details

Road No	Road Name	Section (Slk)		Description of Asset		Estimate
		From	To	Pre-disaster		
5160115	BADGEDONG ROAD	0.00	4.610	8 metre unsealed road		\$ 97,759.76
5160023	BINDOO ROAD	0.00	13.49	8 metre unsealed road		\$ 66,122.67
5160040	BURTON - WILLIAMSON ROAD	0.00	6.500	8 metre unsealed road		\$ 130,710.85
5160042	CAMPBELLS ROAD	0.00	5.540	8 metre unsealed road		\$ 15,535.15
5160130	CHAPMAN VALLEY ROAD	0.00	9.640	8 metre sealed road		\$ 94,724.21
5160125	COFFEE POT DRIVE	0.00	0.540	7 metre sealed road		\$ 1,260.40
5160047	COONAWA ROAD	0.00	18.79	8 metre unsealed road		\$ 14,380.12
5160070	DAVID ROAD	0.00	0.63	7 metre sealed road		\$ 44,616.37
5160173	DUNE VISTA	0.00	0.00	7 metre sealed road		\$ 3,221.19
5160174	HEIGHTS VIEW	0.00	0.51	7 metre sealed road		\$ 11,116.74
5160172	HILLTOP ROAD	0.00	0.33	7 metre sealed road		\$ 109,527.08
5160175	PATTEN PLACE	0.00	0.81	7 metre sealed road		\$ 9,687.79
5160165	PARMELIA BOULEVARD	0.00	0.00	7 metre sealed road		\$ 12,091.57
5160039	ST JOHN ROAD	0.00	5.36	8 metre unsealed road		\$ 136,962.94

5160169	WITTENOOM CIRCLE	0.00	1.70	7 metre sealed road		\$ 508.61
5160128	WOKARENA ROAD	0.00	0.50	7 metre sealed road		\$ 10,438.59
5160151	ELIZA SHAW DRIVE	0.00	0.200	7 metre sealed road		\$ 25,212.47
5160166	PITCHFORD CREST	0.00	0.850	7 metre sealed road		\$ 2,058.65
5160162	BROWN LANE	0.00	0.670	7 metre sealed road		\$ 1,755.91
5160167	REDCLIFFE CONCOURSE	0.00	1.000	7 metre sealed road		\$ 6,660.35
				Total Estimate		\$ 794,351.42

AGENDA ITEM:	9.3.6
SUBJECT:	DISABILITY ACCESS & INCLUSION PLAN - REVIEW
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1101.01
PREVIOUS REFERENCE:	MINUTE REF: 04/15-17
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

A review of the Shire's Disability Access Inclusion Plan (DAIP) forms part of the annual Building & Disability Services Committee (Committee) agenda for consideration and recommendation to Council. The review is a legislative requirement the must comply with in accordance with Disability Services Act (1993).

The Committee did have the DAIP listed on the Agenda for the meeting held on 25th March 2015; however, the following was resolved by Council at the April 2015 OCM:

AMENDMENT TO MOTION

MOVED: CR FARRELL

SECONDED: CR MALUISH

That item 5 the Disability Access Inclusion Plan be bought back to the May Council meeting.

The Amendment was discussed and put:

Voting 8/0
CARRIED
Minute Reference 04/15-17

The Amendment then became the Substantive Motion was discussed and put:

Voting 8/0
CARRIED
Minute Reference 04/15-18

Note: Reason for deviation from Building & Disability Services Committee was Council did not want the Scoreboard included in the Building Capital Works Program at any time in the future and required the Disability Access Inclusion Plan to be brought back as this was inadvertently omitted from the Agenda.

COMMENT

Since the DAIP was presented to both the Committee and Council for consideration correspondence has been received from the Disability Services Commission (see Attachment 1) stating the DIAP must now be amended to include the following by the 1st July 2015:

Outcome7 – People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

All Outcomes require Strategies identified with the DAIP. Below are recommended strategies for new Outcome:

Strategies	Implementation
Provide for the needs of people with disability to obtain and maintain employment.	Encourage and promote access processes for the needs of people with disability in obtaining employment.

	Encourage and promote access processes for the needs of staff with disability to be supported in their employment.
Advocate to the community to provide the needs of people with disability to obtain and maintain employment.	Encourage best practice information to the community for the needs of people with disability to obtain and maintain employment.

STATUTORY ENVIRONMENT

Disability Services Act (1993).

28. *Disability access and inclusion plans*

- (1) *Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.*
- (2) *A disability access and inclusion plan must meet any prescribed standards.*
- (3) *A public authority must lodge its disability access and inclusion plan with the Commission —*
 - (a) *if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;*
 - (b) *if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.*
- (4) *A public authority may amend its disability access and inclusion plan at any time.*
- (5) *A public authority may review its disability access and inclusion plan at any time.*
- (6) *After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).*
- (7) *Not more than 5 years is to elapse —*
 - (a) *between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or*
 - (b) *between the lodgment of the report of one review of a plan and the lodgment of the report of another review of the plan.*
- (8) *After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.*
- (9) *If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.*
- (10) *A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.***

Disability Services Regulation 2004

10. **Procedure for public consultation by authorities (s. 28)**

- (1) *For the purposes of section 28(10) of the Act, a public authority is to undertake consultation in relation to its disability access and inclusion plan by calling for submissions either generally or specifically —*
 - (a) *by notice in a newspaper circulating throughout the State or, in the case of a local government, the district of that local government under the Local Government Act 1995; and*
 - (b) *on any website maintained by or on behalf of the public authority.*

- (2) *Nothing in subregulation (1) prevents a public authority from also undertaking any other consultation.*

POLICY IMPLICATIONS

The DAIP become a statutory policy required by Council in accordance with the Disability Services Act (1993) which is reported on annually.

FINANCIAL IMPLICATIONS

No significant financial implications are anticipated.

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

No significant implications anticipated on the LTFP.

STRATEGIC IMPLICATIONS

It is sound to ensure people with disabilities are given every opportunity to gain access to Council facilities and be included in Council and community activities.

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

We need good services to support our development as a Shire	Maintain existing services and facilities	Manage existing building and structures to ensure they are safe and comply with legislative requirements
---	---	--

CONSULTATION

There is a consultation process Council need to adhere to in accordance with the Disability Services Act (1993) which will be implemented as part of the DAIP review.

RISK ASSESSMENT

There is a high risk of excluding a sector of the community if the DAIP is not reviewed and improved on a regular basis.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

- 1 Council endorse the existing Disability Access & Inclusion Plan as presented with the inclusion of Outcome 7 as follows and for this amended draft to be advertised for public comments and submissions in accordance with legislation:

Outcome7 – People with disability have the same opportunities as other people to obtain and maintain employment with a public authority.

Strategies	Implementation
<i>Provide for the needs of people with disability to obtain and maintain employment.</i>	<i>Encourage and promote access processes for the needs of people with disability in obtaining employment.</i>
	<i>Encourage and promote access processes for the needs of staff with disability to be supported in their employment.</i>
<i>Advocate to the community to provide the needs of people with disability to obtain and maintain employment.</i>	<i>Encourage best practice information to the community for the needs of people with disability to obtain and maintain employment.</i>

- 2 In the event there are no adverse comments or submissions received the draft plan is adopted. However, in the event there are comments and submissions received requesting amendment to the draft Plan this be brought back to Council for further consideration.



Government of Western Australia
Disability Services Commission

RECEIVED
30 APR 2015



Our ref: 55000133
Enquiries: Ron Chalmers
Contact: 9426 9250

1101.01
Record No CR1510116

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

Dear Mr Battilana

Outcome 7 Amendment to Disability Access and Inclusion Plans

Thank you for your ongoing commitment to supporting access and inclusion for people with disability. In April 2013 the Disability Services Commission provided advice that by 1 July 2015, the Disability Access and Inclusion Plans of public authorities would need to be amended to incorporate Outcome 7 "People with disability have the same opportunities as other people to obtain and maintain employment with a public authority".

The implementation of Outcome 7 will assist to improve employment opportunities for people with disability and break down some of the many barriers that currently exist.

The Commission hopes the time provided to implement this outcome has allowed public authorities to consider strategies that will enhance the lives of people with disability and include these within the planning process.

When carrying out public consultation to amend your Disability Access and Inclusion Plan to incorporate Outcome 7, please note that public consultation should be sought by both placing a notice on any website maintained by, or on behalf of, the public authority and also in a newspaper circulated throughout Western Australia.

To assist you with the task of adding Outcome 7 to Disability Access and Inclusion Plans, the Commission produced resources and these are available at <http://www.disability.wa.gov.au/business-and-government1/business-and-government/disability-access-and-inclusion-plans/implementing-your-daip/>.

If you require any assistance to achieve this by 1 July 2015, or have any queries, please contact the Commission's Brett Daniells on 6104 9551 / brett.daniells@dsc.wa.gov.au or Sue Henson on 9426 9353 / susan.henson@dsc.wa.gov.au.

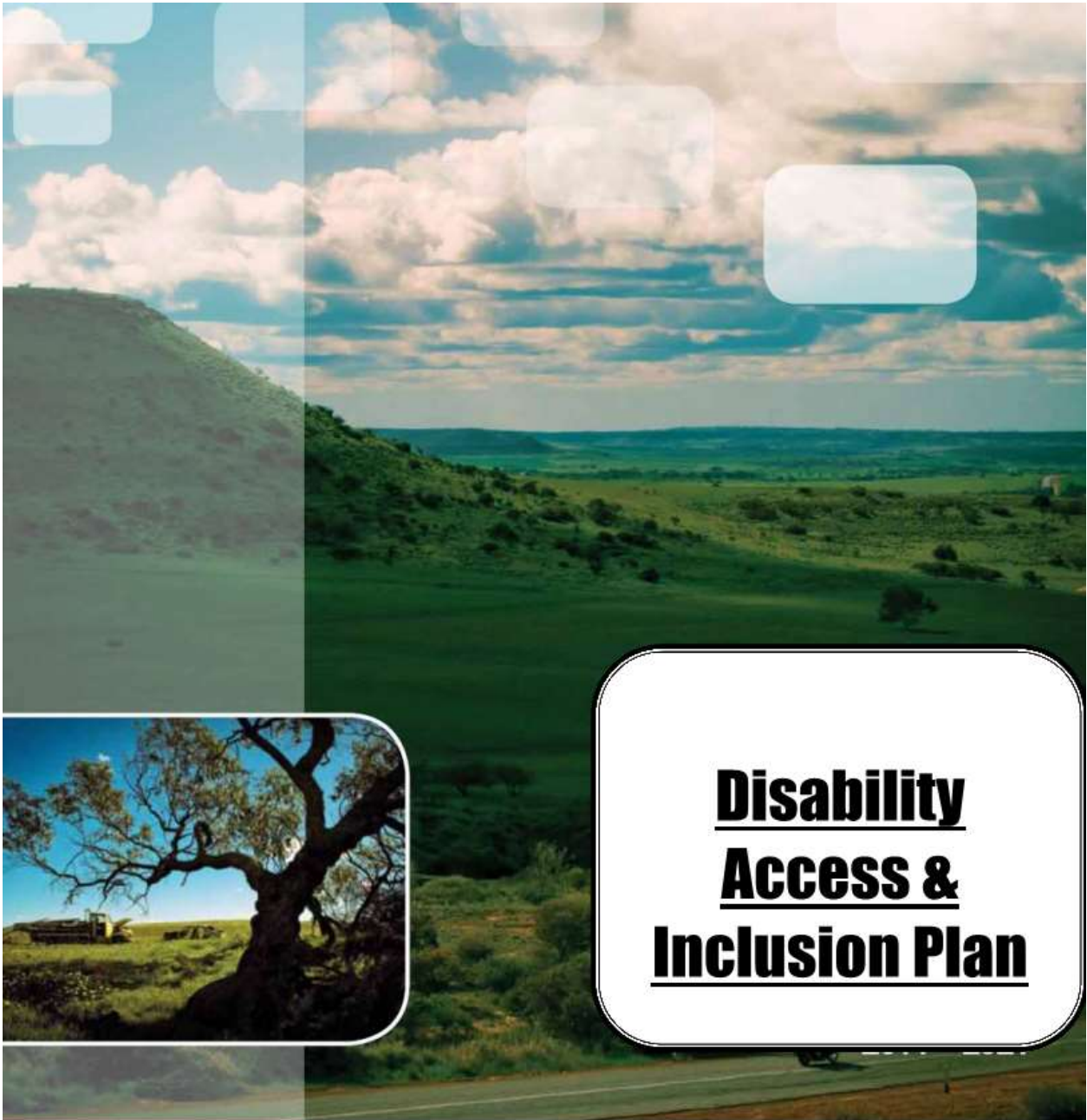
Yours sincerely

Dr Ron Chalmers
Director General
Disability Services Commission

24 April 2015

146–160 Colin Street, West Perth WA 6005 PO Box 441, West Perth WA 6872
Telephone: 9426 9200 Facsimile: 9226 2306 TTY: 9426 9315 Country: 1800 998 214
dsc@dsc.wa.gov.au www.disability.wa.gov.au

XDCL048



Disability
Access &
Inclusion Plan



Shire of
Chapman Valley
Love the Rural Life



Contents

- 1.0 Responsibility of the Disability Access and Inclusion Plan
- 2.0 Background
 - 2.1 *The Shire of Chapman Valley*
 - 2.2 *Functions, facilities and services provided by the Shire of Chapman Valley*
 - 2.3 *People with disabilities in the Shire of Chapman Valley*
 - 2.4 *Planning for better access*
 - 2.5 *Progress since 1995*
- 3.0 Access and Inclusion Policy Statement
- 4.0 Strategies to Improve Access and Inclusion
- 5.0 Development of the Disability Access and Inclusion Plan
 - 5.1 *Responsibility for the planning process*
 - 5.2 *Community Consultation*
 - 5.3 *Findings of the consultation*
 - 5.4 *Responsibility for implementing the DAIP*
 - 5.5 *Communication of the plan to staff and people with disabilities*
 - 5.6 *Review and evaluation mechanisms*
 - 5.7 *Reporting of DAIP*
- 6.0 Implementation Plan
- 7.0 Conclusion



1.0 Responsibility of the Disability Access and Inclusion Plan

The responsibility for the Disability Access Inclusion Plan is the Chief Executive Officer.

2.0 Background

2.1 The Shire of Chapman Valley

The Shire of Chapman Valley is located northeast of Geraldton in the Mid West of Western Australia and covers an area of approximately 4000 square kilometres. It is bounded by the Indian Ocean and the Shire of Northampton and City of Greater Geraldton.

The Shire has a population of 1000, with the greatest concentration in the southern section. The largest urban centre is 42 km from Geraldton at Nabawa with approximately 90 residents and where the Shire administration is located. Yuna, a further 40 km northeast has a population of approximately 20. At Yuna the Shire maintains sporting facilities, library, assists the community swimming pool and has one employee based there. Nanson seven kilometres south of Nabawa now has a population of approximately 45 but was once the location of the Shire's administration.

The Shire's economy is reliant on a range of agricultural pursuits including intensive farming, grain production and wool growing. The southern section of the Shire has become popular for rural lifestyle living and includes the scenic Chapman Valley, which is a popular weekend destination for residents of Geraldton.

A number of small wineries and aquaculture ventures have been established and are proving popular with visitors. Many visitors and campers are drawn to Coronation Beach, which is a world-renowned windsurfing location on the Shire's 17 km of coastline. The Shire maintains basic camping facilities at the beach but is currently restricted in the facilities it can provide by the lack of fresh water supply.

2.2 Functions, facilities and services provided by the Shire of Chapman Valley

The Shire of Chapman Valley provides;

Services to properties including-

- Construction and maintenance of shire owned roads, buildings, footpaths, cycle facilities, walk trails and boardwalks, rubbish collection and disposal (Nabawa and Nanson only) caring of trees, street lighting, and bushfire control.

Services to community include-

- Provision and maintenance of recreation grounds, playing areas, and reserves, management of community centre and stadium, library and information services, provision of pre-primary centre building, coastal management, management of specific roadside tourist areas.

Regulatory services include-

- Planning, building and ranger services. Planning of roads and subdivisions in accordance with the town planning scheme, building approvals for construction, additions and alterations. Ranger services, including enforcement of local laws, dog, litter and pools/spas inspections.

General Administration including-

- The provision of general information to the public, rates notices, vehicle licensing and inspection services.

Process of Government including-

- Ordinary and special council meetings, committee meetings, electors meetings and election of councillors.



2.3 People with disabilities in the Shire of Chapman Valley

There is a small estimate of people with disabilities living within the Shire. The Australia Bureau of Statistics (ABS) figures were inconclusive the number of people with disabilities in the Shire, however the officers, council, and community are aware there are people with disabilities who live in the community. The expansion of urban development in the south west corner of the shire will increase this number, and visitors with disabilities to the region must be considered.

2.4 Planning for better access

The Western Australian Disability Services Act (1993) requires all Local Governments to develop and implement a Disability Access and Inclusion Plan (DAIP) to ensure that people with disabilities have equal access to facilities and services.

Other legislation underpinning access and inclusion includes the Western Australia Equal Opportunity Act (1984) and the Commonwealth Disability Discrimination Act 1992 (DDA), both of which make discrimination on the basis of a persons disability.

2.5 Progress since 1995

The Shire of Chapman Valley is committed to facilitating the inclusion of people with disabilities through the improvement of access to its facilities and services. Towards this goal the Shire adopted its first Disability Service Plan in 1996 and then 2001, 2007 and 2012 to address the barriers within the community for people with disabilities. The Disability Services Plan addressed both its statutory requirements under the WA Disability Services Act (1993) and its obligations under the Commonwealth Disability Discrimination Act (1992).

Since the adoption of the initial Disability Services Plan, the Shire has implemented many initiatives and made significant progress towards better access within the Shire of Chapman Valley, these are as follows;

Improvement of existing functions, facilities and services to meet the needs of people with disabilities.

- Talking books positioned in a clearly designated and easily accessible section of the library.
- Building surveyors and planners have assisted in increasing disability access awareness of developers, and the introduction of disabled access to all newly constructed or altered public buildings, including playground and recreational areas.

Improved access to community buildings and facilities.

- Unisex disabled accessible toilet block was centrally constructed in the Chapman Valley Community Centre and the Yuna Townsite.
- Footpath installed from the school to residential areas of Nabawa.
- Footpath installed from the school to the Shire Office in Nabawa.

Opportunities provided for people with disabilities to participate in public consultations, grievance mechanisms and decision making processes are provided.

- Council services, functions and facilities are available on request in large print, and computer disc alternative formats.
- Council ensured that voting for municipal elections takes place in accessible buildings and that alternative voting arrangement is available where required.



3.0 Access and Inclusion Policy Statement

The Shire of Chapman Valley is committed to ensuring that the community is an accessible community for people with disabilities, their families and carers, via the following;

- The Shire of Chapman Valley believes that people with disabilities, their families and carers who live in country areas should be supported to remain in the community of their choice.
- The Shire of Chapman Valley is committed to consulting with people with disabilities, their families and carers and, where required, disability organisations to ensure that barriers to access are addressed appropriately.
- The Shire of Chapman Valley is committed to ensuring that its agents and contractors work towards the desired outcomes in the Disability Access and Inclusion Plan.

The Shire is also committed to achieving the six standards of its disability access and inclusion plan which are as follows;

1. Provide a means of ensuring that people with disabilities have the same opportunities as others to access the services of, and any event organised by the Shire of Chapman Valley.
2. Provide a means of ensuring that people with disabilities have the same opportunities as others to access buildings and other facilities of the Shire of Chapman Valley.
3. Provide a means of ensuring that people with disabilities receive information from the Shire in a format that will enable them to access information as readily as others are able to.
4. Provide a means of ensuring that people with disabilities receive the same level and quality of service from the staff of the Shire of Chapman Valley
5. Provide a means of ensuring that people with disabilities have the same opportunities as others to make complaints to the Shire of Chapman Valley.
6. Provide a means of ensuring that people with disabilities have the same opportunities as others to participate in any public consultation with the Shire of Chapman Valley.



4.0 Strategies to Improve Access and Inclusion

The Shire of Chapman Valley is committed to achieving the following outcomes.

Timeliness of these outcomes is addressed in the implementation table in section five (5) of this DAIP document.

Outcome 1

People with disabilities have the same opportunities as other people to access the services of, and any events organised by a public authority.

Strategies
Ensure people with disabilities are provided with an opportunity to comment on access to services.
Make library technology as accessible as possible.
Council will ensure that any events are organised so that they are accessible to people with disabilities.
Council will ensure that all policies and practices that govern the operation of Council facilities, functions, and services are consistent with Council Policy regarding access.

Outcome 2

People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.

Strategies
Ensure all buildings and facilities are physically accessible to people with disabilities.
Ensure that all new or redevelopment works provide access to people with disabilities, where practicable.
Ensure adequate ACROD parking to meet the demand of people with disabilities in terms of quantity, quality, and location.
Ensure that parks and reserves are accessible.
Increase the number of accessible playgrounds.
Improve access to beaches and the sea for people with disabilities.
Ensure that public toilets meet the associated accessibility standards.

Outcome 3

People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

Strategies
Improve community awareness that Council information can be made available in alternative formats upon request, such as large print, and audio.
Improve staff awareness of accessible information needs and how to obtain information in other formats.
Ensure that the Shires website meets contemporary and universal design practices.

Outcome 4

People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.

Strategies
Improve staff awareness of disability and access issues and improve skills to provide good service to people with disabilities.
Improve the awareness of new staff and new Councilors about disability and access issues.
When required, Council will seek expert advice from the disability field on how to meet the access needs of people with disabilities.

Outcome 5

People with disabilities have the same opportunities as other people to make complaints to a public authority.

Strategies
Council will ensure that current grievance mechanisms are accessible for people with disabilities and are acted upon.

Outcome 6

People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

Strategies
Improve community awareness about the consultation process in place.
Improve access for people with disabilities to the established consultative process of Council.
Seek broad range of views on disability and access issues from the local community.
Commit to ongoing monitoring of the DAIP to ensure implementation and satisfactory outcomes.

5.0 Development of the Disability Access and Inclusion Plan

5.1 Responsibility for the planning process

A Building and Disability Services Committee of council was established comprising of four (4) elected members of council, and two (2) council officers to oversee the development and implementation, review and evaluation of the plan and efforts have been made to include the participation of a person with a disability.

5.2 Community consultation

In 2011, the Shire of Chapman Valley undertook to review its Disability Services Plan (2006-2011), and consult with key stakeholders to draft a new Disability Access and Inclusion Plan to guide further improvements for access and inclusion.

The process included:

- Examination of the initial Disability Services Plan and review to see what has been achieved and what still needs work
- Examination of other council documents and strategies
- Investigation of current good practice in access and inclusion
- Consultation with key staff; and
- Consultation with the community

In January 2012, the community was informed through the local newspaper (Valley Vibes) that Council was reviewing its current Disability Access and Inclusion Plan to address the barriers that people with disabilities and their families experience in accessing council functions, facilities and services. The community was advised through local newspapers that they could provide input into the development of the plan. The community was invited to contact Council officers in February 2012 to discuss and submit comments on the draft DAIP (2012-2016). Additions and exclusions were made to the document by the Council's Disability Access and Inclusion committee to reflect the comments submitted through the public consultation process.

5.3 Findings of the consultation

While the review and consultation noted a level of achievement in improving access it also identified a range of barriers that requires redress. These include:

- Processes of Council may not be as accessible as possible
- Events may not always be held in a manner and location that best facilitates the participation of people with disabilities.
- Staff may be uninformed or lacking in confidence to adequately provide the same level of service to people with disabilities

The identification of these barriers informed the development of strategies in the Disability Access and Inclusion Plan. The barriers have been prioritised in order of importance, which assists setting timeframes for the completion of strategies to overcome these access barriers.

5.4 Responsibility for implementing the DAIP

Implementation of the DAIP is the responsibility of all areas of the Shire of Chapman Valley. The Disability Services Act (1993) requires all public authorities to take all practical measures to ensure that the DAIP is implemented by its officers, employees, agents and contractors.

5.5 Communication of the plan to staff and people with disabilities

In April 2012, copies of the draft DAIP were sent to all those who contributed to the planning process including the Shire employees, people with disabilities, their families, carers, disability organisations and relevant community groups for feedback. In July/August 2012 the plan was finalised and formally endorsed by Council.

The community has been advised through the local media (newspaper and radio) that copies of the plan are available to the community through the shire website, upon direct request of shire officers, and is available in alternative formats if required.

As plans are amended, Shire employees and the community will be advised of the availability of updated plans, using the above methods.

5.6 Review and evaluation mechanisms

The Disability Service Act requires that DAIP's be reviewed at least every five years. The DAIP Implementation Plan can be amended more frequently to reflect advancements of access and inclusion issues. Whenever the DAIP is amended, a copy of the amended plan must be lodged with the Disability Services Commission.

Monitoring and reviewing

The DAIP will be reviewed annually for progress and implementation with all progress and recommended changes reported to council.

Evaluation

An evaluation will occur as part of a five yearly review of the DAIP. Community, staff and elected members will be consulted as part of the evaluation and Implementation Plans will be amended based on the feedback received. Copies of the amended Implementation Plan, once endorsed by council, will be available to the community in alternative formats.

5.7 Reporting of DAIP

The Disability Services Act requires the Shire to report on the implementation of its DAIP in its annual report outlining:

- Progress towards the desired outcomes of its DAIP.
- Progress of its agents and contractors towards meeting the six desired outcomes.
- The strategies used to inform agents and contractors of its DAIP.



6.0 Implementation Plan

The Implementation Plan details the task, timelines and responsibilities for each strategy to be implemented in 2012-2016 to progress the strategies of the DAIP.

It is intended that the Implementation Plan will be updated annually through Council's operations, to progress the achievements of all the strategies over the duration of the five year plan.

Outcome 1

People with disabilities have the same opportunities as other people to access the services of, and any events organised by a public authority.

Strategy	Task	Timeline	Responsibility
Ensure people with disabilities are provided with an opportunity to comment on access to services.	<ul style="list-style-type: none"> Shire's Disability Services Coordinator will liaise with contractors, who are developing and implementing the Shire evaluation activities, to increase their awareness of the importance of getting comments on services by people with disabilities. Develop feedback mechanism for use of all disability services provider to by the Shire. 	Implemented/ ongoing	Disability Services Coordinator and all Managers (Planning/ Development, Financial, Works, CEO) Disability Services Coordinator and all Managers Planning/ Development, Financial, Works, CEO)
Make library technology as accessible as possible.	<ul style="list-style-type: none"> Make library technology as accessible as possible 	Implemented/ ongoing	Manager of Library Services
Council will ensure that any events are organised so that they are accessible to people with disabilities.	<ul style="list-style-type: none"> Ensure the needs of people with disabilities are planned for and provided by using the checklist provided through the access resource kit as provided by DSC. Request Ag. Society to set aside parking spaces for easy access parking. 	Implemented/ ongoing August 2012	Manager of Planning, Community Development Officer, and CEO

<p>Council will ensure that all policies and practices that govern the operation of Council facilities, functions, and services are consistent with Council Policy regarding access.</p>	<ul style="list-style-type: none"> • Ensure all buildings, facilities and services are accessible to people with disabilities through ongoing review and evaluation using devised checklists and annual audits. Through these audits a report will be generated that clearly identifies improvements to ensure the inclusion and accessibility for everyone. Again using the guide and checklist provided through the access resource kit developed by the DSC. 	<p>Implemented/ ongoing</p>	<p>Disability Services Coordinator and all Managers (Planning/ Development, Financial, Works, CEO, property) Council representatives</p>
--	--	---------------------------------	--

Outcome 2

People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.

Strategies	Task	Timeline	Responsibility
Demonstrate a willingness to ensure all buildings and facilities are accessible where practicable, to meet the access standards and any additional need in consideration of people with disabilities.	<ul style="list-style-type: none"> Audit and collate information on facilities. Generate an improvement report. Complete improvements from report where possible 	Implemented/ ongoing	Manager of Planning, CEO, Building Surveyor, Council Representatives
Ensure that all new or redevelopment works provide access to people with disabilities, where practicable.	<ul style="list-style-type: none"> All facilities allow for access for people with physical, cognitive, sensory and psychiatric disabilities through the application of specific building and planning codes. This includes ramped elevations, rails, and appropriate signage, line marking and raised footholds at intersections where practicable. 	Annually/ Ongoing	CEO, Manger of Planning, Building Surveyor, Building Committee
Ensure adequate ACROD parking to meet the demand of people with disabilities in terms of quantity, quality, and location.	<ul style="list-style-type: none"> Undertake an audit of ACROD bays and implement a program to rectify non-compliance. (Checklist, from ART) 	Implemented/ ongoing	CEO, Manager of Planning, Administration Manager, Building Surveyor, Building Committee

Ensure that parks and reserves are accessible.	<ul style="list-style-type: none"> All parks and reserves allow for access for people with physical, cognitive, sensory and psychiatric disabilities. This includes ramped elevations, rails, and appropriate signage, line marking and raised footholds at intersections where practicable. Increase the amount of seating throughout each townsite: Nanson, Yuna, Nabawa, Parkfalls. 	July 2013	Manager of Planning, CEO, Community Development Officer, Council Representatives
Increase the number of accessible playgrounds.	<ul style="list-style-type: none"> Implement accessible play areas to existing and new facilities through careful planning and advice from experts. 	July 2014	Manager of Planning, Community Development Officer, CEO
Improve access to beaches and the sea for people with disabilities.	<ul style="list-style-type: none"> Where practicable allow access to beach areas within the Shire through investigation of methods that provide maximum opportunity for inclusion and access. 	July 2015	Manager of Planning, CEO, Building Surveyor
Ensure that public toilets meet the associated accessibility standards.	<ul style="list-style-type: none"> Provision of Unisex disabled toilet/s for wheelchair persons visiting the Shires facilities are considered and planned for. These toilet facilities will be identified through the annual building inspection and planned for through the function of this committee. Facilities currently highlighted as in need of accessible 	Implemented/ongoing	Disability Services Coordinator and all Managers (Planning/Development, Financial, Works, CEO) Council representatives

	<p>toilet/s include the Show grounds, Historical society grounds, Yuna Townsite, and Shire administration building.</p> <ul style="list-style-type: none"> • Apply for funding to Construct disabled access toilet facilities to the Naraling ablution block. • Apply for funding to build disabled toilet facilities at the Shire Administration Office 		
--	--	--	--

Outcome 3

People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

Strategies	Task	Timeline	Responsibility
Improve community awareness that Council information can be made available in alternative formats upon request, such as large print, and audio.	<ul style="list-style-type: none">• Ensure all documents carry a notation regarding availability in alternative formats• Advise the community via local newspaper, radio, newsletters that other formats are available via electronic and audible formats.	Implemented/ ongoing	All managers
Improve staff awareness of accessible information needs and how to obtain information in other formats.	<ul style="list-style-type: none">• Make accessible information guidelines available on the internet• Develop an accessible information policy• Conduct accessible information training and include as part of the induction of new staff.	Implemented/ ongoing	Administration Manager
Ensure that the Shires website meets contemporary and universal design practices.	<ul style="list-style-type: none">• Redevelop website according to the W3C guidelines as outlined by the state government access guidelines	Implemented/ ongoing	Administration Manager

Outcome 4

People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.

Strategies	Task	Timeline	Responsibility
Improve staff awareness of disability and access issues and improve skills to provide good service to people with disabilities.	<ul style="list-style-type: none">Advise staff of minimum requirementsConduct a survey of all staff to determine training needs- completed	Implemented/ ongoing	All Managers, Community Development Officer
Improve the awareness of new staff and new Councillors about disability and access issues.	<ul style="list-style-type: none">Provide information and establish training in the induction for new staff and councillors.	Implemented/ ongoing	All Managers
When required, Council will seek expert advice from the disability field on how to meet the access needs of people with disabilities.	<ul style="list-style-type: none">Keep an updated database on people who can be called upon to ask advice	Implemented/ ongoing	Community Development Officer and Administration Officers

Outcome 5

People with disabilities have the same opportunities as other people to make complaints to a public authority.

Strategies	Task	Timeline	Responsibility
Council will ensure that current grievance mechanisms are accessible for people with disabilities and are acted upon.	<ul style="list-style-type: none">• Review current mechanisms for access. Consult with people with disabilities and expert advice.• Develop other methods of making complaints, such as web based forms, access to interpreters, advocacy services, and alternative arrangements such as carers, parents, and guardians acting as advocates.• Promote accessible complaints mechanisms to the community.	Implemented/ ongoing	CEO, Administration Manager

Outcome 6

People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

Strategies	Task	Timeline	Responsibility
Improve community awareness about the consultation process in place.	<ul style="list-style-type: none"> Promote the existence and role/purpose of the DAIP to the community. Shire representatives to meet regularly to discuss and review DAIP and processes used to develop DAI policies, and make improvements where possible. 	Implemented/ongoing	Community Development Officer, Building Committee, CEO
Improve access for people with disabilities to the established consultative process of Council.	<ul style="list-style-type: none"> Consult with people with disabilities using a range of mediums, including survey, focus groups, and interviews, on a regular basis. 	Implemented/ongoing	Community Development Officer, Building and Disability Services Committee
Seek broad range of views on disability and access issues from the local community.	<ul style="list-style-type: none"> Include appropriate questions about access and inclusion in general Shire surveys and consultative events. Actively pursuit ideas and thoughts from people with disabilities. 	Implemented/ongoing	Community Development Officer, Building and Disability Services Committee
Commit to ongoing monitoring of the DAIP to ensure implementation and satisfactory outcomes.	<ul style="list-style-type: none"> The Shire will regularly monitor the progress of the plan and be involved in the annual reviews. 	Implemented/ongoing	Community Development Officer, Manager of Planning, Building and Disability Services Committee



7.0 Conclusion

The Shire of Chapman Valley is committed to ensuring that people with disabilities and their carers have the opportunity to fully participate in community life.

AGENDA ITEM:	9.3.7
SUBJECT:	FINANCIAL ASSISTANCE GRANTS TO LOCAL GOVERNMENT
PROPONENT:	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SITE:	LOCAL GOVERNMENTS ACROSS AUSTRALIA
FILE REFERENCE:	404.01 & 404.04
PREVIOUS REFERENCE:	NIL
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence (see Attachment 1) received from the Australian Local Government Association (ALGA) regarding Financial Assistance Grants (FAGs) received by local government authorities across Australia.

COMMENT

The attached correspondence explains the purpose of this Agenda item and proposes a Council resolution.

I have some concerns with the draft resolution being proposed by ALGA, specifically the request to “...ensure that this federal funding, and other programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports”.

The FAGs have been a historical funding contribution made to local government authorities and should be considered funding as *a matter of right* to ensure services can be adequately provided to our constituents, rather than *a grant*. The fact is the Commonwealth and State Governments have both historically passed on additional roles and a responsibility to local government over many years without accompanying these additional tasks with the resources to implement them needs to be highlighted. This has resulted in the rate payers picking up the costs for these additional tasks, which is basically an indirect taxing process on behalf of the Commonwealth and State governments.

I am not convinced local government should be promoting how wonderful the Commonwealth is because of the FAGs process is, rather we should be highlighting how inadequate the current funding levels are and assessment criteria is.

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

No Policy or Management Procedure affected.

FINANCIAL IMPLICATIONS

The FAGs to local government authorities such as Chapman Valley are integral to the organisations ability to provide services to its constituents. Any reduction in this funding source will obviously directly affect the Shire’s ability to maintain these services.

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

No effect to the LTFP is envisaged, unless FAGS are reduced significantly.

STRATEGIC IMPLICATIONS

As per comments in *Financial Implication* section of this report

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

All of the Shire Integrated Strategic Planning documents rely on the FAGs as recurrent funding source.

CONSULTATION

The only consultation received on this matter (to my knowledge) has been the correspondence received from ALGA.

RISK ASSESSMENT

As per comments above, there is a risk of services and capital infrastructure depreciation being compromised if FAGS are reduced. However, I do not see this occurring as it would a quantum shift in how local government has been funded historically to provide services to it's constituents for many, many years.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

Council advises the Australian Local Government Association:

- 1 It acknowledges to importance of federal funding through the Financial Assistance Grants (FAGs) program for the continued delivery of Council's services and infrastructure needs;
- 2 It believes the current methodology for the calculation of FAGs to the States and then to local government authorities is flawed, specifically the quarantined minimum allocations, and request this be revisited to ensure a more appropriate allocation is made to the regional and remote areas of the country;
- 3 FAGs must be considered an "as of right" funding source paid to local government and not a "grant" to ensure adequate services and infrastructure backlog issues are addressed for all constituents. The FAGs terminology needs to be changed and should be considered no differently to the funding sources made to Commonwealth and State departments for them to provide services they are responsible for (e.g. Education, Health, Law Enforcement, etc.)

404-01
404-04

Record No FN15571

AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

WALGA

10 April 2015

Cr John Collingwood
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532**E-MAILED**

16.4.2015 to Cr

Collingwood

JHH

Dear Cr Collingwood

Financial Assistance Grants to Local Government

Local councils across Australia have recently received the third quarterly payment of Commonwealth Financial Assistance Grants (FAGs) to local government for this financial year. FAGs are an important untied payment to councils from the Australian Government which are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries. Councils will receive \$2.3 billion from the Australian Government in 2014-15 under this important program.

ALGA welcomes the payment of FAGs to local government, and acknowledges the importance of this direct funding link between the Commonwealth and local government. However, it is also important that the level of funding provided to councils, the sphere of government closest to the community, is adequate to ensure infrastructure and services are provided at a reasonable level in all communities.

FAGs funding is not currently keeping pace with demand for services and infrastructure in local communities, and the freeze of indexation will worsen this. Freezing FAGs at their current level until 2017-18 will result in a permanent reduction in the FAGs base by 13%.

ALGA, in its 2015 Federal Budget submission, has called for FAGs indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology in the future.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. We are asking your council, and every other council in Australia, to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting councils to provide important community infrastructure. We are also asking councils to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including your annual report.

The FAGs are paid quarterly and it would help to illustrate the importance and impact of the grants if councils identified an individual project of a similar size to their annual or quarterly FAGs payment and highlighted this to the media and your local Federal Member and Senator in a positive story on the grant funds.

Falling levels of Financial Assistance Grants threaten the provision of important services in all local communities. The financial sustainability of local government is of utmost importance for our communities, and we urge you to support the campaign to maintain Financial Assistance Grants and restore indexation of the grants by passing a resolution similar to draft resolution attached. Once your council has passed this resolution, please advise ALGA by emailing alga@alga.asn.au. This will allow us to compile a national list.

Full details on FAGs payments for the current financial year are available on the Department of Infrastructure and Regional Development website at www.regional.gov.au/local/assistance.

Thank you for your commitment to the local government sector and your assistance in our campaign to restore the indexation of Financial Assistance Grants.

Yours sincerely



Mayor Troy Pickard
President
Australian Local Government Association



Cr Lynne Craigie
Deputy President
Western Australian Local Government
Association

Attachment

Council Resolution

That the Council:

- 1. Acknowledges the importance of federal funding through the Financial Assistance Grants program for the continued delivery of councils services and infrastructure;*
- 2. Acknowledges that the council will receive \$X.Y million in 2014 - 15; and*
- 3. Will ensure that this federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports.*

Rationale

FAGs are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Australian Government under this important program.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years beginning in 2014-15 will unfortunately cost councils across Australia an estimated \$925 million by 2017-18.

ALGA and the state local government associations are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

While the FAGs are paid through each state's Local Government Grants Commission, the funding originates with the Commonwealth and it is important it is recognised as such. Council, and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth's Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including our annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

AGENDA ITEM:	9.3.8
SUBJECT:	REVIEW OF COMMITTEE STRUCTURE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.00
PREVIOUS REFERENCE:	NA
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the March 2015 meetings it was requested an item be presented to Council to review the following in regards to the current Shire Committee structure:

- Purpose of the Committees;
- Is the Committee still required;
- Is representative(s) on external Committees/Groups still required;
- Are current numbers on Council Committees appropriate;

It was made quite clear during discussions this Agenda Item was not to determine who are actually elected/selected to be on a Committee or Group as this would be brought to Council for consideration at the meeting after the biennial local government ordinary elections in October.

COMMENT

The current Committee List incorporates the following:

Council Members Only – Section 5.9(2) LG Act

- Building & Disability Services Committee;
- Finance & Audit Committee;
- Tourism & Events Committee;
- Chapman Valley Safety Team;
- Landcare & Environmental Committee; and
- Community Growth Fund Committee

Representatives on Outside Committes/Organisations

- Bill Hemsley Park Management Committee;
- Coastal Management Strategy Steering Group;
- Northern Country Zone (WALGA);
- Bush Fire Brigades Group Management Advisory Committee;
- SES Disaster Plan/Local Emergency Management Committee;
- Australia Day Awards Selection Panel;
- Sub-Regional Road Group Committee;
- Chapman Valley Landcare District Committee;
- Yuna Community Centre – Working Group; and
- Nabawa Revitalisation – Working Group

In accordance with the Local Government Act Council can form Committee which comprise of any of the following representatives:

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

Based on the above I would recommend the existing Committee List be amended to the following categories:

Council Committees - Council Members Only (LG Act – Section 5.9(2)(a))

- Building & Disability Services Committee; and
- Finance & Audit Committee;
- **Works Committee (New Committee to replace and formalise the annual Road Inspection event)**

Groups - Steering, Advisory, Working, etc.

- Bill Hemsley Park Management Committee;
- Bush Fire Brigades Group Management Advisory Committee;
- **SES-Disaster-Plan/ Regional Local Emergency Management Committee; (This will replace the existing Chapman Valley LEMC)**
- Landcare & Environmental **Committee** Advisory Group; (Rename)
- Community Growth Fund **Committee** Advisory Group; (Rename)
- Tourism & Events Working **Committee** Group; (Rename & Incorporate the tasks of the **"Australia Day Awards Selection Panel"**);
- Chapman Valley Safety Team;
- Yuna Community Centre – Working Group;
- Nabawa Revitalisation Plan – Working Group; and
- Coastal Management Strategy Steering Group;

Note: The intention would be for some of these Groups to be disbanded once the purpose of the Group has been completed.

Representatives on External Organisations

- Northern Country Zone (WALGA);
- Sub-Regional Road Group Committee;
- Chapman Valley Landcare District Committee;
- Chapman Valley Agricultural Society

As a result of the above recommended changes to the structure of Shire's Committees, Groups and Representatives below are my recommended amendments to the purpose of these:

Council Committees - Council Members Only - LG Act – Section 5.9(2)(a)					
	Purpose		Representatives		Comments
	Current	Proposed	Current	Proposed	
Building & Disability Services Committee	Will meet in March to inspect all Shire Buildings and then subsequently to review preliminary costings for proposed works for consideration in draft Council Budget. All other Committee Meetings will be on an 'as needs' basis to discuss items referred to the Committee by Council in the area of Shire buildings and properties.	Will meet at least annually to inspect all Shire Buildings/Properties and then subsequently to: ~ Review preliminary costings for proposed works for consideration in draft Council Budget; ~ Review the Capital & Building Works Program; ~ Disability Access & Inclusion Plan; and ~ Any other building/property items referred to the Committee by Council.	4 x Councillors <u>Observers:</u> ~ CEO ~ Building Surveyor	No Change	Delegation – Nil (No Change)
Finance & Audit Committee	Will meet on an annual basis to provide a review of Council's ongoing financial situation, provide a forum for ongoing review of strategic management plan for Council operations and discuss the Audit System.	No Change	4 x Councillors <u>Observers:</u> ~ CEO ~ Manager Finance & Corporate Services ~ Accountant	No Change	Delegation – Nil (No Change)
Works Committee	Not Applicable. (New Committee)	Undertake an annual review the following: ~ Road Works Program; ~ Road Hierarchy; ~ Heavy Haulage Vehicle Permit Roads; and ~ Any other works	All Councillors <u>Observers:</u> ~ CEO ~ Manager Works & Services ~ Manager Planning ~ Works Leading Hand	All Councillors <u>Observers:</u> ~ CEO ~ Manager Works & Services ~ Manager Planning	Delegation – Nil (No Change)

		infrastructure item referred to the Committee by Council.		~ Works Leading Hand	
Groups - Steering, Advisory, Working, Etc.					
Bush Fire Brigades Group Management Advisory Committee	Nil	<p>Meet at least annually to:</p> <ul style="list-style-type: none"> ~ Elect Office Bearers; ~ Review previous year fire season; ~ Review the Shire's Fire Notice; ~ Liaise with external organisations (e.g. DFES, DPAW); ~ Review the DFES Capital & Operational Grants; ~ Any other bush fire related items referred to the Committee by Council. 	<p>Shire President (Presiding Member) 1 x Councillors CBFCO DCBFCO All Brigade FCOs Chief Executive Officer Senior Ranger</p> <p><u>Observers</u> 1 x DFES Rep. 1 x DPAW Rep.</p>	No Change	Delegation – Nil (No Change)
Regional Local Emergency Management Committee	Nil	<p>Meet as required in accordance with legislation and Council endorsed Local Emergency Management Arrangements (LEMA) to:</p> <ul style="list-style-type: none"> ~ Review the LEMA & Recovery Plan; ~ Implement Emergency Exercises as required; ~ Any other emergency management related items referred to the Committee by Council. 	<p>3 x Councillors; Chief Executive Officer; Senior Ranger; and All other representatives as identified in the Shire's LEMAs</p>	<p>To be determined by Regional Structure.</p> <p>Possibly will be as follows:</p> <p>President; 1 x Councillor; Chief Executive Officer</p>	Delegation – Nil (No Change)

Bill Hemsley Park Management Committee	The role of the Bill Hemsley Park Management Committee (Formerly Parkfalls Management Committee) as agreed at the 17 April 2013 Council meeting is to make recommendation to Council for its consideration as to development and expenditure within the park.	No Change	2 x Councillors; 2 x Parkfalls Residents Assoc. 1x Developer <u>Observers:</u> ~ CEO ~ Manager Planning	No Change	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Landcare & Environmental Advisory Group	To apply for grant funding from third party sources to finance appropriate projects within the Shire of Chapman Valley: a) Delegate authority to the Chief Executive Officer to endorse grant applications/projects if funding resources are available within the Council's adopted budget; b) If funding resources are not available within the adopted Council Budget for specific grant applications/projects, present the application to Council for endorsement, if possible, prior to the	No Change	3 x Councillors <u>Observers</u> Chief Executive Officer NRMO Officer Landcare & Environment Consultant	3 x Councillors <u>Observers</u> Chief Executive Officer Manager Planning NACC Rep. Landcare & Environment Consultant	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>

	<p>closure dates for the grant funding programs. Otherwise retrospective Council endorsement to commit funding resources will be required.</p> <p>All applications submitted, which require Council endorsement for additional funding resources, will be subject Council endorsement (i.e. the Committee does not have delegated authority to commit Council funding resources).”</p> <p>c) Provide advice and assistance to the Chief Executive Officer and Shire staff in the managing of the Landcare Grant funds.</p> <p>d) Provide recommendations to Council on any Landcare Contracts and Consultancy agreements.</p> <p>e) Provide a Draft</p>				
--	---	--	--	--	--

	Annual Budget for Landcare to Council for consideration as part of the Annual Budget process.				
Community Growth Fund Advisory Group	Evaluate application received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with guideline, policies and procedures set by Council and make recommendations to Council to allocate funds.	No Change	2 x Councillors (1 x Councillor Proxy) Chief Executive Officer Manager Finance & Corp Svc Comm. Develop. Officer		Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Tourism & Events Working Group	Will meet on an ‘as needs’ basis only to discuss items referred to them by Council in the areas of tourism and Visitor Centre Management.	Will meet on an ‘as needs’ basis only to: ~ Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function; ~ Assist with coordinating the annual Australia Day function(s); ~ Discuss all other item(s) referred to them by Council in the areas of tourism and events.	1 x Councillors – CVAS Rep 2 x Councillors – Proxy CVAS reps. <u>Observers:</u> ~ CEO ~ Manager Planning ~ Comm. Develop. Officer	3 x Councillors CEO Manager Planning Comm. Develop. Officer	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i> This is a merger of the existing “Tourism & Events Committee” and “Australia day Awards Selection Panel”
Chapman Valley Safety Team	Will meet every three months to discuss Occupational Health and Safety issues in	No Change	1 x Councillors Chief Executive Officer Works Supervisor Administration Rep.	1 x Councillors Chief Executive Officer Works Supervisor Administration Rep.	Delegation – Nil (No Change) <i>Note: Cannot delegate to such</i>

	accordance with requirement of Occupational Health and Safety Act 1984 and make recommendations to Council.		Works Crew Rep. Ranger/Builder/Gardener Rep.	Works Crew Rep. Ranger/Builder/Gardener Rep. Regional Risk Coordinator	<i>Groups)</i>
Yuna Community Centre – Working Group	To oversee and steer the Yuna Community Centre Project under the condition any major variation to the project are to be brought back to Council for consideration.	No Change	2 x Councillors Chief Executive Officer Building Surveyor (Project Facilitator) Comm. Develop. Officer 2 x CABY Reps.	No Change	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Nabawa Revitalisation Plan – Working Group	To oversee and steer the establishment of a Plan and associated activities that will produce a dynamic and inviting streetscape for residents and visitors and provide for greater connectivity between the facilities and the people of the town. The Plan is to be presented to Council for consideration.	No Change	2 x Councillors Community Representatives Chief Executive officer Manager Planning Consultant (Josh Byrne & Ass) Department of Planning	No Change	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Coastal Management Strategy Steering Group	To undertake the review of the Shire of Chapman Valley Coastal Management Strategy.	No change.	2 x Councillors Chief Executive Officer Manager Planning Comm. Develop. Officer Landcorp Mid West Port Authority NACC Department of Planning Consultant (Land Insights) Community Representatives	No Change	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>

Representatives on External Organisations					
Northern Country Zone (WALGA)	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Sub-Regional Road Group Committee	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Chapman Valley Landcare District Committee	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Chapman Valley Agricultural Society	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>

STATUTORY ENVIRONMENT

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
 - (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only.*

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 - (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*
- (2) *A person who is appointed as a deputy of a member of a committee is to be —*
 - (a) *if the member of the committee is a council member — a council member; or*
 - (b) *if the member of the committee is an employee — an employee; or*
 - (c) *if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*

- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.*
[Section 5.11A inserted by No. 17 of 2009 s. 20.]

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
or
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.
- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*
whichever happens first.

5.12. Presiding members and deputies, election of

- (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —*
- (a) *to "office" were references to "office of presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members".*
- (2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —*
- (a) *to "office" were references to "office of deputy presiding member"; and*
 - (b) *to "council" were references to "committee"; and*
 - (c) *to "councillors" were references to "committee members"; and*
 - (d) *to "mayor or president" were references to "presiding member".*

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member is vacant; or*
- (b) *the presiding member is not available or is unable or unwilling to perform the functions of presiding member,*
then the deputy presiding member, if any, may perform the functions of presiding member.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) *the office of presiding member and the office of deputy presiding member are vacant; or*
- (b) *the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,*
then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.*

5.16. Delegation of some powers and duties to certain committees

- (1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
* Absolute majority required.*
- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*
 - (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate —*
 - (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;**and*
 - (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).
[Section 5.17 amended by No. 49 of 2004 s. 16(2).]*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

In addition to the above Council has also received legal advice on the need for Committee Members to declare interest. This was triggered from a query made at the Bill Hemsley Park Management Committee and is the basis upon which this Committee has been moved out of the *Council Committee* to the *Council Steering, Advisory & Working Groups* section of the recommended list.

A copy of the legal advice on the Bill Hemsley Park Management Committee enquiry is provided as a confidential document under separate cover.

POLICY IMPLICATIONS

Council has a Policy which refers to the Elected Members role on the Northern Country Zone & WALGA meeting i.e.

9.150 WALGA AGM AND NORTHERN COUNTRY ZONE DELEGATES - VOTING AUTHORITY

Delegates elected as representatives to the WALGA AGM and, Northern Country Zone (NCZ) are given the authority to vote on issues in the best interest of the Shire of Chapman Valley, rather than having to bring such issues back to Council first for direction.

If delegates believe a specific item does require a decision of Council and are not prepared to vote on such items until Council has first discussed this specific matter they will abstain from voting on these grounds and put forward a motion that the matter "lay on

the table” until each individual Local Government Authority has had the opportunity to consider the item of concern.

The authorisation given to Council representatives will not: -

- Commit the Local Government Authority to any expenditure; or
- Be extended to a situation where such a matter requires a specific decision of Council in accordance with any form of legislation

(Min Ref 03/04-05)

(Min Ref 12/05-5)

FINANCIAL IMPLICATIONS

No significant financial issues envisaged.

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

No perceived affect on the LTFP.

STRATEGIC IMPLICATIONS

The Council intention was to ensure the Committee structure best suits the needs of the organisation, hence the review process being requested.

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

We want to strengthen our community's position for the future	Maintain a resilient and independent Shire	Council management, systems and processes enable the delivery of sustainable services and projects
---	--	--

CONSULTATION

As previously mention legal advice has been received to clarify declaration of interest.

No other consultation has occurred to date as this is the purpose of the Agenda Item (i.e. for Council to discuss and determine appropriateness of the Committee Structure).

RISK ASSESSMENT

There is a risk (though considered Low) that an unviable Committee Structure could affect the organisation's operations.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

Council revises the Shire of Chapman Valley Committee structure to the following for implementation after the October 2015 Ordinary Local Government Elections:

Council Committees - Council Members Only - LG Act – Section 5.9(2)(a)			
	Purpose	Representatives	Comments
Building & Disability Services Committee	Will meet at least annually to inspect all Shire Buildings/Properties and then subsequently to: <ul style="list-style-type: none"> ~ Review preliminary costings for proposed works for consideration in draft Council Budget; ~ Review the Capital & Building Works Program; ~ Disability Access & Inclusion Plan; and ~ Any other building/property items referred to the Committee by Council. 	4 x Councillors <u>Observers:</u> ~ CEO ~ Building Surveyor	Delegation – Nil

Finance & Audit Committee	Will meet on an annual basis to provide a review of Council's ongoing financial situation, provide a forum for ongoing review of strategic management plan for Council operations and discuss the Audit System.	4 x Councillors <u>Observers:</u> ~ CEO ~ Manager Finance & Corporate Services ~ Accountant	Delegation – Nil
Works Committee	Undertake an annual review the following: ~ Road Works Program; ~ Road Hierarchy; ~ Heavy Haulage Vehicle Permit Roads; and ~ Any other works infrastructure item referred to the Committee by Council.	All Councillors <u>Observers:</u> ~ CEO ~ Manager Works & Services ~ Manager Planning ~ Works Leading Hand	Delegation – Nil
Groups - Steering, Advisory, Working, etc.			
Bush Fire Brigades Group Management Advisory Committee	Meet at least annually to: ~ Elect Office Bearers; ~ Review previous year fire season; ~ Review the Shire's Fire Notice; ~ Liaise with external organisations (e.g. DFES, DPAW); ~ Review the DFES Capital & Operational Grants; ~ Any other bush fire related items referred to the Committee by Council.	Shire President (Presiding Member) 1 x Councillors CBFCO DCBFCO All Brigade FCOs Chief Executive Officer Senior Ranger <u>Observers</u> 1 x DFES Rep. 1 x DPAW Rep.	Delegation – Nil
Regional Local Emergency Management Committee	Meet as required in accordance with legislation and Council endorsed Local Emergency Management Arrangements (LEMA) to: ~ Review the LEMA & Recovery Plan; ~ Implement Emergency Exercises as required; ~ Any other emergency management related items referred to the Committee by Council.	President 1 x Councillors; Chief Executive Officer; <i>(Note: This may be subject to change after discussions with other LGA's in the Regional LEMC)</i>	Delegation – Nil
Bill Hemsley Park Management Committee	The role of the Bill Hemsley Park Management Committee (Formerly Parkfalls Management Committee) as agreed at the 17 April 2013 Council meeting is to make recommendation to Council for its consideration as to development and expenditure within the park.	2 x Councillors; 2 x Parkfalls Residents Assoc. 1x Developer <u>Observers:</u> ~ CEO ~ Manager Planning	Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Landcare & Environmental Advisory Group	To apply for grant funding from third party sources to finance appropriate projects within the Shire of Chapman Valley: f) Delegate authority to the Chief Executive Officer to endorse	3 x Councillors <u>Observers</u> Chief Executive Officer Manager Planning NACC Rep. Landcare & Environment	Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>

	<p>grant applications/projects if funding resources are available within the Council's adopted budget;</p> <p>g) If funding resources are not available within the adopted Council Budget for specific grant applications/projects, present the application to Council for endorsement, if possible, prior to the closure dates for the grant funding programs. Otherwise retrospective Council endorsement to commit funding resources will be required.</p> <p>All applications submitted, which require Council endorsement for additional funding resources, will be subject Council endorsement (i.e. the Committee does not have delegated authority to commit Council funding resources)."</p> <p>h) Provide advice and assistance to the Chief Executive Officer and Shire staff in the managing of the Landcare Grant funds.</p> <p>i) Provide recommendations to Council on any Landcare Contracts and Consultancy agreements.</p> <p>j) Provide a Draft Annual Budget for Landcare to Council for consideration as part of the Annual Budget process.</p>	Consultant	
Community Growth Fund Advisory Group	Evaluate application received for funding under the Shire of Chapman Valley Community Growth Fund program in accordance with guideline, policies and procedures set by Council and make recommendations to Council to allocate funds	2 x Councillors (1 x Councillor Proxy) Chief Executive Officer Manager Finance & Corp Svc Comm. Develop. Officer	Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Tourism & Events Working Group	Will meet on an 'as needs' basis only to: ~ Evaluate annual Australia Day Award Nominations and submitting these to Council in readiness for presenting the awards at the Shire's annual Australia Day Function; ~ Assist with coordinating the annual Australia Day function(s); ~ Discuss all other item(s) referred to them by Council in the areas of tourism and events.	3 x Councillors CEO Manager Planning Comm. Develop. Officer	Delegation – Nil <i>Note: Cannot delegate to such Groups)</i> This is a merger of the existing "Tourism & Events Committee" and "Australia day Awards Selection Panel"
Chapman Valley Safety Team	Will meet every three months to discuss Occupational Health and Safety issues in accordance with	1 x Councillors Chief Executive Officer Works Supervisor	Delegation – Nil <i>Note: Cannot delegate to such</i>

	requirement of Occupational Health and Safety Act 1984 and make recommendations to Council.	Administration Rep. Works Crew Rep. Ranger/Builder/Gardener Rep. Regional Risk Coordinator	Groups)
Yuna Community Centre – Working Group	To oversee and steer the Yuna Community Centre Project under the condition any major variation to the project are to be brought back to Council for consideration.	2 x Councillors Chief Executive Officer Building Surveyor (Project Facilitator) Comm. Develop. Officer 2 x CABY Reps.	Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Nabawa Revitalisation Plan – Working Group	To oversee and steer the establishment of a Plan and associated activities that will produce a dynamic and inviting streetscape for residents and visitors and provide for greater connectivity between the facilities and the people of the town. The Plan is to be presented to Council for consideration.	2 x Councillors Community Representatives Chief Executive officer Manager Planning Consultant (Josh Byrne & Ass) Department of Planning	Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Coastal Management Strategy Steering Group	To undertake the review of the Shire of Chapman Valley Coastal Management Strategy.	2 x Councillors Chief Executive Officer Manager Planning Comm. Develop. Officer Landcorp Mid West Port Authority NACC Department of Planning Consultant (Land Insights) Community Representatives	Delegation – Nil (No Change) <i>Note: Cannot delegate to such Groups)</i>
Representatives on External Organisations			
Northern Country Zone (WALGA)	Not Applicable		Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Sub-Regional Road Group Committee	Not Applicable		Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Chapman Valley Landcare District Committee	Not Applicable		Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>
Chapman Valley Agricultural Society	Not Applicable		Delegation – Nil <i>Note: Cannot delegate to such Groups)</i>

AGENDA ITEM:	9.3.9
SUBJECT:	FIRE BREAK NOTICE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	601.00
PREVIOUS REFERENCE:	MINUTE REFERENCE: 04/15-19
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved the following at the April 2015 OCM:

MOVED: CR ROYCE

SECONDED: CR FARRELL

Council:

1. *Receives the minutes of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 1 April 2015 and endorse the recommendation within; and*
2. *That the 2015/2016 firebreak notice be reviewed by the CBFCO Andrew Vlahov, Cr Royce, CEO and Senior Ranger and returned to Council.*

*Voting 7/0
CARRIED
Minute Reference 04/15-19*

COMMENT

The CBFCO (Andrew Vlahov) was not available to meet with Cr Royce, CEO and Senior Ranger to review the Shire's Firebreak Notice; however, the outcome of this meeting was:

- Notice to stay as it is for now with the following paragraph to removed "**Townsite**" section of the Notice as it not relevant as firebreaks are not permitted in these areas:

"If it is considered for any reason to be impracticable to clear firebreaks as required by this notice, or if you consider natural features render firebreaks unnecessary, you may make your case in writing to the shire"

STATUTORY ENVIRONMENT

Bush Fires Act, 1954

POLICY IMPLICATIONS

The Shire Fire Notice is considered an enforceable Policy of the Shire under the Bush Fires Act, 1954.

FINANCIAL IMPLICATIONS

Nil

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

No affect on LTFFP

STRATEGIC IMPLICATIONS

It is important the Shire's Fire Break Notice is practicable, enforceable and, where possible, not have significant difference to neighbouring local government authorities Notices.

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

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

CONSULTATION

The Fire Notice has been reviewed by all Brigades and by members of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 1 April 2015.

As requested by Council, the Notice has again been reviewed by Cr Royce, CEO & Senior Ranger.

RISK ASSESSMENT

The risk of having an unenforceable and impracticable Fire Notice can create issues for staff and is felt the existing Notice may need further discussion. However, it is considered appropriate for now.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

Council endorses the existing Fire Break Notice as it is with the following paragraph to be removed from the "Townsite" section of the Notice as it not relevant due firebreaks not being permitted in these areas:

"If it is considered for any reason to be impracticable to clear firebreaks as required by this notice, or if you consider natural features render firebreaks unnecessary, you may make your case in writing to the shire"

BUSH FIRE CONTROL OFFICERS

Chief Bush Fire Control Officer & Fire Weather Officer

Andrew Vlahov, Ph: 9920 5144 Mob: 0427 205 144, UHF: 5

Nabawa Brigade, Deputy Chief Bush Fire Control Officer & Deputy Fire Weather Officer

Local Bush Fire Control Officer: Neil Kupsch
Ph: 9920 5050, Mob: 0429 108 289, UHF: 4

(in the absence of the Chief Bush Fire Control Officer/ Fire Weather Officer, the Deputy becomes the Acting Chief Bush Fire Control Officer/ Fire Weather Officer)

Naraling Brigade:

Local Bush Fire Control Officer: Craig Mincherton

Ph: 9920 3033, Mob: 0417 957 075, UHF: 33

Howatharra Brigade

Local Bush Fire Control Officer: Trevor Royce

Ph: 9925 1026, Mob: 0493 251 080, UHF: 29

Yetna Brigade

Local Bush Fire Control Officer: Jason Stokes

Ph: 9920 5555, Mob: 0407 388 511

Yuna Brigade

Local Bush Fire Control Officer: Gerard Williamson

Ph: 9931 1018, Mob: 0428 648 494, UHF: 3

Durawah/Valentine Brigade

Local Bush Fire Control Officer: Darryl Burton

Mob: 0428 241 191, UHF: 26

Shire and Emergency Two-way Radio Channel

UHF: 11 Senior Ranger: 0428 948 073



Bush Fire Services

FESA

Ph: 9956 0000

CONTRACTORS

Parkfalls Mowing, Slashing & Firebreak 0429 416 681

Braddon Landscape & Vegetation Management (08) 9965 6528

Graham Hancock 0408 230 421

Midwest Mulching & Mowing 0429 341 306

Aussie Tree Services (08) 9964 2200 office / 0428 382 800

Ivey Contracting (Grading only) 0428 840 935

Tree plantations of more than 3 hectares but less than 10 hectares

Construct a 10 m wide mineral earth firebreak with a vertical clearance of 4m high; clear of all inflammable material immediately surrounding the plantation (adjacent areas of the same property subject to provisions as for rural land)

Plantations larger than 10 hectares

Must comply with the Code of Practise for Timber Plantations in the Western Australia Guideline for Plantation Fire Protection Shire of Chapman Valley Local Planning Policy 'Agroforestry'

PENALTIES

Failure to maintain a firebreak as per firebreak order \$250

Offence relating to lighting a fire in the open air \$250

Setting fire to bush during prohibited burning period \$250

Failure of Occupier to extinguish a bushfire \$250

Refusal to state name and abode or stating a false name and abode \$100

Failure to produce permit to burn \$100

Fire Control Officers are not obliged to issue permits. Permits cannot be issued over the phone and should a Fire Control Officer refuse to issue a permit, it's a breach of the Bush Fire Act 1954 to request a permit from another Fire Control Officer.

You MUST have a copy of the permit on you during the burn



Shire of
Chapman Valley
Love the Rural Life

First and Final Fire Break Notice 2015/16 Period Section 33 Bush Fire Act

Prohibited Burning Period

YUNA (Zone 2)

1 October to 31 January

ALL OTHER AREAS (Zone 4)

21 October to 14 February

Restricted Burning Period

YUNA (Zone 2)

14 August to 30 September

1 February to 14 March

ALL OTHER AREAS (Zone 4)

7 September to 20 October

15 February to 29 March

PERMITS ARE REQUIRED

Compulsory Firebreaks

(Zone 4) Nabawa / Yetna / Howatharra Brigades

21 October to 29 March

FIRST AND FINAL NOTICE IS HEREBY SERVED TO ALL RESIDENTS AND RATEPAYERS

Failure to install and maintain firebreaks in accordance with this notice may result in a \$5,000 fine.

Harvesting Operations

- No harvesting operations are permitted on **Christmas Day, Boxing Day and New Years Day**. A separate fire fighting fire appliance is required to be present in any paddock being harvested, churning, raking stubble, straw baling and associated allied activities during restricted and prohibited periods. The fire fighting unit must be in a state of readiness and have a minimum capacity of 400 litres of water, a powered pump and hose. The farm fire fighting unit should be parked on bare ground in or near the harvesting or working area.
- A Harvesting and Movement Ban and Use of Internal Combustion Engines (except for the watering and movement of stock) will be imposed when the actual weather conditions reach a Fire Danger rating of thirty five (35) on the maximum wind speed at the weather stations of two (2) bush fire brigades. All such bans are at the discretion of the Chief Bush Fire Control Officer or a duly appointed person.

HARVEST BAN INFORMATION LINE

08 9478 5677

If a ban has been imposed, all persons registered will be sent a text message advising of details. All bans will still be broadcast on radio:

ABC State wide AM

98.1 FM & 96.5 FM

Note - Attention of landowners is drawn to the fact that this order allows for provision of firebreaks in situations other than immediately with property boundaries subject to approval. The Chief Bush Fire Control Officer and appointed Fire Control Officers have been authorised to act for Council in this matter.

**FAILURE TO INSTALL AND MAINTAIN
FIREBREAKS IN ACCORDANCE WITH THIS
NOTICE MAY RESULT IN A \$5,000 PENALTY**

BUSH FIRES ACT 1954 AS AMENDED

Notice is hereby given to all landowners/occupiers within the Shire of Chapman Valley that fire-breaks must be installed for Zone 2 by 1st October and Zone 4 by 21st October and maintained of flammable material as per requirements in relation to Section 33 of the above

PROPERTIES WILL BE INSPECTED TO ENSURE COMPLIANCE WITH COUNCILS REQUIREMENTS

FARM BUILDINGS AND UNATTENDED ELECTRIC MOTORS AND HAY STACKS

Fire breaks at least 2 metres in width completely surrounding and not more than 20 metres from the perimeter of any building group of buildings or haystacks. All flammable material must be removed from an area 3 metres in width immediately surrounding the building. All flammable material must be removed from an area 3 metres in width immediately surrounding an electric motor site.

UNATTENDED FUEL OPERATED MOTORS

All flammable material must be removed from an area 2 metres in width immediately surrounding an unattended fuel operated motor whether the motor is intended to be used or not.

RURAL LAND

Firebreaks must be provided not less than 2 metres in width inside and along the whole of the external boundaries of the properties owned or occupied: where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries

BARBEQUES AND INCINERATORS

Gas and electric barbecues are permitted any time. Solid fuel barbecues and incinerators are **PROHIBITED** on days of VERY HIGH FIRE DANGER or above.

PENALTY

The penalty for failing to comply with this notice is a fine of up to \$250 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work in this notice, if it is not carried out by the owner or occupier by the date required by this notice



TOWNSITES

(Including Parkfalls Estate, Dolby Creek Estate, Harbour Lights Estate, Coffee Pot Estate and Waggrakine locality)

Small Lots Residential & Special Rural/Rural Residential/ Rural Smallholdings up to 3.0ha

Mowed, slashed to a maximum height of 7.5cm. Mineral earth (bare earth) firebreaks not permitted.

All structures and buildings must have a minimum of 2 metres clearance of all flammable material. All dead trees, shrubs must be removed from block unless application is made to retain dead trees, shrubs prior to 21 October and approved. Exemptions will only be considered if presented in writing by 21 October.

If it is considered for any reason to be impracticable to clear firebreaks as required by this notice, or if you consider natural features render firebreaks unnecessary, you may make your case in writing to the Shire.

Residential & Special Rural/Rural Residential/Rural Smallholdings 3.0ha plus

Fire breaks must be mineral earth (bare earth) a minimum of 3 metres wide and have minimum overhead clearance of 4 metres or have flammable material graded, mowed or slashed to a maximum height of 7.5cm over the entire property (excluding managed vegetation such as ornamental trees, distinct islands of vegetation remote from boundaries and assets).

All structures and buildings must have a minimum of 3 metres clearance of all flammable material. All dead trees, shrubs must be removed from block unless application is made to retain dead trees, shrubs prior to 21 October and approved. Exemptions will only be considered if presented in writing by 21 October.

If it is considered for any reason to be impracticable to clear firebreaks as required by this notice, or if you consider natural features render firebreaks unnecessary, you may make your case in writing to the Shire.

FUEL PUMPS (FUEL DEPOTS)

On or before the 21st October all grass and similar material is to be cleared from such places where drum ramps are located and where drums, empty or full, are stored and such areas to be maintained cleared of grass and similar flammable material until 15th March.

AGENDA ITEM:	9.3.10
SUBJECT:	MANAGEMENT LICENCE – MEN’S SHED
PROPONENT:	MEN’S SHED INCORPORATED
SITE:	LOT 29 CHAPMAN VALLEY RD, NABAWA
FILE REFERENCE:	A1338
PREVIOUS REFERENCE:	NIL
DATE:	20th MAY 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Shire staff have been working with the Men’s Shed members on a Management Licence for the use of the shed being erected on Lot 29 Chapman Valley Rd, Nabawa with a copy of the *Draft Licence* attached to this report.

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 will be noted at Item 5 of the Schedule attached to the Licence the Licence Fee has been set at *Peppercorn (only on demand)*. However, Item 9 of the same Schedule clearing identifies the *Building & Environmental Maintenance Responsibilities* of both the Shire and the Men’s Shed.

The issue of utility consumption costs needs to be clarified as the shed was not listed as having a separate sub-meter attached to enable the electricity to be measured for the building. I have requested a sub-meter be attached to ensure the electricity usage can be easily identified and this consumption costs passed on to the Men’s Shed Inc. for the Shire to be reimbursed. It is anticipated the cost of the sub-meter will be accommodated in the project cost and if not within Council own resource budget for 14/15.

It is intended similar sub-meter should be considered for installation onto other shire building and facilities as we progress the Management Licence to other areas (e.g. Tennis Club, Football & Cricket Club, etc.) to ensure electricity consumption costs are passed on to the user. This should result in more of a user pay system and therefore encourage user to be more conscious of electricity consumption.

It should also be noted at Clause 5 within the Licence the *Shire’s Obligations* one in particular is the insurance of the building (not contents).

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 Men’s Shed 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. It is anticipated the development of Management Licences will incorporate some of these Policies/Procedures and remove these from policy/procedures.

FINANCIAL IMPLICATIONS

The additional cost to Council in accordance with the Management Licence (e.g. insurance, annual inspections, pest & weed control, etc.) will be incorporate into future operational budgets of the Shire.

As mentioned, the installation of a sub-meter will allow the Shire to recoup electricity consumption costs.

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

The LTFP will not be affected by the Draft Management Licence.

The Draft Management Licence is also explicit on how capital upgrades and/or replacements are to be dealt with i.e.

4.6 No alterations Capital Upgrades and/or Replacement

- (1) *The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.*
- (2) *Any alteration, capital upgrades/replacements or installation effected by the Association will be at the sole cost of the Association. (see Clause 5.3 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).*
- (3) *The Licensee agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Licensee' cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Licensee on demand and recoverable in a Court of competent jurisdiction.*

STRATEGIC IMPLICATIONS

It is important Council has set Management Licences/Agreements established for the use of facilities controlled/owned by the Shire.

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

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

CONSULTATION

The establishment of a Draft Management Licence for the Men's Shed Facility has been through a consultation process with the Men's Shed members.

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

RISK ASSESSMENT

Ineffective Management of facilities/Venues

Failure to effectively manage the day to day operations of facilities and/or venues. This includes:

- Inadequate procedures in place to manage the quality or availability.
- Ineffective signage
- Booking issues

- Financial interactions with hirers / users
- Oversight / provision of peripheral services (e.g. cleaning / maintenance)

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council endorses the "*Management Licence for the use of Portions of Lot 29 Chapman Valley Road* between the Shire of Chapman Valley and the Men's Shed Incorporated as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions to be effective from the date the Men's Shed Incorporate take up residence in the building.

Management Licence for use
of portions of Lot 29
Chapman Valley Road,
Nabawa

Shire of Chapman Valley

and

Men's Shed Incorporated



McLEODS

Barristers & Solicitors

Stirling Law Chambers | 220-222 Stirling Highway | XXXXX WA 6010

Tel: (08) 9383 3133 | Fax: (08) 9383 4935

Email: mcleods@mcleods.com.au

Ref: TF:CHAP 33687.1

Copyright notice

McLeods owns the copyright in this document and commercial use of the document without the permission of McLeods is prohibited.

DRAFT

Table of Contents

Copyright notice

Details

1. **Definitions**
2. **Conditions**
3. **Grant of Licence**
 - 3.1 Licence of Licensed Areas
 - 3.2 Use of Other Amenities
 - 3.3 Agreed Hours
4. **Licensee's Obligations**
 - 4.1 Licence Fee for Licensed Areas
 - 4.2 Fees for Other Amenities
 - 4.3 Permitted Purpose of Licensed Area
 - 4.4 Condition of Land and Licensed Area
 - 4.5 Compliance with Legislation
 - 4.6 No Alterations, Capital Upgrades and/or Replacements
 - 4.7 Security of Licensed Area and its contents
 - 4.8 Indemnity
 - 4.9 Insurance
 - 4.10 Entry and Inspection
 - 4.11 Outgoings
 - 4.12 Maintenance and Cleaning
 - 4.13 Subletting, Assignment or Hire
 - 4.14 Licensee's equipment and possessions
5. **Shire's Obligations**
 - 5.1 Building Insurance to be Effected by Shire
 - 5.2 Shire responsible for Other Amenities
 - 5.3 Shire responsible for Outgoings
6. **Default**
7. **Dispute Resolution**
8. **Acknowledgements**
9. **General Provisions**
 - 9.1 Acts by Agents
 - 9.2 Governing Law
 - 9.3 Severance
 - 9.4 Variation
 - 9.5 Moratorium
 - 9.6 Further Assurance
 - 9.7 Interpretation

Schedule

Signing page

Annexure 1 – Sketch of Licensed Area & Other Amenities

15

Details

Parties

Shire of Chapman Valley

of PO Box 1, Nabawa, Western Australia, 6535
(Shire)

Men's Shed Incorporated

of PO Box PO Box 52, Nabawa, WA 6532
(Registration Number 136 143 256)
(Licensee)

Background

- A The Shire is the owner and management body of the Lot 29 Chapman Valley Road, Nabawa, known as the land (**Land**).
- B The Shire has agreed to grant to the Licensee a licence to use that part of the Land, described in **Item 1** of the schedule (**Licensed Area**), together with any additional rights that are specified in this Licence.
- C The Shire and the Licensee enter into this agreement to set out the terms and conditions of their agreement.

Agreed terms

1. Definitions

In this Licence, unless otherwise required by the context or subject matter:

Agreed Hours means the hours agreed in advance with the Shire from time to time and specified in **Item 8** of the Schedule;

Licensee means the Men's Shed Incorporated to which this licence is granted;

CEO means the Chief Executive Officer of the Shire;

Commencement Date means the date that the Licence commences;

CPI means the Consumer Price Index (All Groups) Perth number published from time to time by the Australian Bureau of Statistics;

Good Repair means good and substantial tenantable repair and in clean, good working order and condition;

Licence means this deed as supplemented, amended or varied from time to time;

Licensed Area means those parts of the Land that the Licensee is permitted to use in accordance with the terms of this Licence, as specified in **Item 1** of the Schedule;

Licence Fee means the fee stipulated in **Item 5** of the Schedule;

Other Amenities means any part of the Land or its surrounds that the Licensee is permitted to use in conjunction with the other users of the Land, as specified in **Item 14** of the Schedule;

Outgoings means

- (a) local government rubbish collection charges for the Land (only if applicable);
- (b) water, drainage and sewerage rates, charges for disposal of stormwater, meter rent and excess water charges (only if applicable);
- (c) telephone, electricity, gas and other power and light charges including but not limited to meter rents and the cost of installation of any meter, wiring or telephone connection;
- (d) premiums and other costs arising from the insurance obtained by the Lessor pursuant to **clause 5.1** (only if applicable). For the avoidance of doubt, the parties agree such insurance will include insurance for the full replacement value of the buildings constructed on the Land; and
- (e) any other consumption charge or cost, statutory impost or other obligation incurred or payable by the Shire in respect of the Land.

Land means Lot 29 Chapman Valley Road, Nabawa;

Schedule means the schedule to this Licence;

Shire means the Shire of Chapman Valley and its employees and agents; and any other local government authority of the district which may at any time in the future replace the Shire of Chapman Valley; and

Term means the period of time for which the Licence is granted.

2. Licence condition upon 'Shire of Chapman Valley' consent

This Licence is subject to and conditional on the approval of the Shire of Chapman Valley Council

3. Grant of Licence

3.1 Licence of Licensed Areas

The Shire grants a licence to the Licensee to use, under the terms and conditions provided for in this agreement, the Licensed Area for the Term.

3.2 Use of Other Amenities

The Licence includes the right to use the Other Amenities for the Agreed Hours (only if applicable).

3.3 Agreed Hours

- (1) The Licensee is to use the Licensed Area and the Other Amenities (if applicable) only on days and during the Agreed Hours.

4. Licensee's Obligations

4.1 Licence Fee for Licensed Areas

- (1) The Licensee must pay annually in advance the Licence Fee for the Licensed Area.
- (2) Unless otherwise agreed by the Shire, the Licence Fee will be reviewed on the dates specified in **Item 7** of the Schedule by CPI. A rent review based on CPI may (at the Shire's discretion) increase the amount of Rent payable during the immediately preceding period by the percentage of any increase in CPI having regard to the quarterly CPI published immediately prior to the later of the Commencement Date or the last Rent Review Date as the case may be and the quarterly CPI published immediately prior to the relevant Rent Review Date. If there is a decrease in CPI having regard to the relevant CPI publications the Rent payable from the relevant Rent Review Date will be the same as the Rent payable during the immediately preceding period.
- (3) If any GST is payable on the Licence Fee or any other supply made as a result of this Licence, the Licensee must pay that GST.

4.2 Fees for Other Amenities

The parties acknowledge that additional fees may be charged, in accordance with the Shire's standard fees and charges, for use of the Other Amenities.

4.3 Permitted Purpose of Licensed Area

- (1) The Licensee agrees to ensure that the use of the Licensed Area and the Land is at all times consistent with the Permitted Purpose.
- (2) The Licensee agrees that it must not permit the Licensed Area or Land to be used as a residence or sleeping place, unless otherwise approved by the Shire.

4.4 Condition of Land and Licensed Area

The Licensed Area and the Other Amenities are made available to the Licensee in the condition that they are in at the Commencement Date.

4.5 Compliance with Legislation

The Licensee agrees to comply with all laws, local laws and regulations including (but not limited to) restrictions and obligations imposed by the *Liquor Licensing Act 1988*, the *Food Act 2008* and *Health Act 1911* in respect of the Licensee's use of any part of the Land.

4.6 No Alterations, Capital Upgrades and/or Replacement

- (1) The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.

- (2) Any alteration, capital upgrades/replacements or installation effected by the Licensee will be at the sole cost of the Licensee. (see Clause 5.3 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).
- (3) The Licensee agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Licensee cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Licensee on demand and recoverable in a Court of competent jurisdiction.

4.7 Security of Licensed Area and its contents

The Licensee agrees to ensure at all times that the Licensed Area is kept secure and that proper care is taken for the security of fixtures, fittings, plant and equipment owned by the Shire within the Licensed Area.

4.8 Indemnity

- (1) The Licensee agrees to indemnify the Shire from and against all claims, demands, writs, actions and suits of any kind which may be brought or made against the Shire as a result of the Licensee's use of the Licensed Area, Other Amenities or its access to the Land.
- (2) The Licensee agrees that the Shire will not be responsible for, or liable in any way in regard to, any property of the Licensee, or its members, that might be brought onto the Land as a result of the Licensee's use of the Licensed Area and Other Amenities.

4.9 Insurance

- (1) The Licensee must take out and maintain for the Term, a public liability insurance policy with an insurer approved by the Shire.
- (2) The insurance policy identified in paragraph (1) above must cover both the Shire and the Licensee for any public liability claim that arises out of, or is connected in any way with, the Licensee's use of the Licensed Area, Other Amenities or the Land generally.
- (3) The amount of the cover given by the insurance policy identified in paragraph (1) above must be a minimum of \$10,000,000 for any one claim or such greater amount as the Shire may reasonably require from time to time.
- (4) The Licensee must not do anything in the Licensed Area, Other Amenities or the Land generally that may affect any insurance taken out by the Shire, or render any such insurance void.

(Note: See Clause 5.1 regarding Building Insurance)

4.10 Entry and Inspection

The Licensee must permit the Shire to enter the Licensed Area at any reasonable time to inspect and view the area, to carry out any maintenance work (if applicable) or to rectify any breach of the conditions of this Licence.

4.11 Outgoings

- (1) The Licensee will be responsible to pay all Outgoings for the Land

- (2) In the event any additional Outgoings are incurred by the Shire, the Shire will be entitled to invoice and recover any shortfall amount from users of the Land, including the Licensee.
- (3) In respect of the recovery of any costs pursuant to paragraph (2) above, the parties agree as follows:
 - (a) the Shire will seek to recover such costs from user groups of the Land (including the Licensee) on the basis of an appropriate apportionment determined by the Shire acting reasonably;
 - (b) where an outgoing is incurred due to a user group's specific use of the Land, the Shire will seek (where appropriate) for that user group to pay that outgoing; and
 - (c) the Licensee must pay any invoice issued by the Shire pursuant to paragraph (2) within 28 days of receipt.

4.12 Maintenance and Cleaning

- (1) The Licensee agrees during the Term to maintain, replace, repair, clean and keep the Licensed Area clean and in Good Repair.
- (2) The Licensee must keep the Licensed Area clean, tidy and free from rubbish.
- (3) The Licensee in common with other users of the Land must keep the Other Amenities clean, tidy and free from rubbish.
- (4) The Licensee must leave the Licensed Area and Other Amenities at the end of each period of use in the condition those areas were in at the beginning of the period of use.
- (5) The Shire will take all reasonable steps to ensure that any third party leaves the Licensed Area and Other Amenities at the end of each period of use in the condition those areas were in at the beginning of the period of use.

4.13 Subletting, Assignment or Hire

- (1) The Licensee may only assign or sublet the Licensed Area, with the prior consent of the Shire.
- (2) The Licensee may only hire the Licensed Area, with the prior consent of the Shire.

4.14 Licensee's equipment and possessions

The Licensee acknowledges that it is responsible to obtain all relevant insurances to cover any damage and/or theft to its property. The Shire does not take any responsibility for the loss or damage of the Licensee's property.

5. Shire's Obligations

5.1 Building Insurance to be Effected by Shire

The Shire shall effect and keep effected policies of insurance in relation to any risk relating to the Shire's ownership or interest in the Land and buildings located on the Land including, without limitation, insurance for buildings comprising the Licensed Area.

5.2 Shire responsible for Other Amenities

- (1) The Shire will maintain the Land (excluding the Licensed Area) and the Other Amenities (if applicable) in accordance with the Shire's maintenance standards.
- (2) The standard of the maintenance and the frequency of the repairs and replacements identified in paragraph (1) above will be dependent on the Shire's general maintenance program and budgetary considerations and may vary from time to time.

5.3 Consider request for financial assistance

The Shire agrees to consider requests from the Licensee for financial assistance to assist the Licensee in the upgrade, repair, structural maintenance and replacement of the Licensed Area.

6. Default

- (1) This Licence is granted subject to the terms and conditions in this agreement and any failure by the Licensee to comply with any of those terms or conditions may result in the termination of the Licence by the Shire.
- (2) To terminate the Licence the Shire must give the Licensee a written notice stipulating the default and requiring the Licensee to remedy the default within one month of the service of the notice.
- (3) If the default is not remedied to the satisfaction of the Shire within one month of the service of a notice under paragraph (2) above the Licence will be terminated on the date of the expiration of the notice without prejudice to any rights the Shire may have under this agreement.
- (4) A notice under paragraph (2) above is to be sent by prepaid post to the Licensee at the address given in this agreement and will be deemed to have been served on the date it would have been delivered in the ordinary course of the post.

7. Dispute Resolution

- (1) Any dispute between the Licensee and the Shire in regard to anything arising from the Licence or this agreement is to be addressed in the first instance by a meeting between representatives of the Licensee, appointed for that purpose, and the officer of the Shire responsible for administering the Land.
- (2) If the dispute cannot be resolved, in a manner that is satisfactory to both parties through such a meeting, the Licensee agrees that the CEO of the Shire will have the power to make a final determination in resolution of the dispute, but only after giving due consideration to all of the matters discussed at the meeting referred to in paragraph (1) above and setting out in writing the reasons for his or her decision.

8. Acknowledgements

The Licensee acknowledges and agrees that:

- (a) it only has use of the Land, the Licensed Area and Other Amenities (if applicable) during the Agreed Hours and that other users of the Land may be permitted to use the Land (at other times);
- (b) the Agreed Hours may be modified from time to time provided any proposed modification is agreed in advance with the Shire and recorded in the Shire's booking system;
- (c) this Licence will automatically terminate if the ownership the Shire holds the Land under is changed or sold;
- (d) if the Licence is terminated in accordance pursuant to paragraph (c) above the Licensee will not be entitled to any form of compensation or damages as a result of the termination; and
- (e) the Licensee must not obstruct any person or other organisation from using the Land (i.e. the balance of Lot 29 Chapman Valley Rd, Nabawa).

9. General Provisions

9.1 Acts by Agents

All acts and things which the Shire is required to do under this Licence may be done by the Shire, the CEO, an officer or the agent, solicitor, contractor or employee of the Shire.

9.2 Governing Law

This Licence is governed by and is to be interpreted in accordance with the laws of Western Australia and, where applicable, the laws of the Commonwealth of Australia.

9.3 Severance

If any part of this Licence is or becomes void or unenforceable, that part is or will be severed from this Licence to the intent that all parts that are not or do not become void or unenforceable remain in full force and effect and are unaffected by that severance.

9.4 Variation

This Licence may be varied only by deed executed by the parties subject to such consents as are required by this Licence or at law.

9.5 Moratorium

The provisions of a statute which would but for this clause extend or postpone the date of payment of money, reduce the rate of interest or abrogate, nullify, postpone or otherwise affect the terms of this Licence do not, to the fullest extent permitted by law, apply to limit the terms of this Licence.

9.6 Further Assurance

The Parties must execute and do all acts and things necessary or desirable to implement and give full effect to the terms of this Licence.

9.7 Interpretation

- (1) In this Licence, unless expressed to the contrary -
- (a) words importing -
 - (i) the singular includes the plural and vice versa; and
 - (ii) a gender or genders include each other gender;
 - (b) if a word or phrase is assigned a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
 - (c) a reference to -
 - (i) a natural person includes a body corporate or local government;
 - (ii) a body corporate or local government includes a natural person;
 - (iii) a professional body includes a successor to or substitute for that body;
 - (iv) a Party includes its legal personal representatives, successors and assigns and if a Party comprises two or more persons, the legal personal representatives, successors and assigns of each of those persons;
 - (v) a statute, includes an ordinance, code, regulation, award, town planning scheme, regulation, local law, by-law, requisition, order or other statutory instruments made under any of them and a reference to any of them, whether or not by name, includes any amendments to, re-enactments of or replacements of any of them from time to time in force;
 - (vi) a right includes a benefit, remedy, discretion, authority or power;
 - (vii) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
 - (viii) this Licence or provisions of this Licence or any other deed, agreement, instrument or contract includes a reference to -
 - (A) both express and implied provisions; and
 - (B) that other deed, agreement, instrument or contract as varied, supplemented, replaced or amended;
 - (ix) writing includes any mode of representing or reproducing words in tangible and permanently visible form and includes facsimile transmissions;
 - (x) any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a Licensee of things or persons is a reference to any one or more of them; and

- (xi) a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure is a reference to, respectively, a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure of this Licence;
 - (d) the covenants and obligations on the part of the Licensee not to do or omit to do any act or thing include -
 - (i) covenants not to permit that act or thing to be done or omitted to be done by an person authorised by the Licensee; and
 - (ii) a covenant to take all reasonable steps to ensure that that act or thing is not done or omitted to be done;
 - (e) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
 - (f) if a Party comprises two or more persons, the covenants and agreements on their part bind them and must be observed and performed by them jointly and each of them severally, and may be enforced against any one or more of them.
- (2) Except in the Schedule, headings do not affect the interpretation of this Licence.

Schedule

Item 1 Licensed Area

- (i) Men's Shed located on the Land and generally labelled on the sketch annexed hereto as **Annexure 1**.

Item 2 Commencement Date

#####

Item 3 Term

20 years commencing on ##### 2014 and expiring on ##### 2034 with an option a further 20 years.

Item 4 Other Amenities

Nil

Item 5 Licence Fee

Peppercorn (only on demand).

Item 6 Permitted purpose

Men's Shed activities and uses reasonably ancillary thereto.

Item 7 Licence Fee Review Dates

As determined by Council.

Item 8 Agreed Hours

Unrestricted, unless otherwise determined by Council

Item 9 Building & Environmental Maintenance Responsibilities

ITEM	TASK	FREQUENCY	RESPONSIBILITY
Exterior walls	Check for damage/fretting & reseal weathered areas	Annually	CV Menshed
Interior walls	Check for corrosion/defects	Annually	CV Menshed
Roof – external	Check for corrosion/rust	Every 2 years	CV Menshed
Pruning	Pruning surrounding trees - avoid building damage and leaf litter	Every 3 years	Shire of CV
	Clean Guttering	Annually	CV Menshed
Windows and doors (external and internal)	Check for corrosion & lock maintenance	Annually	CV Menshed
Electrical	Emergency Lighting & RCD Check	Annually	CV Menshed
	Check external lighting	Annually	CV Menshed
	Check Internal lighting	Annually	CV Menshed
	Portable appliances	Annually	CV Menshed
Plumbing/gas	Check all taps/fixtures etc. for leaks	6 monthly	CV Menshed
Public Health check	Shire –building risk assessment	Annually	Shire of CV
Fire Protection	Fire hydrant	Annually	Shire of CV
	Dry chemical extinguishers	Annually	Shire of CV
	Fire detection system	Annually	Shire of CV
Pest & Weed control	Check all outside; paved/concrete areas, pathways, car parks etc.	6 Monthly	Shire of CV
Storm drainage	Clean and maintain	Annually	Shire of CV
Utilities	Payment of all utility consumption cost (e.g. electricity, water, gas, etc)	As invoiced	CV Menshed
Asset Repairs & General Upkeep/appearance	Ensuring all building & assets are repairs and appearance kept to a satisfactory standard (as determined by Council or as stipulated in this Management Licence)	As required	CV Menshed

Signing page

EXECUTED

2014

THE COMMON SEAL of the **Shire of Chapman Valley** was affixed by authority of a resolution of the Council in the presence of -

President

Chief Executive Officer

THE COMMON SEAL of **Men's Shed Incorporated**

was hereunto affixed pursuant to the constitution of the Men's Shed Incorporated in the presence of each of the undersigned each of whom hereby declares by the execution of this document that he or she holds the office in the Men's Shed Incorporated indicated under his or her name-

Office Holder Sign

Office Holder Sign

Name:

Name:

Address:

Address:

Office Held:

Office Held:

Annexure 1 – Sketch of Licensed Area & Other Amenities



AGENDA ITEM:	9.3.11
SUBJECT:	REVIEW OF COUNCIL POLICIES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	N/A
PREVIOUS REFERENCE:	5/14-14
DATE:	19 MAY 2014
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To allow Council to review and consider changes to the Shire Policy Manual

COMMENT

As stated in a Memorandum sent to Councillors on the 11th March 2015, over the past few months I have been revising the format of the Shire's Policy and Procedures Manual and attached to the Memo was a copy of the following reformatted documents:

- Revised Policies;
- Revised Procedures;
- "To be Deleted" Items; and
- "Move to Delegation Register" Items

All Councillors should already have a copy of the Existing Policy & Procedures Manual. However, if you require another copy please contact Karen McKay.

I have separated *Policies* and *Management Procedures* to ensure Council has two documents based upon:

- Policies – Those legally required under legislation and reviewed annually by Council; and
- Management Procedures – Upon which the CEO is to operate the organisation and are reviewed on an as needs basis.

These two documents are again separated into the following areas:

- Emergency Management;
- Infrastructure; and
- Corporate

There is further separation below this level into the *Responsible Directorate* for each off the sub-sections.

It will be noted the index has not been included at this stage as it was not considered appropriate to compile the Index until the documents had been finalised. The intention is to provide indexes to reflect:

- Numerical order; and
- Responsible Directorate order

for each section within the document.

Throughout the *Revised Procedures* document you will note the tracked changes, which indicate the recommended amendments to the Existing Policy & Procedures Manual.

The intention is to commence the review process at the May 2015 Ordinary Council Meetings and to continue this process over as many OCM's as necessary to complete the review and adopt the new format.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 9.59

General policies and regulations have no specific review timeframe provided it is carried out at least once in a calendar year.

POLICY IMPLICATIONS

All of the Shire of Chapman Valley Policy & Procedures Manual.

FINANCIAL IMPLICATIONS

No significant affect on financial operations of the Shire.

Long Term Financial Plan (LTF):

No significant affect on LTFP of the Shire.

STRATEGIC IMPLICATIONS

It is important Councillors and staff are fully conversant with Polices and Management Procedures of the organisations in the first instance and that these be clearly accessible to the Community to ensure all ambiguity is removed in regards to how the Shire operates.

It is also important Councillors and staff review the Policies and at least annual to ensure these are current and relevant.

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

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

CONSULTATION

The draft Policies and Management Procedures were sent out to all Elected Members and Senior Staff early March 2015 in the newly proposed format and with tracked changes to provide adequate time for everyone to review the documents in readiness to commence discussions and determination at the May 2015 OCM.

RISK ASSESSMENT

There is a high risk associated with the organisation's Policies and Management Procedures being antiquated and not current as this will lead to poor operations and possible areas of non-compliance with legislation.

VOTING REQUIREMENTS

Simple Majority

Note: Council may simply endorse Policies & Management Procedures up to a particular point and bring the balance of items not covered at this meeting back to a future meeting to continue the review process.

STAFF RECOMMENDATION

That Council endorses the amendments to the Policy & Procedures Manual as presented up to an including

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

**12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION
OF THE COUNCIL**

13.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

13.1 Hudson Resources Contribution Deed

14.0 CLOSURE