



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 16 September 2015
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

SEPTEMBER 2015

DISCLAIMER



Shire of
Chapman Valley
Love the Rural Life

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

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

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

WRITTEN CONFIRMATION

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

A handwritten signature in black ink, appearing to read 'M. Battilana', is written over a large, faint, circular watermark or background mark.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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- 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
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ORDER OF BUSINESS:

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3.1 Present

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4.0 PUBLIC QUESTION TIME

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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 19 August 2015

That the minutes of the Ordinary Meeting of Council held Wednesday 19 August 2015 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

9.1 Manager of Planning September 2015

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9.1 AGENDA ITEMS

- 9.1.1 Bill Hemsley Park
- 9.1.2 Dongara to Northampton Corridor Alignment Selection Study
- 9.1.3 Yuna (Water Corporation) Dams
- 9.1.4 Proposed Disposal of Lot 90, White Peak

AGENDA ITEM:	9.1.1
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	BILL HEMSLEY PARK MANAGEMENT COMMITTEE
SITE:	RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	R49641
PREVIOUS REFERENCE:	02/14-10, 02/14-11, 02/14-12, 02/14-13, 06/14-6, 08/14-5 & 11/14-7, 12/14-19-21, 02/15-13, 03/15-4, 03/15-5 & 06/15-9
DATE:	3 SEPTEMBER 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

A meeting of the Bill Hemsley Park Management Committee was held on 2 September 2015 to review the public submissions relating to the Bill Hemsley Park Concept Plan. This report recommends that Council receive the unconfirmed minutes from the Management Committee meeting and adopt the Bill Hemsley Park Concept Plan.

COMMENT

The eighth Bill Hemsley Park Management Committee meeting was held on 2 September 2015 and the unconfirmed minutes from the meeting are included as **Attachment 9.1.1(a)**. The minutes include a map illustrating the location of respondents, the nature of their response, and a summary of the issues raised by respondents.

A copy of the received submissions have been provided to Councillors as a **separate attachment**.

Council previously resolved at its 17 June 2015 meeting:

“That Council:

- 1 *Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 14 May 2015.*
- 2 *Advertise the draft Bill Hemsley Park Concept Plan provided as Attachment 9.1.5(b) for a period of 21 days inviting comment and that the consultation period include the following actions:*
 - (a) *direct mail-out of the concept plan to all landowners in the Parkfalls Estate with a covering letter that details the process to date and into the future;*
 - (b) *placement of the concept plan on the Shire website;*
 - (c) *placement of a notice in the Shire E-News;*
 - (d) *placement of a sign on-site; &*
 - (e) *placement of a notice on the Parkfalls Estate noticeboard.*
- 3 *At the conclusion of the advertising period require that all received submissions be presented to a meeting of the Bill Hemsley Park Management Committee for its consideration.*
- 4 *That the recommendations of the Bill Hemsley Park Management Committee arising from the issues raised by the received submissions be presented to Council for its further consideration relating to the Bill Hemsley Park Concept Plan.*
- 5 *Only one vote per property in the Parkfalls Estate to be considered by Council as part of the consultation process.”*

STATUTORY ENVIRONMENT

Reserve 49641 Eliza Shaw Drive, White Peak is zoned ‘Parks & Recreation’ under Shire of Chapman Valley Local Planning Scheme No.2.

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

The Management Committee Agreement provides for the ongoing management of Bill Hemsley Park and the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the agreement states:

“3 Decisions not binding on Shire

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

Part 4 of the Management Agreement states:

“4.1 Use of Trust Payment

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

4.2 Acknowledgement

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

POLICY IMPLICATIONS

Section 5.70 of the Shire of Chapman Valley Policy Manual 2014/2015 notes that in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Financial Management Regulations 1996*, monthly reporting will be provided for trust accounts.

FINANCIAL IMPLICATIONS

The developer made payment of \$300,000 (GST inclusive) to the Shire on 3 March 2014 and this amount was deposited in a specifically created trust account for the purpose of expenditure upon Bill Hemsley Park. Trust Account 18 contains \$285,478.41 (GST exclusive) as of 11 August 2015.

The 2015/2016 Council budget lists an expenditure allocation of \$500,000 for the Bill Hemsley Park within Account 2834, to be drawn from a combination of the developer contribution (\$300,000), \$100,000 grant and/or community funds, and \$100,000 Shire resources.

The Council budget notes that this capital expenditure is subject to the finalisation of the Bill Hemsley Park Concept Plan, and grant funding being received. The Management Committee will also be required to recommend the expenditure from Trust Account 18 and this must then be subsequently endorsed by Council (as per Section 4.2 of the Management Committee Agreement).

The 2015/2016 Council budget also includes an allocation of \$10,000 within Account 2642 for the design of the nature playground.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan received by Council at its 18 September 2013 meeting identifies this as a major project to be determined by the Management Committee. The Strategy also identifies that the project can only proceed if the majority of funds can be obtained from grants and should not proceed until all funding and a contract price is secured. With the payment of the developer contribution of \$300,000 (GST inclusive) on 3 March 2014 a key funding contribution was secured, and this can be increased through Council budgetary allocation, pursuit of grants/external funding and community financial and in-kind contribution.

STRATEGIC IMPLICATIONS

The development of Bill Hemsley Park as a recreation and community node will capitalise on the Parkfalls Estate's radial network of bridle paths and roads that should lead to utilisation of the site as it would be relatively easy to access for the community it will serve.

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 adopted by Council at its 19 June 2013 meeting lists developing community facilities to provide gathering places as a Community Strategy to achieve the outcome of stronger, inclusive communities across the Shire.

CONSULTATION

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

Council resolved at the 20 August 2014 meeting the following:

- "2 *Accept the revised concept plan included as Attachment 1 in the Unconfirmed Minutes of the 25 July 2014 Bill Hemsley Park Management Committee meeting (which includes all the preferences listed in the community survey, and a meeting room and public toilets to cater for expected demand)."*
- "5 *A Draft Concept Plan produced by the drafting company will be sent out to all individual landowners in the Parkfalls Estate seeking their feedback on this draft plan or any other design for the park. Council will consider all feedback prior to finally endorsing the concept plan.*"

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

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

There are 222 lots in the Parkfalls Estate owned by 211 landowners, at the conclusion of the consultation period 42 submissions had been received.

2 of these submissions were from the same address (both in support of the concept plan) and 1 from the Parkfalls Residents Association (also in support). Therefore by discounting 2 of the submissions from the total number received provides a response rate of 18.96%.

31 of the submissions were in support of the concept plan (this number discounts 1 of the supporting submissions received from the same address and the submission from the Parkfalls Residents Association).

5 of the submissions objected to the concept plan.

1 submission objected to the community building but expressed support for the remainder of the plan.

3 of the submissions expressed indifference to the concept plan.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

That Council:

- 1 Receive the Unconfirmed Minutes of the 2 September 2015 Bill Hemsley Park Management Committee meeting.
- 2 Adopt the Bill Hemsley Park Concept Plan provided as **Attachment 1** within the Bill Hemsley Park Management Committee 2 September 2015 Unconfirmed Minutes.
- 3 Write to all parties who made a submission on the Bill Hemsley Park Concept Plan thanking them for their interest and advising of Council's decision to adopt the plan.
- 4 Request Urbis to prepare the itemised costings for the Bill Hemsley Park Concept Plan in accordance with the agreed scope of works.
- 5 Instruct Shire staff to seek external funding (matched from the Bill Hemsley Park Trust account) for the development of a fitted bore and tank upon Bill Hemsley Park.
- 6 Authorise the expenditure of matching funds from the Bill Hemsley Park Trust account in the event that a grant application is successful.
- 7 Instruct Shire staff to seek quotes for the detailed design of the nature playground.
- 8 Issue delegated authority to the Shire Chief Executive Officer to appoint a firm (as recommended by the Management Committee) funded from Account 2642 to undertake the detailed design of the nature playground.
- 9 Instruct Shire staff to investigate costings for the provision of scheme water connection to the park.



BILL HEMSLEY PARK MANAGEMENT COMMITTEE MEETING

VENUE: Shire of Chapman Valley Chambers
3270 Chapman Valley Road, Nabawa
DATE: Wednesday 2 September 2015
TIME: 2:00pm – 4:00 pm

UNCONFIRMED MINUTES

Order of Business

1 Welcome by the Chair – Councillor Trevor Royce

The Chairman opened the meeting of the Bill Hemsley Park Management Committee at 2:00pm.

2 Record of Attendance

Committee Members:

Trevor Royce (Chairman & Councillor - Shire of Chapman Valley)
Veronica Wood (Councillor - Shire of Chapman Valley)
Tom Davies (Parkfalls Residents Association)
Ian Maluish (Parkfalls Residents Association)
Peter Sukiennik (Developer)

Observer:

Maurice Battilana (Chief Executive Officer - Shire of Chapman Valley)
Nicole Batten (Community Development Officer - Shire of Chapman Valley)
Simon Lancaster (Minute Taker - Shire of Chapman Valley)

3 Apologies

Ian Wheatland (Developer)

Bill Hemsley Park Management Committee Meeting Unconfirmed Minutes – 2/9/15 - Page 1 of 11



4 Disclosure of Interest

Nil

5 Confirmation of Previous Meeting Minutes – 14 May 2015

Management Committee Resolution:

"That the minutes of the previous meeting held on 14 May 2015 be confirmed as a true and accurate record."

Moved: Ian Maluish Seconded: Veronica Wood
Voting 5/0
CARRIED

6 Items for discussion

6.1 Potential Future Funding Sources

Nicole Batten provided a summary on potential future funding sources for the development of Bill Hemsley Park, including the following:

Stronger Communities Programme – administered by the Commonwealth Department of Infrastructure & Regional Development. Melissa Price MP's office is responsible for working with the community on the projects and will be submitting (and selecting which projects within the electorate will go through the assessment process).

2 Rounds each with \$150,000 total funding.

Round 1 – Closes 30/10/15, projects announced 30/1/16 for projects to be completed by 30/6/16.

Round 2 – Closes 30/4/16, projects announced 31/7/16.

Project applications can be between \$5,000 and \$20,000 and need to be matched \$1 for \$1, either cash and/or in kind.

Projects are for capital purchases/activities, infrastructure and items that contribute to improved local participation, cohesion and contribute to vibrancy of the community.

Regional Venues Improvement Fund – administered by the State Department of Culture and the Arts. Funding program will be available over 3 years.

Small projects funded up to \$25,000 (\$1 for \$1) for technical equipment for an entertainment venue.

Applications due 29/10/15, funds to be spent by 17/6/16.



Community Spaces Fund – administered by Lotterywest. Open all year round with no \$ limit on funding requests. Projects supported: indoor areas, interpretive centres, outdoor facilities, skate parks, playgrounds, memorials, community gardens. Components of these projects that are covered: construction, purchase, renovation, fit out of building, earthworks, play equipment, shade facilities. Projects must have wider community benefit, accessibility, community support, include heritage and environmental factors.

Big Ideas funding program - administered by Lotterywest. Supports projects that can be the catalyst for important change within a community benefiting future generations and great public reach. If a holistic approach is taken with wide community support with the Bill Hemsley Park plan, this could be a funding opportunity that could focus on being a Moresby Range educational area, where all elements link to the Moresby Range in playground, garden, interpretive signs and info, viewing areas etc.

20 Million Trees Program – administered by the Commonwealth Department of the Environment. Minimum of \$20,000, maximum \$60,000 grants available, closing 16/9/15 for funds to: re-establish native vegetation, provide habitat to support threatened species and to improve the local environment, improve their local environment and provide natural spaces for everyone to enjoy. Project must commence before 30/6/16 and be completed by 30/7/17. Funds can include work by the Green Army.

6.2 Bill Hemsley Park Concept Plan

The draft Bill Hemsley Park concept plan was advertised from 30 June 2015 until 24 July 2015 and the consultation period include the following actions:

- (a) direct mail-out of the concept plan to all landowners in the Parkfalls Estate with a covering letter that details the process to date and into the future;
- (b) placement of the concept plan on the Shire website;
- (c) placement of a notice in the Shire E-News;
- (d) placement of a sign on-site; &
- (e) placement of a notice on the Parkfalls Estate noticeboard.

There are 222 lots in the Parkfalls Estate owned by 211 landowners, at the conclusion of the consultation period 42 submissions had been received.

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Summary of Comments

A summary of the received comments has been provided below:

Supporting Comments:

Very family and environmentally friendly
Look forward to this becoming a usable area
Have just built a house across the road and can't wait to enjoy this park
With 3 young children this will be a perfect place for our family to meet and mix with others, I really hope this goes ahead
This is excellent, exactly what Parkfalls has been missing
Will create a community atmosphere, bringing families together and giving our kids the chance to make neighbourhood friends
Will be building on Redcliffe Concourse and are so excited this park will be across the road
Concept plan has taken the community's views into consideration and is fantastic
Priorities as a family with young children are the community centre and open space/playground equipment/bbq's
Given the distance to the next closest playspace at Drummond Cove we think it is vital that this is included to promote physical activity among children and a place for parents and children to meet for playgroup/playdates etc. to increase social support among parents in the community
Love the concept of the playspace being more of a natural playground/naturescape and this suits the semi-rural lifestyle we enjoy at Parkfalls
Satisfied that all reasonable effort has been made to inform and consult with the community over the past 9 years and now is the time for implementation
All options for funding of the total project should be investigated and establishment of the park instigated immediately
Support the park completely, let's get on with it, taken far too much time as it is
In support of the park, it will be of value for all residents as a meeting place and will help foster community spirit
Great facility to take our grandchildren
Overall layout and positioning of the park is good
Priorities should be the re-vegetation and planted area, walktrails and play areas
Very pleased that disabled access has been carefully considered in the plan
All features and facilities need to be viewed as one priority to cater for the diverse ages and interests of the Parkfalls community
Community building is a great idea and necessary to have a space to escape from the wind
We have waited many years to see this and every attempt should be made to fund the project as a whole and not staged
Parkfalls Residents Association has undertaken community consultation in relation to this park on a number of occasions over a number of years, we have had a vote



of Association members and overwhelmingly our members have voted in support of the plan

Support vegetation establishment, botanical gardens, horse trails, natural materials bbq/gazebo/ablutions

Support native trees, walkways, grassed areas

Suggested Additions/Features:

Main entrance to come off Eliza Shaw Drive

golf driving net and practice green

skate park would be good as most of the other stuff is not appealing to young teenagers

maybe a bigger basketball court/area and cricket nets would be nice

BMX tracks for the kids

Concreted pathway for bikes, skateboards, rollerblades and the like, we already have numerous bridle trails throughout the estate without all that many users maybe the trails (No.4) can be replaced with cement paths

size of the meeting room seems very small, not sure if it's worth all the money to build something that has limited use

should be consideration on future potential uses of the community building, believe that one of the greatest potential uses is as a café/restaurant/tavern, while demand for these types of uses would be low at the moment, the building should be designed to be adaptable to these uses in the future

Areas such as a suitable kitchen/food preparation area, bar area, cool rooms and the like should be designed in now, and if funds are available, construct them now, appears the current proposed design would be difficult and costly to convert/upgrade in the future

sand area so kids can bring toys down to play like a sandpit

colours of exercise and play equipment be neutral (i.e. dark reds and beiges) to tie in with the backdrop

keep play equipment as natural as possible (i.e. logs and ropes)

dryland grassed area should allow for equine use considering bridle paths were established during first development of the area it is to be expected that equine clubs will develop in the future that require this space

drink fountains near play area (with built in dogbowls and taps)

Paths for bikes, skateboards, disabled would be a great addition to the plans as would baby change facilities

Strict rules need to be developed as to who and when the community building can be used

Keep it peaceful with a rural theme, gazebo similar to Nanson, reasonable sized grassed area and large areas of native trees, bushes and shrubs enhancing a rural lifestyle to attract birds back to the parkland

Have a way to close the access to the car park at night, lockable

Garden areas could be a Parkfalls community project



Comments Against:

Concept design looks too cluttered, too much activity in a very small area, extend the overall plan out into the dryland grassed area to give a feeling of space and calmness

Concept plan is unworkable, it impacts on noise pollution, light pollution and security concerns

Keep the park as natural bushland area with facilities for all residents not just a resident's hall with zero use only for the chosen few

Concerned with initial and ongoing cost of upkeep and maintenance particularly the effect on ratepayers

Concerned with the sophisticated infrastructure within the plan, buildings and services etc.

Don't think the degree of infrastructure is warranted particularly in relation to the local community numbers and their chosen lifestyle here in Parkfalls

Support the concept of a simple park

Am against the housing lots, am for the rest of the concept design, my view will be compromised when houses are built on the new lots

Must be cost effective and financially sustainable for our Shire

As residents adjacent to the park we have on several occasions expressed our disapproval of the concept plan

This plan involves the construction of urban infrastructure on our immediate neighbourhood, this would be in disagreement with the semi-rural nature of Parkfalls and in conflict with the expectation that such surroundings would provide us as residents

Anticipate the park (the car park in particular being just out of town) will attract the following; anti-social behaviour, increase of burglary levels to adjacent properties, compromise safety of adjacent residents, racing of motor vehicles at night/weekends, littering, loitering, vandalism; these are common threats identified in similar public spaces hence the anticipation

Concern is the ongoing maintenance costs of; gardening, watering, damage repairs (e.g. expensive graffiti removal), general maintenance when balanced against the expected usage of the park

would have preferred to see a greater contribution made by the developer when Council approved the subdivision of 9 blocks out of this area so that this plan could be implemented as soon as practicable

is the concept plan to be implemented in stages if and when grants become available, as to complete the plan all at once would cost much more than what funds are available from the developers and council at this time

would not be keen to have my rates increased to cover this plan in its entirety as it is presented, don't think the complete plan is warranted

the basics of a community building with bbq, gazebo and grassed area with basic playground equipment would be sufficient at this time and see what use the park got from Parkfalls residents before adding some of the other features of the plan



Suggested Items to be removed:

Do not support the erection of a community building as it will incur high construction and maintenance costs leading to increased rates, will only be used by Parkfalls residents occasionally and will attract undesirable elements from outside the area

no internal car parks to allow campers

no lights as that will effect residents

Review the plan to minimise infrastructure and maximise use of natural resources, vegetation requires low maintenance and provides excellent shade and wind protection

Supportive of a lower key plan that would add value to the rural surroundings such as native gardens/trees and walking paths, benefiting the residents and not attract the general public

Hall meeting room too structured/visible

Sundeck invites drinking/loitering

Basketball court

Object to buildings, water and power on site as this will attract undesirables

The Management Committee discussed at length the received submissions and the issues raised.

Management Committee Resolution:

"That the Management Committee:

- 1 *Acknowledge the received submissions;*
- 2 *Endorse the draft Bill Hemsley Park Concept Plan included as **Attachment 1** and recommend that Council adopt the plan.*
- 3 *Subject to part 2 (Council adoption), request Urbis to prepare the itemised costings in accordance with the agreed scope of works."*

Moved: Veronica Wood Seconded: Trevor Royce
Voting: 5/0
CARRIED

6.3 Groundwater

Council resolved at its 18 March 2015 meeting that the Shire CEO negotiate with the landowners of 9 (Lot 249) Cargeeg Bend, White Peak a fixed annual amount CPI'd for the use of water from the bore located upon their property, and that the water taken from the bore be used for the Bill Hemsley Park as a priority and elsewhere within the Parkfalls Estate as determined by the Shire.



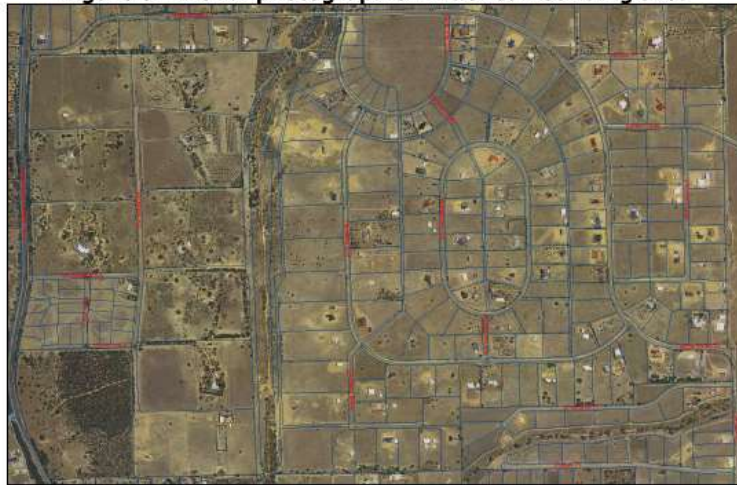
The Shire CEO, Deputy CEO and Building Surveyor/Project Officer met with the landowners of 9 Cargeeg Bend, White Peak on 2 July 2015 to discuss the bore located upon their property and its potential use to reticulate the park.

The landowners emailed the Shire on 15 July 2015 with some further queries, and a copy of this email, and the Shire response dated 27 July 2015 to these queries, were provided as an Attachment to the Management Committee Agenda.

Figure 2 – Aerial photograph of general surrounding area to the west



Figure 3 – Aerial photograph of wider surrounding area





The Management Committee discussed the issue of holding further discussions with the landowners, and other potential bore locations (e.g. upon the park site itself, or upon Lot 240 of DP52558).

Management Committee Resolution

"That the Management Committee recommend that:

- 1 *Application be made for grant funds (matched from the Bill Hemsley Park Trust account) for a fitted bore and tank upon Bill Hemsley Park.*
- 2 *Scheme water connection to the park be considered as an interim source."*

Moved: Tom Davies Seconded: Ian Maluish
Voting 5/0
CARRIED

7 General Discussion

Nil

8 Next Meeting

To be advised.

9 Close

The meeting was declared closed by the Chairman at 3:57pm.

Attachment 1 (2 September 2015 Bill Hemsley Park Management Committee Meeting Minutes)



BILL HEMSLEY PARK
CONCEPT DESIGN
DRAFT FOR CONSULTATION - 08.06.2015



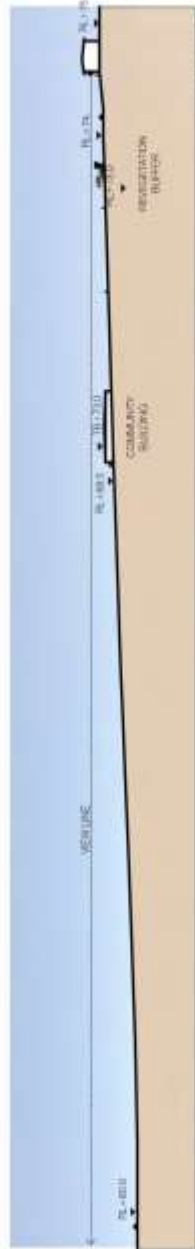
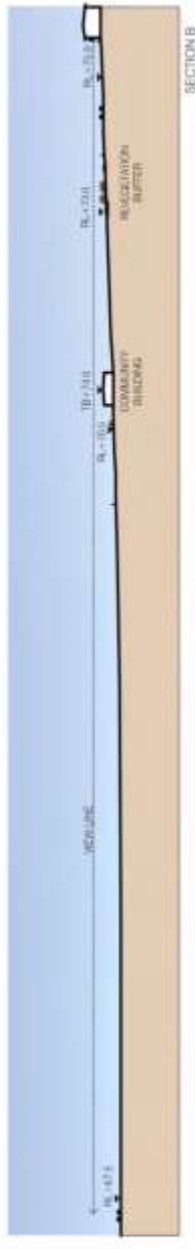
PG 3. CONCEPT DESIGN
PG 4. SITE SECTIONS
PG 5. COMMUNITY BUILDING

CONTENTS - DRAFT FOR CONSULTATION
BILL HEMSLEY PARK CONCEPT DESIGN

DATE 08 06 2015 DWG NO N/A REV P SCALE NTS
Level 1, 82-91 Georges St, Parrish Woodside Australia
Unit 10, 15-19 Sturt St, Parrish Woodside Australia
Unit 10, 15-19 Sturt St, Parrish Woodside Australia



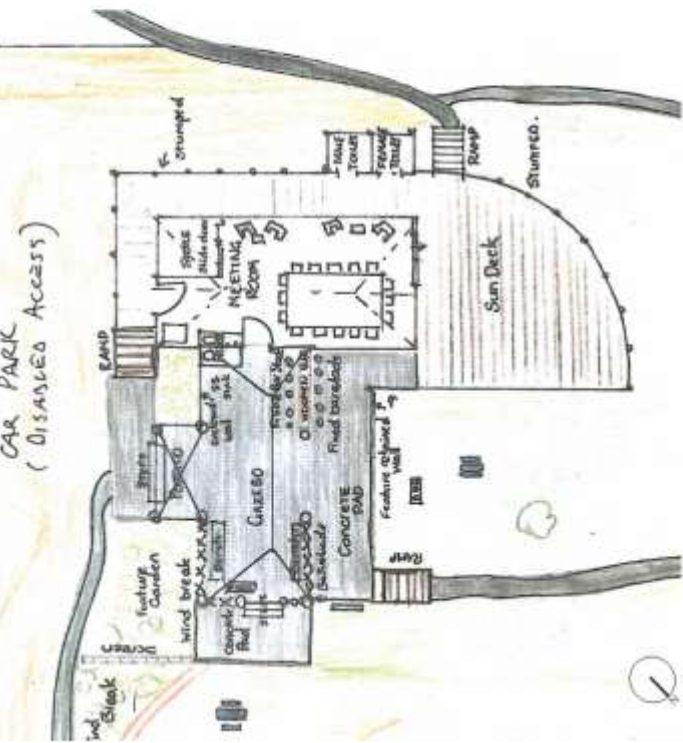




NOTES:
 • COMMUNITY BUILDING
 PROVIDED THE BUFFER PLACING ON THE EASTERN SIDE OF THE BUILDING IS 30.0M. THE BUFFER HEIGHTS OF THE COMMUNITY BUILDING FROM THE GROUND FLOOR TO ALL LEVELS.
 THE TOP HEIGHTS OF THE COMMUNITY BUILDING WILL NOT ADVERTISELY IMPACT RESIDENTS VIEWS FROM THEIR GROUND FLOOR.

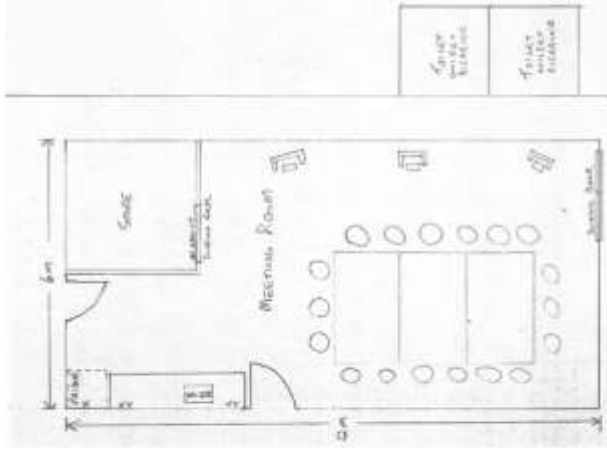
SITE SECTIONS - DRAFT FOR CONSULTATION
 BILL HEMSLEY PARK CONCEPT DESIGN

DATE 28 28 2015 DWG NO 052 REV P SCALE 1:2000 @A3
 URBIS
 111 St Georges Tce | Tel: 1818 0044 0000 | www.urbis.com.au | Units Pty Ltd ABN 19 182 295 288
 Perth, WA 6000 Australia | Fax: 1 818 807 1779 | www.urbis.com.au | Australia - Asia - Middle East



CAR PARK
(DISABLED ACCESS)

CONCEPT SKETCH FOR POTENTIAL COMMUNITY BUILDING / GAZEBO (PROVIDED BY THE BILL HEMBLEY PARK MANAGEMENT COMMITTEE)



CONCEPT MEETING ROOM FLOOR PLAN SKETCH (PROVIDED BY THE BILL HEMBLEY PARK MANAGEMENT COMMITTEE)



POTENTIAL BUILDING STYLE FOR GAZEBO (AS NOTED #9 ON BILL HEMBLEY PARK CONCEPT)



POTENTIAL BUILDING STYLE FOR BBQ SHELTER (AS NOTED #22 ON BILL HEMBLEY PARK CONCEPT DESIGN)

COMMUNITY BUILDING - DRAFT FOR CONSULTATION

BILL HEMBLEY PARK CONCEPT DESIGN

SCALE: 1:100

DATE: 28.08.2015

DWG NO: 053

REV: P

REVISIONS

DATE: 28.08.2015

DWG NO: 053

REV: P

REVISIONS

DATE: 28.08.2015

DWG NO: 053

REV: P

REVISIONS

Level 1, 05-10 George St, Perth, WA 6000 Australia | Tel: +61 (0) 8 9440 9900 | Fax: +61 (0) 8 9440 1179 | www.urbus.com.au

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AGENDA ITEM:	9.1.2
SUBJECT:	DONGARA TO NORTHAMPTON CORRIDOR ALIGNMENT SELECTION STUDY
PROPONENT:	MAIN ROADS WA
SITE:	MULTIPLE LOTS IN THE NARRA TARRA, WHITE PEAK, OAKAJEE, YETNA AND HOWATHARRA LOCALITIES
FILE REFERENCE:	204.16.07
PREVIOUS REFERENCE:	03/14-3
DATE:	8 SEPTEMBER 2014
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Main Roads WA are inviting public comment on the Dongara to Northampton Corridor Alignment Selection Study with the closing date for submissions being 2 October 2015. This report recommends that Council make a submission in support of Option 6.

COMMENT

The Dongara to Northampton Corridor Alignment Selection Study is seeking to identify an alignment that will enable triple road-trains to travel south from their current termination point at Carnarvon to continue through to north of Perth. This will require several realignments to bypass Northampton, Geraldton and Dongara and the study is tasked with identifying the final corridor.

Three of the alignments under investigation are within the Shire of Chapman Valley (Options 4, 5 & 6) and the information provided to the public including the map illustrating the alignment options has been provided as **Attachment 9.1.2(a)**.

Options 1, 2 & 3 are relevant to the section of the corridor between Dongara and Walkaway within the Shire of Irwin and the City of Greater Geraldton and this agenda report does not address this section of the proposed corridor, instead providing comment on the alignment as relevant to the Shire of Chapman Valley.

Option 6 is the alignment of the Oakajee Narngulu Infrastructure Corridor ('ONIC') that was last discussed by Council at its 19 March 2014 meeting, where it was resolved:

"That Council:

- 1 *Advise the Department of Planning that Council is generally supportive of the Oakajee-Narngulu Infrastructure Corridor draft Alignment Definition Report (February 2014) as it relates to the Shire of Chapman Valley local government area and requests that the following minor suggested modifications be undertaken to the document:*
 - (a) *Remove the term 'Wells Road' from Figure 1 (and all other Figures contained within the report) to accurately reflect that this is not a road reserve;*
 - (b) *Amend pages 14/15 to identify the Shire Scheme as being the Shire of Chapman Valley Local Planning Scheme No.2 (2013);*
 - (c) *Amend Figure 17 to assist its legibility and better illustrate the proposed/preferred Chapman Valley Road intersection design;*
 - (d) *Insert Figures 21 and 22 into the main document and include notation upon Figures 17 and 21 that this is only a possible solution for the treatment for roads intersecting with the ONIC, and that it will be subject to further detailed design by Main Roads WA in consultation with the Local Government.*

- 2 Write to the Department of State Development emphasising the essential strategic role of the Oakajee-Narngulu Infrastructure Corridor and the urgency for the acquisition of the alignment and seeking its commitment to the following actions:
- (a) Preparation and lodgement of the business case for funding the acquisition of the Oakajee-Narngulu Infrastructure Corridor;
 - (b) Appointment of Main Roads WA as the lead agency for the acquisition of the Oakajee Narngulu Infrastructure Corridor;
 - (c) Preparation and lodgement of any necessary environmental referral (under part IV of the Environmental Protection Act 1986) and Section 18 referral (under the Aboriginal Heritage Act 1972) to assist in the acquisition and management of the Oakajee Narngulu Infrastructure Corridor.”

The ONIC is a 34km alignment intended to provide a strategic linkage between the Oakajee Port and Oakajee Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines and the wider heavy vehicle and rail network. The ONIC alignment has been included as **Attachment 9.1.2(b)**. The ultimate land requirements for the ONIC are estimated to be 1,048ha, based on a 230m wide corridor to accommodate road, rail and service utilities infrastructure, with certain sections of greater width to accommodate engineering requirements of the road and rail alignments. Approximately 664ha of the ONIC is across 59 privately owned lots, owned by 34 different landowners, with 7 of these landowners being located within the Shire of Chapman Valley. The remaining 358ha is under State Government ownership as freehold title or publically reserved land.

Option 6 (i.e. the ONIC) is favoured over Options 4 & 5 for the following reasons

- Option 6 is significantly shorter;
- Option 6 would impact on fewer landowners;
- Option 6 impacts upon a lesser area of remnant vegetation;
- Option 6 impacts upon fewer watercourses and tributaries;
- Option 6 utilises existing road reserve where possible;
- Option 6 would be less expensive to acquire and construct;
- the majority of Option 6 between the Wokatherra Gap and the North West Coastal Highway has already been acquired by the State Government for the purposes of the Oakajee Industrial Estate Buffer;
- the acquisition and construction of either Option 4 or 5 would not preclude the need for Option 6 to still be acquired and constructed to provide linkage between the Oakajee Port and Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines and the wider heavy vehicle and rail network;
- Option 6 can form part of a staged construction of the overall corridor which has more immediate cost and traffic flow advantages, Options 4 & 5 would not provide any linkage until constructed in their entirety as they are new alignments;
- Option 6 can resolve heavy vehicle traffic issues within Geraldton in a more timely manner than Options 4 & 5;
- Acquisition of Option 6 as part of this project has the accompanying benefit of providing greater certainty to potential investment in the Oakajee Industrial Estate which is currently isolated from rail, road and service corridors;
- Option 6 is along a general alignment that has been identified in planning documents since the 1970's and landowners who have purchased in vicinity of the alignment since that time would be expected to have given regard for this, Options 4 & 5 have not been previously suggested.
- Option 6 provides an improved means for residents of the inland and coastal sections of the Chapman Valley community to interact, Options 4 & 5 do not serve this function.

STATUTORY ENVIRONMENT

Options 4 and 5 are not identified within the Shire of Chapman Valley Local Planning Scheme No.2, this is also the case with Option 6 excepting the already operating section of the North West Coastal Highway that forms part of Option 6, which is zoned 'Major Road'.

It is not recommended that Council initiate any amendments ('rezonings') to its Scheme to recognise whichever option is ultimately selected as a public purpose zoning, until, at a minimum, a formal commitment has been made by the State Government for the funding and acquisition of the alignment, and more preferably until the alignment has been acquired by the State Government and the zoning map can then correlate to the created cadastral boundaries. The reasoning behind this recommendation being that where privately owned land is zoned for an exclusively public purpose then the effected

landowner can make a claim for compensation to the Local Government under Section 11.5.1 of the Scheme.

POLICY IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 16.190 'Development adjacent to the proposed Oakajee to Talling Peak and Oakajee to Narngulu Rail Corridors' seeks to prevent incompatible development in vicinity to the ONIC/Option 6.

FINANCIAL IMPLICATIONS

The Main Roads WA correspondence relating to the Dongara to Northampton Coastal Route Corridor Alignment Selection Study provided to landowners dated 10 August 2015 stated that:

"No funding is currently available for any land acquisition or construction works. Please also note that this consultation relates only to a potential coastal route and is independent of, and in addition to, any other correspondence regarding any other Main Road or State Government project".

The Study Overview that accompanied the Main Roads WA correspondence further states that:

"It is important to note that this study does not replace the Oakajee Narngulu Infrastructure Corridor (ONIC) project, being undertaken by the Department of State Development and Department of Planning. Extensive consultation with landowners has already taken place during the preparation of a draft Alignment Definition Report for the ONIC. This report is currently being refined and updated in light of submissions. Land acquisition is proposed to commence in accordance with the final Alignment Definition Report, once it is adopted by the State Government."

The 2015 State Budget announced in May included an allocation of \$10.3 million to commence compulsory land acquisition for the ONIC.

Option 6/ONIC represents the final major piece of state acquisition for the Oakajee Mid West Development Project and a commitment to funding its acquisition is essential for this project. Without certainty and security over access into the Oakajee Port and Industrial Estate then the previous land acquisitions of the Oakajee Industrial Estate and buffer area are isolated and unworkable, and private enterprise is unable to access the site which can lead to further incidents such as the socially divisive and unsuccessful application for Mining Tenement Miscellaneous Licence (for the purpose of transporting minerals) as previously lodged by Karara Mining Ltd.

The acquisition of Option 6/ONIC at the earliest possible stage will remove uncertainty for both landowners and private enterprise, as well as potential cost savings to the State Government.

The acquisition of Option 6/ONIC will also remove statutory planning (in regards to development application assessment) and financial issues (in defending development decisions) for the Shire whereby landowners of private land zoned 'Rural' under the Scheme may seek to lodge applications for development upon the alignment.

- **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 suggested that consideration of this matter by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The ONIC (Option 6) is one component of the broader Oakajee Mid West Development Project which is coordinated by the Department of State Development, with the aim to establish an integrated port and industrial estate at Oakajee; supporting rail and infrastructure corridors to facilitate the development of the resources sector in the Mid West; and ensure the long-term prosperity of the region.

A road and rail bypass east of the Moresby Range around Geraldton was identified in a number of planning studies including the 1976 and 1989 editions of the Department of Planning's Geraldton Region Plan. A number of studies were undertaken in the 1990's to identify and assess a suitable railway corridor from the Narngulu Industrial Estate to the proposed Oakajee Industrial Estate and to service the proposed An Feng Kingstream Steel Project.

The ONIC was further refined through the 1999 and 2011 editions of the Geraldton Region Plan (and its aligned Greater Geraldton Structure Plan) and is also recognised in the following planning documents relevant to the Shire of Chapman Valley:

- Shire of Chapman Valley Local Planning Strategy (2008).
- Moresby Range Management Strategy (2009) prepared by the Department of Planning;
- Moresby Range Management Plan (2010) prepared jointly by the Shire of Chapman Valley and City of Greater Geraldton;
- Oakajee Industrial Estate Structure Plan (2011) prepared by LandCorp.

Development of the Oakajee Industrial Estate is presently constrained by not having suitable connection or servicing, with the current road connection to the Geraldton Port and Narngulu Industrial Estate via the North West Coastal Highway having significant issues with multiple sets of traffic lights and travelling through a built up area.

Option 6 would provide a strategic linkage for the Oakajee Port and Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines to the south-east and north-east of Geraldton, and the wider heavy vehicle and rail network, and without it the Oakajee Industrial Estate is considered unlikely to develop to any significant level in the near future.

It may be that strategic industrial projects that do not require rail or port access could be encouraged to establish at the Oakajee site, rather than be lost to the Mid West region due to the Narngulu Industrial Estate being constrained by its cumulative emissions modelling. It might also be considered that logistics and general industrial uses might consider the Oakajee Industrial Estate as a viable location were Option 6/ONIC to be in place and providing suitable road and power servicing.

- **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 and it is not considered that determination of this matter is contrary to this document.

The Shire of Chapman Valley Corporate Business Plan 2013-2017 was adopted by Council at its 19 June 2013 meeting and lists the following amongst its 'Future Priorities for Consideration':

“Construction of White Peak Road to provide an improved linking network between the coastal and rural areas of the Shire of Chapman Valley to assist the community, emergency services, business and tourism.”

CONSULTATION

Main Roads WA made a presentation to the Shire on 18 May 2015 on the Dongara to Northampton Corridor Alignment Selection Study and its intended community consultation strategy.

Main Roads WA commenced its community and stakeholder consultation for the Dongara to Northampton Corridor Alignment Selection Study in August 2015 with the release of a study overview, landowner mail-out and contact with heavy vehicle operators.

Main Roads WA community consultation strategy was to include manning public displays at the following local venues to discuss the options for this route and answer questions about the planning process.

Dates	Venue	Manned
Saturday 5 September 2015	Chapman Valley Agricultural Show	All day
Saturday 12 September 2015	Northampton Agricultural Show	All day
Tuesday 8 September 2015	Dongara Post Office 7/33 Moreton Terrace, Dongara	11am to 2pm
Tuesday 15 September 2015	Chapman Valley Shire 3270 Chapman Valley Road, Nabawa	1pm to 4pm
Thursday 10 September 2015	Northgate Shopping Centre	

	110 Chapman Road, Geraldton	5pm- 8pm
Friday 11 September 2015	Northampton IGA 229 Hampton Road, Northampton	1pm-4pm
Monday 7 September to Friday 18 September 2015	Main Roads office Eastward Road, Geraldton	Business hours (staff available by appointment)

The consultation period concludes on 2 October 2015 and this report recommends that the Shire lodge a submission.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority of Council

STAFF RECOMMENDATION

That Council make submission to Main Roads WA regarding the Dongara to Northampton Alignment Selection Study as follows:

- 1 Council is supportive of Option 6 (i.e. the Oakajee-Narngulu Infrastructure Corridor alignment between Morrel Road and the North West Coastal Highway).
- 2 Council urges Main Roads WA and the Department of State Development to adopt the Option 6 section (i.e. the Oakajee-Narngulu Infrastructure Corridor alignment between Morrel Road and the North West Coastal Highway) as Stage 1 for both land acquisition and construction as this will serve to immediately provide, in conjunction with Morrel Road, a short-term Geraldton Outer Bypass.
- 3 That the land acquisition phase of the corridor project commence upon finalisation of the alignment definition phase, and not be delayed by identifying future road reservations in local government planning schemes as this will unnecessarily prolong the project and pass the financial burden of addressing claim for compensation onto the local government.



Enquiries: Leanne Pitcher 0408 923 249
Our Ref: 11/6309

10 August 2015

Dear Landowner

DONGARA TO NORTHAMPTON: CORRIDOR ALIGNMENT SELECTION STUDY

We are sending you this letter as information about the planning study we are undertaking to identify a potential future road corridor for a coastal route between Dongara and Northampton.

Taking into account existing and planned land use as well as local economic, environmental, engineering and social constraints, several feasible options have been identified for this road corridor. These options also reflect planning work undertaken for the proposed road component of the Oakajee-Narngulu Infrastructure Corridor (ONIC), which is being developed by the Department of Planning (DoP) in consultation with Main Roads and other relevant State Government agencies and will form part of an outer bypass of Geraldton. All options identified in our study utilise part of the road component within the planned ONIC corridor as the central section of the route. The options presented from Geraldton to Northampton also link up with the proposed Northampton heavy vehicle bypass.

As a landowner who could potentially be affected, we would like to personally invite you to participate in the consultation phase of this study. Included with this letter is an advance copy of a newsletter that will be distributed to the broader local community during September 2015. This newsletter will be released to raise awareness of the planning study and seek feedback from stakeholders and interested members of the community. We encourage you to participate in this process by completing the feedback form contained within the newsletter.

It is important to stress that this is a planning study only. **No funding is currently available for any land acquisition or construction works.** Please also note that this consultation relates only to a potential coastal route and is independent of, and in addition to, any other correspondence regarding any other Main Roads or State Government project.

We note that DoP is continuing the planning and development work for the ONIC on behalf of the Department of State Development, and some landowners may already have been contacted in relation to this project. Although this alignment selection study is separate from this work, we will continue to liaise with both departments regarding the progress of both studies.

Additionally, we are planning to undertake feasibility works for the Northampton heavy vehicle bypass and have already contacted affected landowners and stakeholders. This is also a separate exercise to the Corridor Alignment Selection Study, however the teams working on both projects will liaise regularly.

If you have any questions about the planning process, or would like to arrange a meeting to discuss the options in more detail, please contact our Community Relations Consultant, Leanne

Main Roads Western Australia
Mid West-Gascoyne Region
Eastward Road, Geraldton WA 6531
PO Box 165, Geraldton WA 6531

Website: mainroads.wa.gov.au
Email: mwreg@mainroads.wa.gov.au
Telephone: (08) 9956 1200
Facsimile: (08) 9956 1240



Pitcher. Leanne can be contacted via email to leanne.pitcher@mainroads.wa.gov.au or by phoning 0408 923 249.

Yours sincerely

Bernie Miller
Regional Manager
Mid West-Gascoyne Region

Dongara to Northampton Coastal Route

CORRIDOR ALIGNMENT SELECTION STUDY

You are invited to provide input into a planning study being undertaken by Main Roads to select a future road corridor for a Dongara to Northampton coastal route, in Western Australia's Mid West region.

This study aims to identify a preferred corridor for this route that will meet the future needs for moving people and freight.

It will allow us to plan for the future, with funding provided for alignment selection and detailed planning.

Consultation with key stakeholders, including local government authorities, heavy vehicle operators and communities in the area will play a vital role in this study.

This study is supported by the Mid West Development Commission, which secured Royalties for Regions funding for the detailed planning phase.

It is important to note that this study does not replace the Oakajee Narngulu Infrastructure Corridor (ONIC) project, being undertaken by the Department of State Development and Department of Planning.



Extensive consultation with landowners has already taken place during the preparation of a draft Alignment Definition Report for the ONIC. This report is currently being refined and updated in light of submissions. Land acquisition is proposed to commence in accordance with the final Alignment Definition Report, once it is adopted by the State Government.

The planning process

As part of the early planning process for a future Dongara to Northampton coastal route, Main Roads considered several options for a new inland route as well as upgrading the existing Brand Highway between Dongara and Geraldton and North West Coastal Highway (NWCH) between Geraldton and Northampton.

This assessment considered all known environmental, social, engineering and economic constraints. For planning purposes, we assumed that the road component of the ONIC, which will provide an outer bypass east of Geraldton, would form the central part of the long-term route.

We have now identified three options for the southern section of the corridor between Dongara and Geraldton and three options for the northern section between Geraldton and Northampton.

We are currently considering all feedback on these options.



How to have your say

Community involvement is an essential element of this planning study and we encourage you to participate by identifying any issues or concerns and providing feedback on the proposed options.

Feedback forms

If you wish to provide comment and/or would like to register to receive future project updates by email, please complete the form included with this newsletter and return by email to leanne.pitcher@mainroads.wa.gov.au or post (no stamp required) to:

Dongara to Northampton Coastal Route
Reply Paid 6202
East Perth
WA 6892

The feedback form can also be completed online via Main Roads' website at www.mainroads.wa.gov.au (Building Roads/Planning Projects).

Public displays

Public displays illustrating the potential future corridors will be available to view at the following local venues during September. These displays will be periodically manned by staff from Main Roads' Mid West regional office, who will be able to discuss the options and answer your questions (dates will be advertised in local press).

VENUE

Dongara Post Office, 7/33 Moreton Terrace, Dongara

Chapman Valley Shire, 3270 Chapman Valley Road, Nabawa

Northgate Shopping Centre, 110 Chapman Road, Geraldton (near Coles)

IGA, 229 Hampton Road, Northampton

Main Roads Mid West regional office, Eastward Road, Geraldton



WANT MORE INFORMATION?

If you have any further enquiries, please contact Main Roads' Community Relations Consultant Leanne Pitcher on 0408 923 249 or email leanne.pitcher@mainroads.wa.gov.au

Once complete, we will identify a preferred corridor for endorsement by Local and State Government. More detailed planning work will then be undertaken to prepare a planning design concept. This will include direct landowner consultation, aerial survey, environmental and heritage field work and assessments, hydrological and surface water studies, geotechnical and groundwater survey and concept design.

Planning rationale

Brand Highway and North West Coastal Highway currently form the primary coastal freight route between Perth and the North West of Western Australia, linking the major population centres of Perth, Geraldton, Carnarvon and Karratha.

It is recognised there needs to be a high standard route for regional and freight traffic that bypasses Geraldton city. This study co-ordinates previous planning activities around Geraldton.

The section of Brand Highway between Dongara and Geraldton currently carries an average of 3,700 vehicles per day, 16% being heavy vehicles. Traffic modelling shows that volumes are expected to increase by 60% to around 6,000 vehicles per day by 2031.

Between Geraldton and Northampton, North West Coastal Highway currently carries an average of 1,100 vehicles per day, 25% being heavy vehicles. Traffic modelling shows that volumes are expected to increase to around 3,000 vehicles per day by 2031.



Both highways are subject to flooding, which causes road closures and restricts the flow of critical supplies to the towns of Geraldton and Northampton and the busy North West region. As the Mid West region and Geraldton grows, traffic volumes will increase and safety will continue to be a focus for future roads.

A high standard, free-flowing coastal route, avoiding built up areas and suitable for freight and large loads, will provide a more efficient alternative for over-size, over-mass vehicles as well as local, regional and tourist traffic.

It would be designed to minimise impacts on environmental and heritage areas and would:

- Support the growth and expansion of the Mid West region and surrounding mining and agricultural areas;
- Link to existing and future industrial areas and support land use planning;
- Alleviate pressure on existing road networks surrounding the Geraldton airport and existing industrial areas; and
- Improve traffic flow by removing all large freight vehicles from the urban area along Brand and North West Coastal Highways within Geraldton.

The following table shows this Alignment Selection phase in the context of the overall planning process:

CORRIDOR ALIGNMENT SELECTION STUDY (THIS STUDY)

This Alignment Selection Study is being undertaken to select a preferred corridor for a potential future coastal route. The study includes community consultation.

ALIGNMENT DEFINITION STUDY

When the Alignment Selection Study is complete and endorsed, an Alignment Definition Study will be undertaken to define the road reservation requirements for the preferred route. Further community and stakeholder consultation will be undertaken during this phase, particularly with affected landowners.

PROTECTION OF ROAD RESERVATION

When the Alignment Definition Study is complete, action will start to include the road reservation in the local statutory planning schemes.

Dongara to Northampton Coastal Route

ALIGNMENT SELECTION STUDY

FEEDBACK FORM

NAME:

ADDRESS:

MOBILE: HOME TEL:

EMAIL (PLEASE WRITE CLEARLY):

DO YOU REPRESENT A SPECIFIC INDUSTRY OR COMMUNITY ORGANISATION
(EG. HEAVY VEHICLE OPERATOR, ST JOHN AMBULANCE?):

**WHICH CORRIDOR OPTION DO YOU PREFER FOR THE SOUTHERN SECTION BETWEEN
DONGARA AND GERALDTON:**

OPTION 1 OPTION 2 OPTION 3

ANY FURTHER COMMENTS?:

**WHICH CORRIDOR OPTION DO YOU PREFER FOR THE NORTHERN SECTION BETWEEN
GERALDTON AND NORTHAMPTON:**

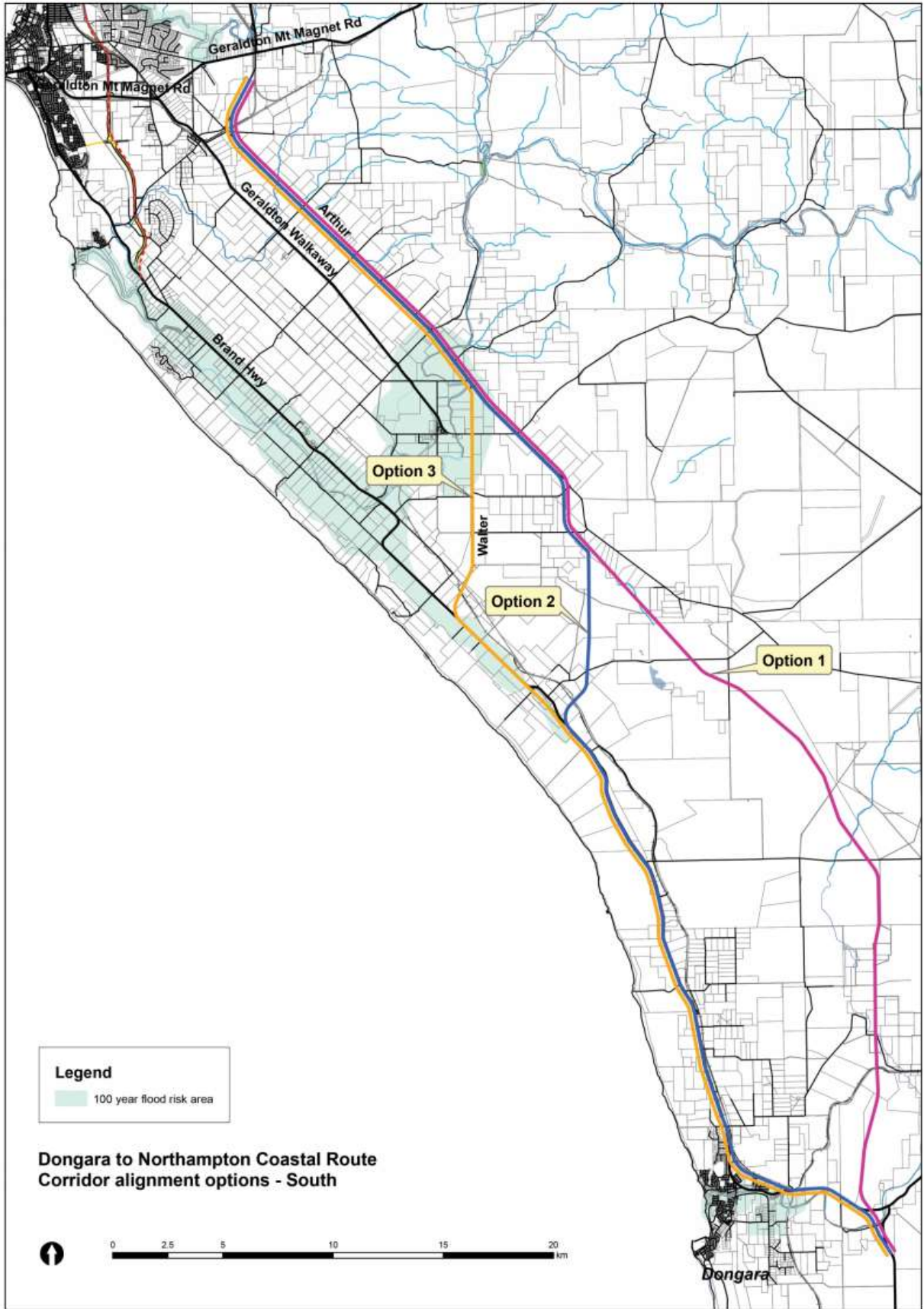
OPTION 4 OPTION 5 OPTION 6

ANY FURTHER COMMENTS?:

**MAIN ROADS IS COMMITTED TO PROVIDING INFORMATION IN SUSTAINABLE FORMATS. WOULD YOU LIKE TO
BE ADDED TO OUR DATABASE TO RECEIVE FUTURE STUDY UPDATES BY EMAIL?:** Yes No

This form can be completed online at www.mainroads.wa.gov.au (Follow the home page link to Building Roads/Planning Projects/Dongara to Northampton Coastal Route) and returned by email to leanne.pitcher@mainroads.wa.gov.au. Alternatively, please print, complete, scan and email your form to this address or post (no stamp required) by 2 October 2015 to:

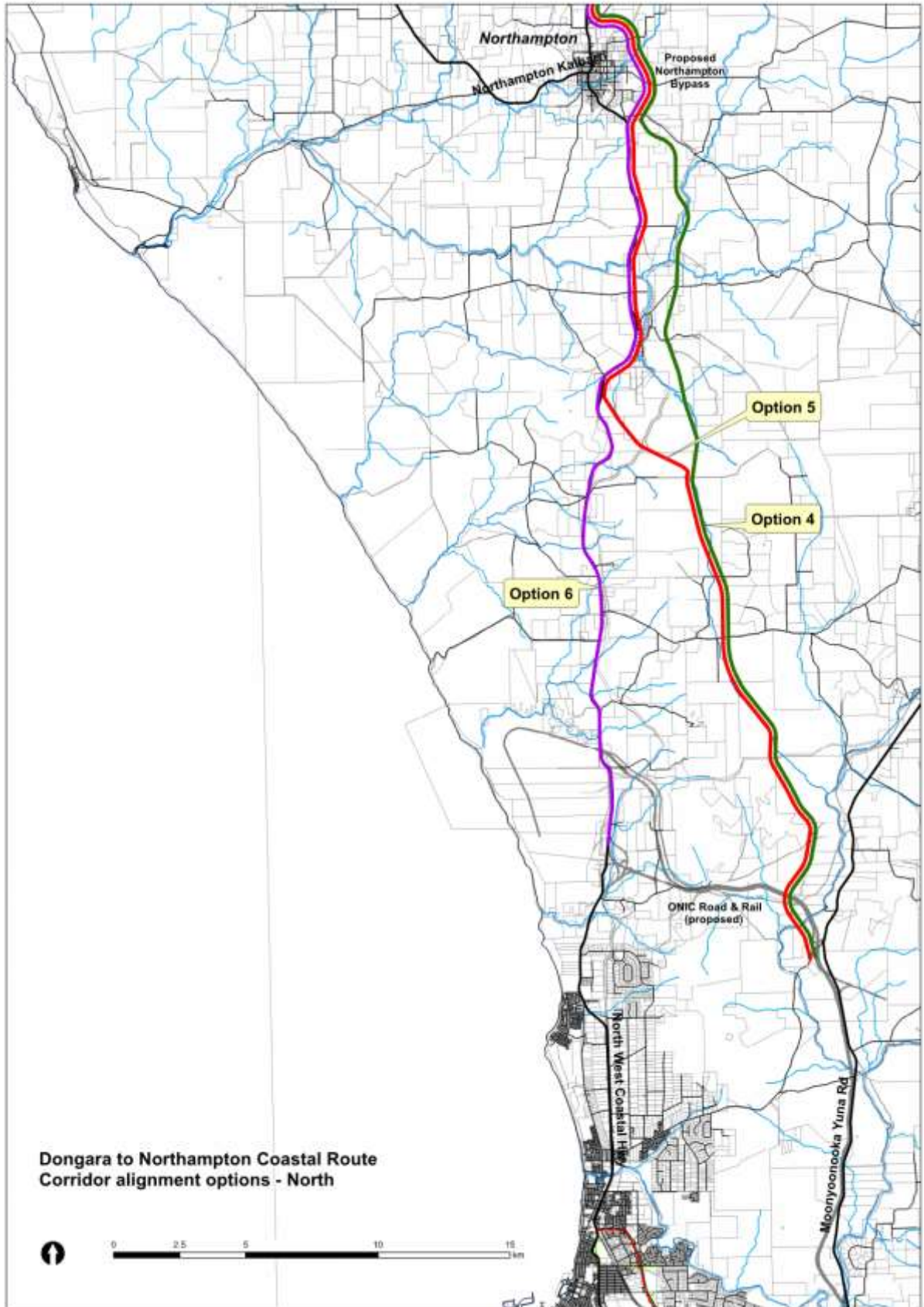
Dongara to Northampton Coastal Route
Reply Paid 6202
East Perth
WA 6892



Legend
 100 year flood risk area

**Dongara to Northampton Coastal Route
 Corridor alignment options - South**







AGENDA ITEM:	9.1.3
SUBJECT:	YUNA (WATER CORPORATION) DAMS
PROPONENT:	WATER CORPORATION
SITE:	RESERVE 18439 CHAPMAN VALLEY ROAD, YUNA
FILE REFERENCE:	R18439 & 1001.1370
PREVIOUS REFERENCE:	NIL
DATE:	4 SEPTEMBER 2015
AUTHOR:	SIMON LANCASTER

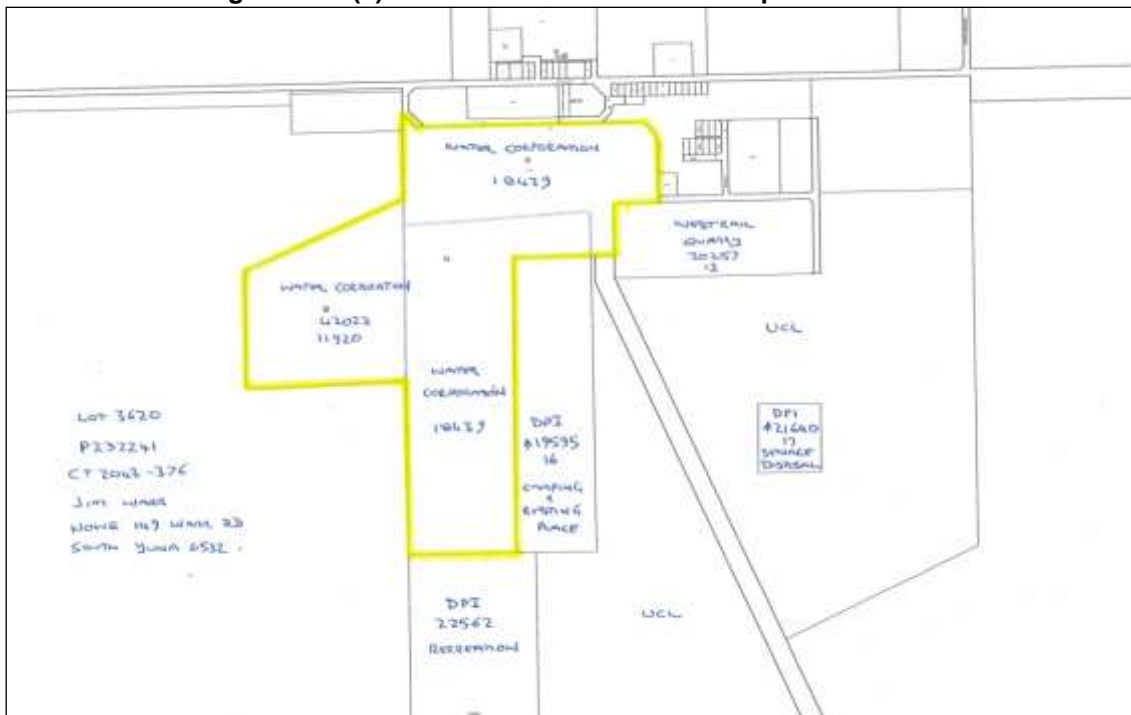
DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Water Corporation considers its two Yuna Dams surplus to requirements and has made enquiry whether Council would be able to make use of these assets. This report recommends that Council advise the Water Corporation that it does not require the Yuna dams but that it does require the section of Reserve 18439 that contains the on-ground alignment of the Yuna Road South.

Figure 9.1.3(a) - Location Plan for Water Corporation Yuna assets



COMMENT

Reserve 18439 is a 61.293ha parcel of Crown Land that is largely covered in remnant vegetation and contains some Water Corporation infrastructure in its north-west corner. The on-ground alignment of the Yuna South Road runs north-south for a length of 410m across the eastern portion of Reserve 18439.

The Shire has been approached by the Water Corporation concerning its two Yuna Dams. The Water Corporation is considering disposing of these assets (site photographs provided as **Attachment 9.1.3(a)**) and would like to offer them to the Shire before any progress is made to decommission them.

Figure 9.1.3(b) – Aerial Photograph of Water Corporation Yuna assets

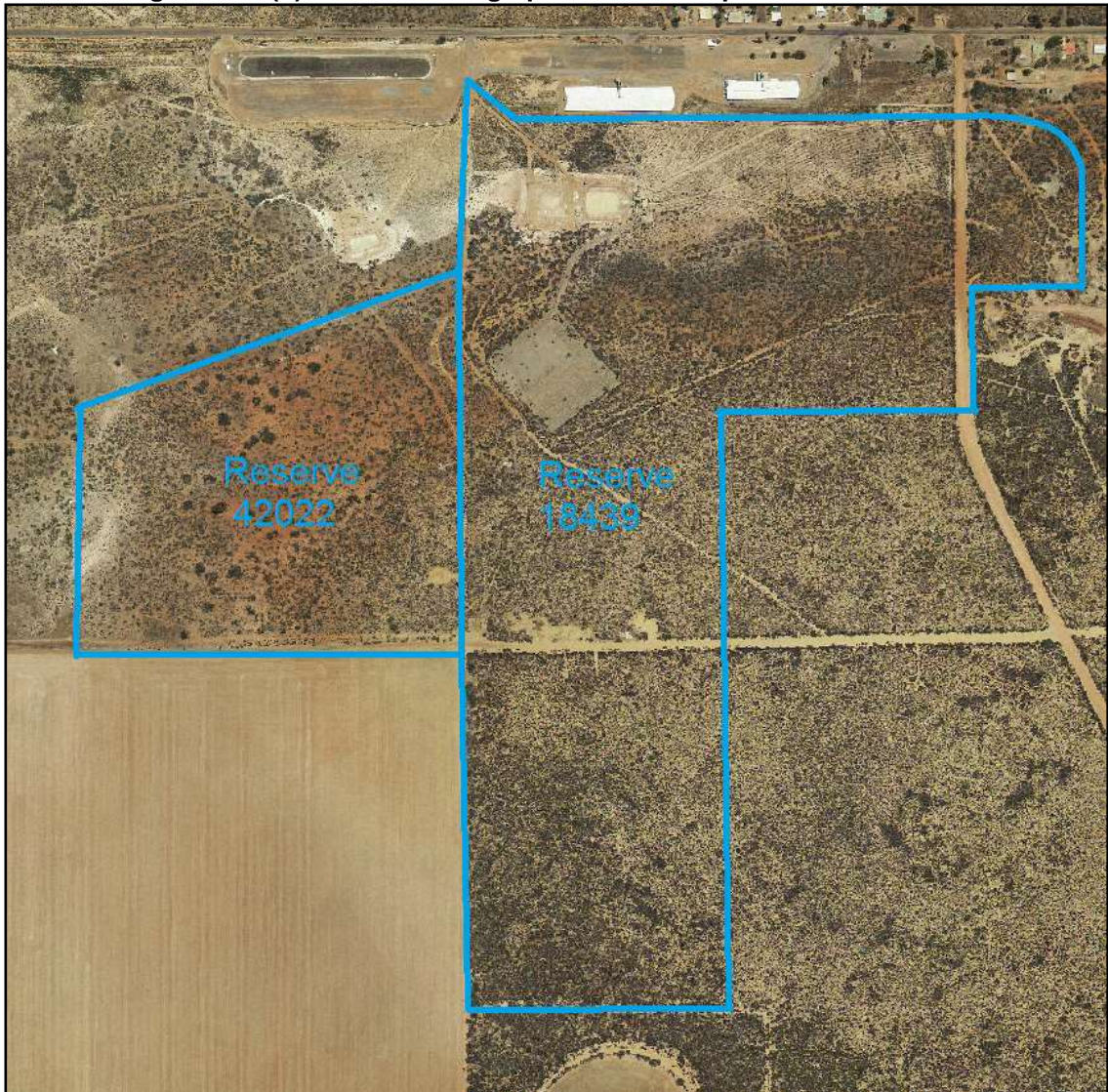


Figure 9.1.3(c) - Aerial Photographs of Water Corporation Yuna Dams



Figure 9.1.3(d) – View of Yuna Road South from Chapman Valley Road



STATUTORY ENVIRONMENT

Reserve 18439 is zoned 'Rural' under Shire of Chapman Valley Local Planning Scheme No.2.

The use of Reserve 18439 for the purposes of 'Water Supply' dates back to a vesting order on 31 May 1929, with the current management order for the reserve issued to the Water Corporation by the Department of Lands.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The cost of surveying work to excise the Yuna Road South from Reserve 18439 can be accommodated within the Surveying & Land Expenses account (Account 7052, containing an allocation of \$40,000 in the adopted 2015/2016 budget).

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting, Section 1.3 'The Challenges We Face' of which notes that:

"The road network is the Shire's biggest asset and transport and communication are the main priorities. Maintaining and upgrading the road network and communication network are important to the community."

STRATEGIC IMPLICATIONS

- **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 and it is not considered that determination of this matter is contrary to this document.

CONSULTATION

Councillors discussed this matter at the 17 June 2015 Forum Sessions and considered that the comments of Yuna Farm Improvement Group ('YFIG') should be sought in relation to this matter. YFIG have responded to advise that:

“YFIG met last night and one of the items discussed were the Water Corp dams at Yuna. The response was limited to potentially in the future the community could utilise the water collected for parks and gardens in the town and school. The group highlighted the risks associated with the dams, not dissimilar to that of Council’s views, and as such they would not be interested in owning or maintaining the infrastructure, and believe the Shire would be best placed to own the infrastructure.”

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

That Council thank the Water Corporation for their offer and advise that:

- 1 The Shire does not require the 2 Yuna (Water Corporation) Dams.
- 2 The Shire does seek the excision of the on-ground 410m length of Yuna Road South from Reserve 18439 and its creation as a road reserve.



Above & Below: Site Photographs of Water Corporation Yuna assets



AGENDA ITEM:	9.1.4
SUBJECT:	PROPOSED DISPOSAL OF LOT 90, WHITE PEAK
PROPONENT:	DEPARTMENT OF LANDS
SITE:	LOT 90 ON DEPOSITED PLAN 25477
FILE REFERENCE:	R39276
PREVIOUS REFERENCE:	08/07-5, 03/08-16 & 07/08-10
DATE:	7 SEPTEMBER 2015
AUTHOR:	SIMON LANCASTER

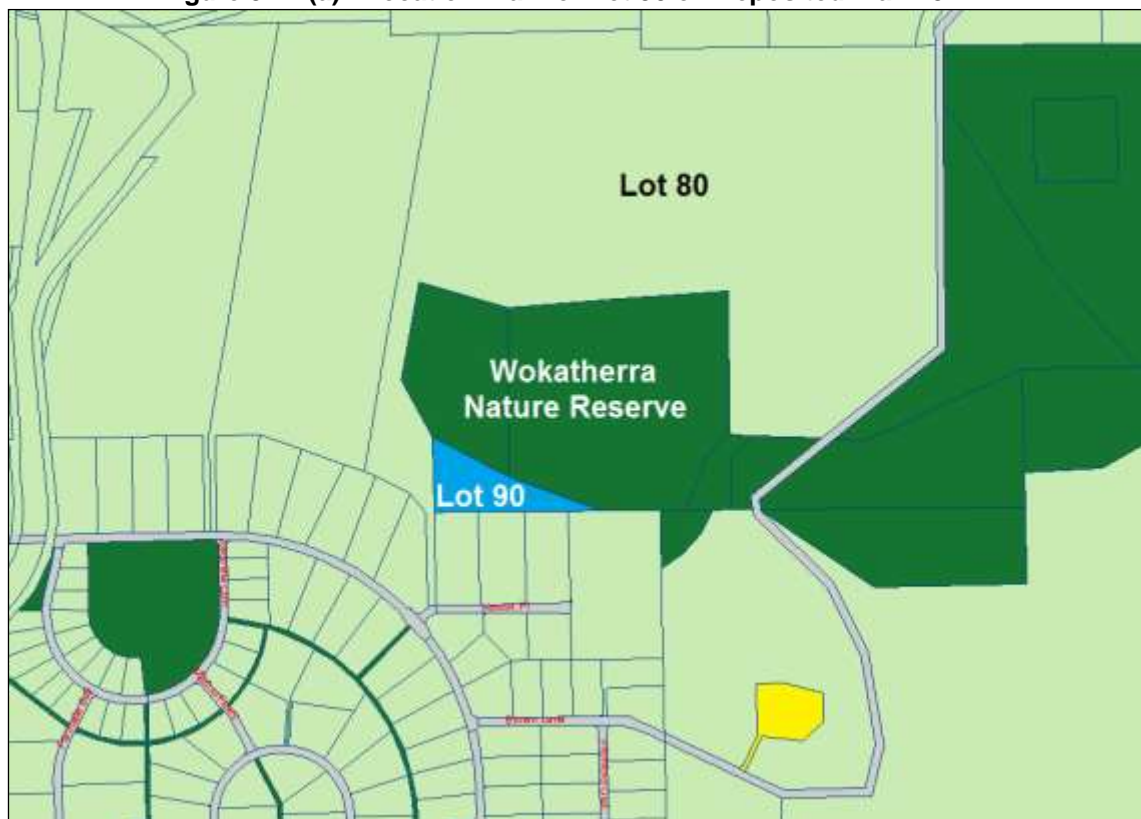
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Department of Lands has made enquiry concerning Lot 90 on Deposited Plan 25477. This report recommends that Council advise the Department of Lands that it has no objection to the disposal of Lot 90.

Figure 9.1.4(a) - Location Plan for Lot 90 on Deposited Plan 25477



COMMENT

Lot 90 is a 3.3718ha cleared triangular shaped property, with no direct road frontage, located immediately south-east of the 112.0246ha Wokatherra Nature Reserve (Reserve 39276).

The 1999 Parkfalls Estate Structure Plan (extract provided as **Attachment 9.4.4(a)**), prepared for the rezoning application that created the Parkfalls Estate identified that the subject land area should be ceded as Crown Land and included within Reserve 39276.

Lot 90 was created by Deposited Plan of Survey 25477 (extract provided as **Attachment 9.4.4(b)**) that was declared in order for dealings on 19 February 2001. DP25477 provided a right of carriageway easement across Lot 80 by which access could be achieved to Lot 90 although this was for the benefit of the Shire of Chapman Valley and not general public access.

The Department of Lands wrote to the Shire on 17 July 2007 seeking its interest in accepting the management order for Lot 90 as a 'Public Recreation' reserve. This matter was placed before the 15 August 2007 Council meeting with the agenda report at the time noting:

"Whilst the proposal to cede 3.4 hectares of land to the Crown for 'public recreation' is supported in principle, there is no real benefit in the Council accepting the management order for this land, given;

- 1 *Lot 90 is effectively land locked with no established means of public access;*
- 2 *The subject land is contiguous with, and effectively forms part of, the Wokarena reserve in a physical sense.*

It is for these reasons Lot 90 should be vested with DEC and accordingly be managed as part of the overall Wokarena Reserve holding."

"Although the Council is encouraged by staff to accept responsibility for public lands, this should only be done based on a strategic approach where public benefit can be realized, principally for Chapman Valley residents.

As discussed above, it is not foreseen that this parcel of land will provided such benefit and in fact would be better managed for its conservation and biodiversity values."

Council resolved at its 15 August 2007 meeting:

"That Council resolve to advise the Department for Planning and Infrastructure – State Land Services that it:

- 1 *Declines the offer of accepting a management order for Lot 90; and*
- 2 *Suggests this parcel of land be placed under the control and management of the Department of Environment and Conservation on the basis:*
 - (a) *The subject land is contiguous with, and effectively forms part of, the adjoining Wokarena reserve;*
 - (b) *Lot 90 is effectively land locked with no established means of public access;*
 - (c) *It is understood the land carries a relatively high level of conservation and biodiversity values."*

The Department of Lands wrote to the Shire on 21 November 2007 to advise that it was investigating the disposal of Lot 90 given it had no legal access, and was void of substantial vegetation and appeared to be grazed by surrounding landowners. The Department of Lands again wrote to the Shire on 21 February 2008 to advise that the Department of Environment and Conservation (now Department of Parks and Wildlife) had declined the offer of Lot 90 being citing "the area has little conservation value".

This matter was returned to Council at its 19 March 2008 meeting with the agenda report of the time noting that:

"Without an clear understanding as to why this property was created with no formal road access, and given the land is principally cleared pasture, it is acknowledged its existence as a single allotment set aside as a 20A Reserve is effectively superfluous and of no real value benefit to the community if it is not amalgamated with the Wokatherra Reserve (White Peak).

Additionally, even if public access could be provided it would be expected the public would also want to access the adjoining Wokatherra Reserve. Potentially, the only form of access could be via an existing power line easement from Hester Place aligned along the western boundary of Lot 124, which is unlikely to be accepted as a public access way by the current owner.

Therefore, on this understanding it considered appropriate the Council support the sale of the subject land and agree to facilitate its disposal pursuant to Section 152 of the Planning and Development Act, 2005 on the condition there is no financial impost to the Shire."

Council resolved at its 19 March 2008 meeting:

"That Council support the sale of Lot 90 on Deposited Plan 25477 to neighbouring landowners and advise the DPI State Land Services that is not prepared to facilitate the disposal process pursuant to the Crown Land Administration and Registration Manual unless it can be demonstrated there will be no financial impost to the Shire."

The Department of Lands again wrote to the Shire on 27 May 2008 and a copy of this correspondence was presented to Council at the 16 July 2008 meeting with the report at the time noting that:

"It is clear from the various correspondence sent to the Council that the State Government carries no interest in the retention of Lot 90 if it is to remain unvested, and therefore would prefer to see this land sold to an adjoining landowner.

Therefore, in consideration of this matter there is potentially to two opportunities the Council could entertain:

- 1 *Retention - the retention of Lot 90 as a suitably zoned public recreation reserve to be developed in the future for the local community. Upon closer investigation of the site a 6.0 metre wide easement exists along the battle-axe leg to Lot 80 marked (X) affording a right of carriage way in favour of the Shire for access to Lot 90 – refer to Figure 3 of the Agenda. With it unlikely the Council will be in a position to acquire the equestrian site from the Developers it may be prudent to accept management of this reserve as a fall-back position with the view to entertaining further discussion with the owner of Lot 80 regarding improved access to Lot 90 in the longer term.*
- 2 *Disposal - the disposal of Lot 90 by the Shire, providing one of the neighbouring landowners be interested in acquiring it, could potentially yield the Council a profit (refer to Financial Implications below), however, this would involve rezoning the land from 'Recreation' zone to 'Special Rural' zone followed by amalgamation of this land with the respective adjoining land parcel owned by the purchaser. In this scenario the rezoning of the land could take approximately two years to complete.*

From a staff perspective it is suggested the Council retain the land for recreation purposes and accordingly accept management of the reserve, with the possibility of on selling Lot 90 in the longer term should the Council eventually gain tenure of the equestrian site at some stage in the future."

Council resolved at its 16 July 2008 meeting:

"That Council make an offer to the Department of Planning & Infrastructure for the freehold purchase of the land at Lot 90 Hester Place, White Peak.

Reason for deviation from the Staff Recommendation is that Council decided to express an interest in the land for potential recreation use."

With the creation of the 9.5225ha Reserve 49641 (Bill Hemsley Park) on 16 April 2014 the need for Lot 90 to be developed for recreational and community purposes was superseded. The Shire wrote to the Department of Lands on 11 June 2015 to advise that it would be more appropriate for Lot 90 to be amalgamated into the adjoining Wokatherra Nature Reserve and placed under the management of the Department of Parks & Wildlife for the following reasons:

- Lot 90 is a parcel of land that has no independent road frontage and therefore has no means of community access and therefore can have no recreation function;
- Lot 90 is directly abutting Reserve 39276 and would enable the expansion of the Wokatherra Nature Reserve and native vegetation regeneration actions to occur;

- Lot 90 being placed under the management of Department of Parks & Wildlife who have control of the adjoining land to the rear would enable more coordinated and improved fire and invasive species outcomes;
- the Parkfalls Estate, the subdivision of which created Lot 90, is a rural-residential estate and as such there is no statutory requirement for recreation land to be provided, and the amendment of the purpose of Lot 90 from 'Recreation' to match the adjoining Reserve 39276 would not be contrary to the *Planning and Development Act 2005*;
- the original Parkfalls Estate Structure Plan that accompanied the rezoning of the Parkfalls Estate (gazetted date 17 September 1999) identified that Lot 90 should be included within Reserve 39276;
- the updated Parkfalls Estate Structure Plan now identifies that the newly created Reserve 49641 (Bill Hemsley Park) is the recreation site for the Parkfalls Estate and it is this site that the Shire is working to develop to meet the community's recreation and community needs, and Lot 90 is not required to meet this function;
- Shire of Chapman Valley Local Planning Scheme No.2 identifies Lot 90 as being zoned 'Conservation' and not 'Recreation' and therefore were the Department of Lands, and the Department of Parks & Wildlife, be in agreement to the Shire's suggested action then no rezoning of the land would be required, and the amendment of the Lot 90 purpose from 'Recreation' to 'Conservation of Flora & Fauna' (the purpose for Reserve 39276) would ensure conformity with Lot 90's current zoning.

The Department of Lands responded on 3 July 2015 and 13 August 2015 that it has offered Lot 90 to the Department of Parks and Wildlife on repeated occasions and it has rejected the offers (**Attachment 9.4.4(c)**), therefore the Department of Lands are considering disposing of Lot 90 by offering it to the adjoining private landowner of Lot 80 Hester Place, White Peak.

Figure 9.1.4(b) – Aerial Photograph of Lot 90 on Deposited Plan 25477



Given the Department of Parks and Wildlife's reluctance to accept Lot 90 it is therefore considered that the land is of limited public value and there is no obvious Shire purpose for the land. On this basis no objection is raised to its disposal to any adjoining private landowner who may make use of the land and is prepared to pay the valuation price set by the Valuer Generals Office. It is also considered that adjoining Lot 80 would be the most logical property to amalgamate the 3.3718ha area into. However, in the event that this landowner was not willing to purchase the land, then one or a combination of the 3 Hester Place landowners abutting Lot 90 to the south may be willing to purchase the area from the Department of Lands.

Figure 9.1.4(c) – View of Lot 90 looking north-east towards Wokatherra Nature Reserve and White Peak



Figure 9.1.4(d) – View of Lot 80 private access leg looking south towards Hester Place which provides the only means of access to Lot 90



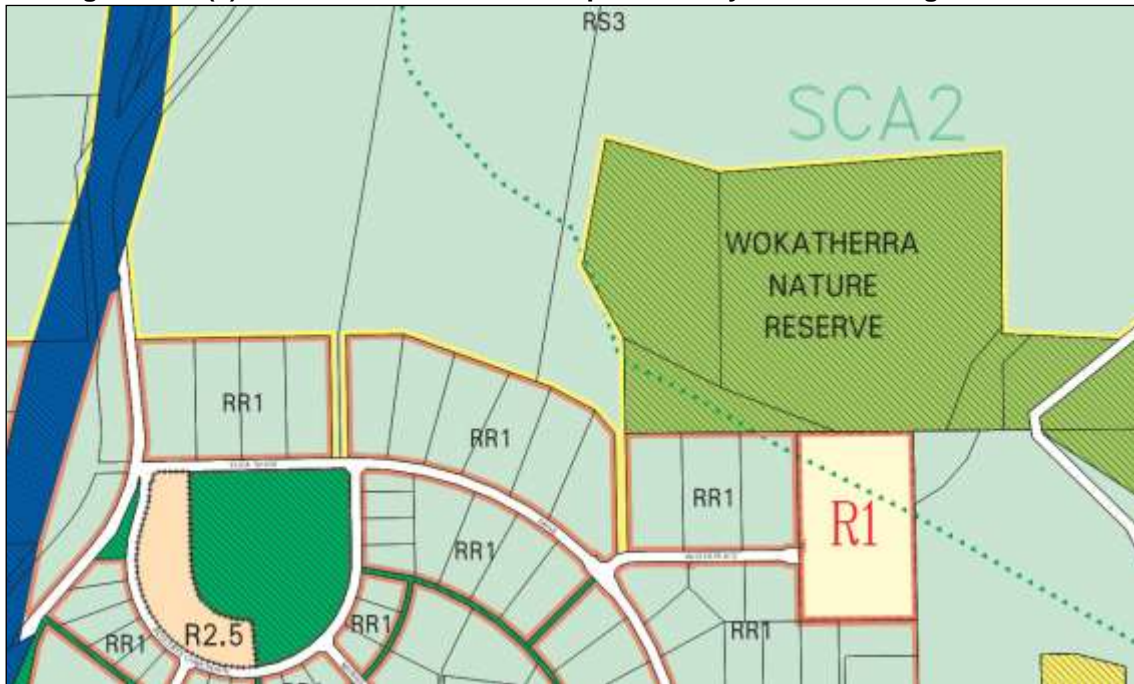
STATUTORY ENVIRONMENT

Lot 90 is zoned 'Conservation' under Shire of Chapman Valley Local Planning Scheme No.2.

In the event that an adjoining landowner expresses an interest in purchasing Lot 90, the Department of Lands would request the Valuer Generals Office to set a valuation for the subject land and this cost, and the cost for surveying and conveyancing actions, would be required to be met by the purchaser, and paid to the State Government.

The Department of Lands issue an order for disposal of Crown Land and its amalgamation into the adjoining lot under the *Land Administration Act 1997*.

Figure 9.1.4(e) – extract from Shire of Chapman Valley Local Planning Scheme No.2 Map



POLICY IMPLICATIONS

Lot 90 is located outside of the Range Precinct boundary as identified by the Moresby Range Management Plan 2010 that was adopted by Council as a Local Planning Policy at its 20 October 2010 meeting.

FINANCIAL IMPLICATIONS

Should Council accept management responsibility for Lot 90 it would be responsible for its ongoing maintenance, including weed control, invasive species and fire management, with no benefit to the local community who would be indirectly paying for this maintenance.

- **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

It is considered that the 9.5225ha Bill Hemsley Park (Reserve 49641) will be the focal point for recreational and community activity in the Parkfalls Estate, and Lot 90 is not required to serve these functions. The preferred role for Lot 90 would be for its amalgamation into the adjoining Wokatherra Nature Reserve and rehabilitation to native vegetation to enhance White Peak as a flora and visual asset. However, given the Department of Parks and Wildlife's reluctance to accept the Department of Land's offer it must be considered surplus to public requirements.

- **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 and it is not considered that determination of this matter is contrary to this document.

CONSULTATION

The Department of Lands have advised that they have made repeated enquiry with the Department of Parks & Wildlife, and given the site is 'land-locked' it is of little use to the Shire. The Department of Lands have made approach to the landowner of the adjoining Lot 80, and in the event that these discussions are not successful, are likely to then make approach to any or all of the landowners of Lots 124-126 Hester Place.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

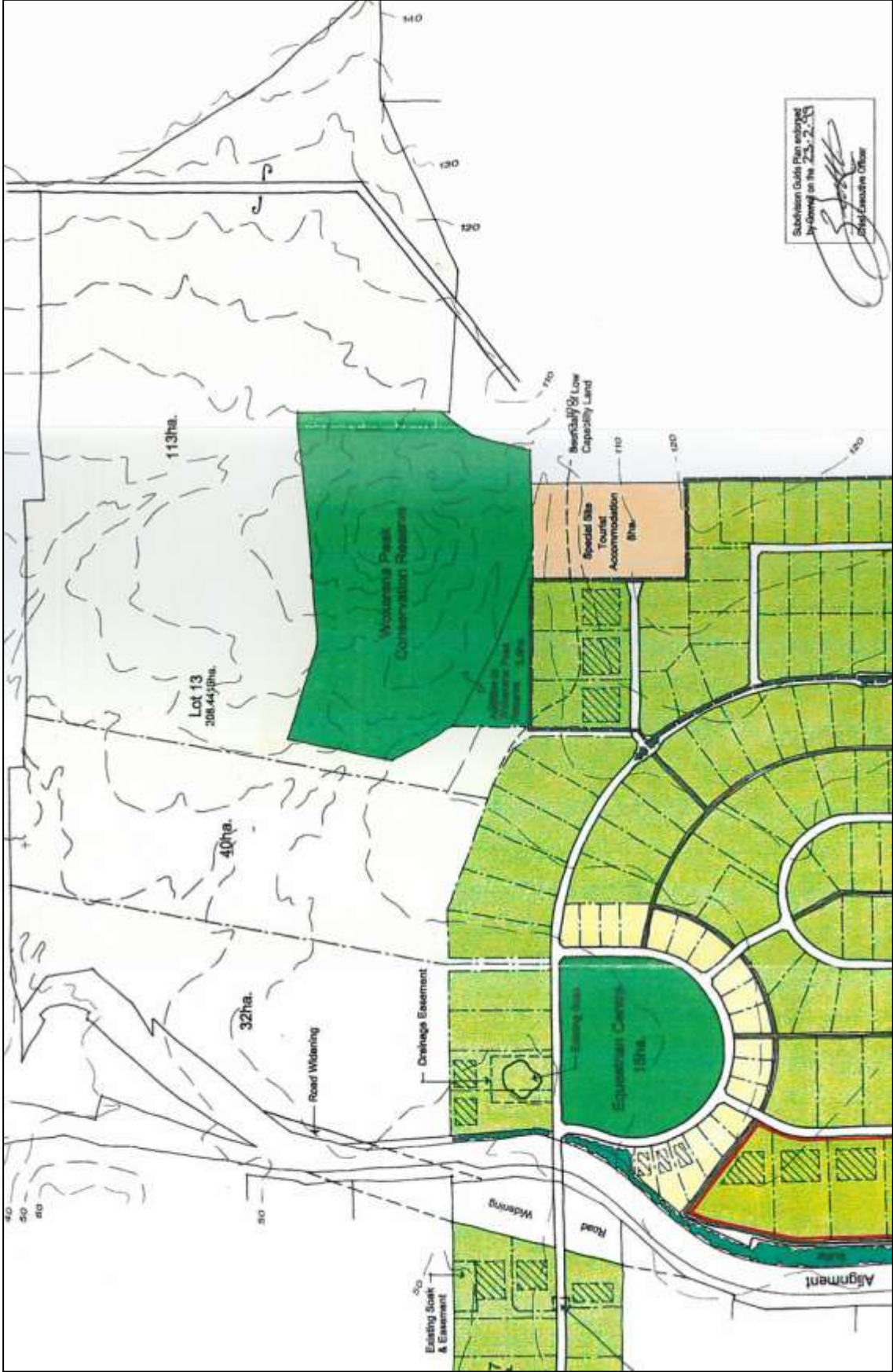
Simple Majority required.

STAFF RECOMMENDATION

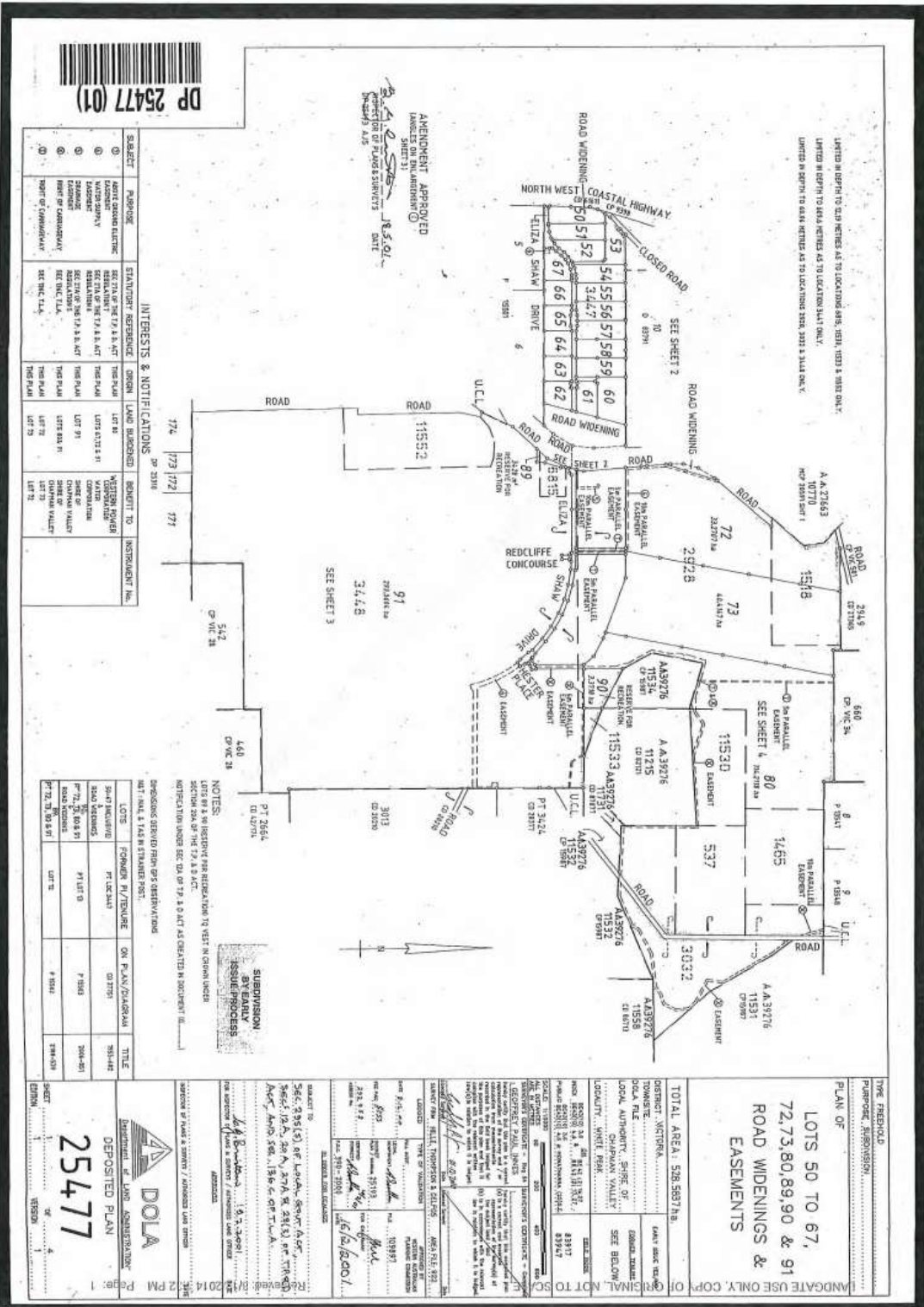
That Council:

- 1 Acknowledge the Department of Lands advice that the Department of Parks & Wildlife have repeatedly declined the offer to amalgamate Lot 90 on Deposited Plan 25477 into the adjoining Wokatherra Nature Reserve.
- 2 Advise that it has no objection to the Department of Lands disposing of Lot 90 on Deposited Plan 25477 to an adjoining private landowner(s) as the property is without direct road frontage and is considered by Council to have no recreational or community value.
- 3 Advise the Department of Lands that Council will support/initiate a Scheme Amendment rezoning Lot 90 to match the adjoining private landholding(s) in the event that the Department provides confirmation that it is pursuing the disposal of Lot 90 (noting that the disposal does not require the initiation or completion of the rezoning to progress).

ATTACHMENT 9.1.4(a)



ATTACHMENT 9.1.4(b)



AMENDMENT APPROVED
 ISSUES ON PLAN AMENDMENT
 SHEET 31
 18.5.01
 PRODUCTION OF PLANS/SUBDIVISION DATE
 SHEETS 31.5

① SUBJECT	PLANNING	STAFF/STAFF REFERENCE	OTHER	LAND BOUNDARIES	ROBUST TO INSTRUMENT No.
② ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 80	CONSENTED
③ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 80 TO 81	CONSENTED
④ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 91	CONSENTED
⑤ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 80A TO 81	CONSENTED
⑥ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 70	CONSENTED
⑦ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 70	CONSENTED

INTERESTS & NOTIFICATIONS
 PR 2018

① SUBJECT	PLANNING	STAFF/STAFF REFERENCE	OTHER	LAND BOUNDARIES	ROBUST TO INSTRUMENT No.
② ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 80	CONSENTED
③ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 80 TO 81	CONSENTED
④ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 91	CONSENTED
⑤ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 80A TO 81	CONSENTED
⑥ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 70	CONSENTED
⑦ ADJUT GENERAL ELECTRIC	ADJUT GENERAL ELECTRIC	REG 71A OF THE T.P.A. ACT	THIS PLAN	LOT 70	CONSENTED

NOTES:

1. THIS PLAN IS A SUBDIVISION OF THE LAND SHOWN HEREON.
2. THE BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY DATA PROVIDED TO THE SURVEYOR.
3. THE SURVEYOR HAS BEEN SATISFIED THAT THE BOUNDARIES SHOWN ON THIS PLAN ARE CORRECT.
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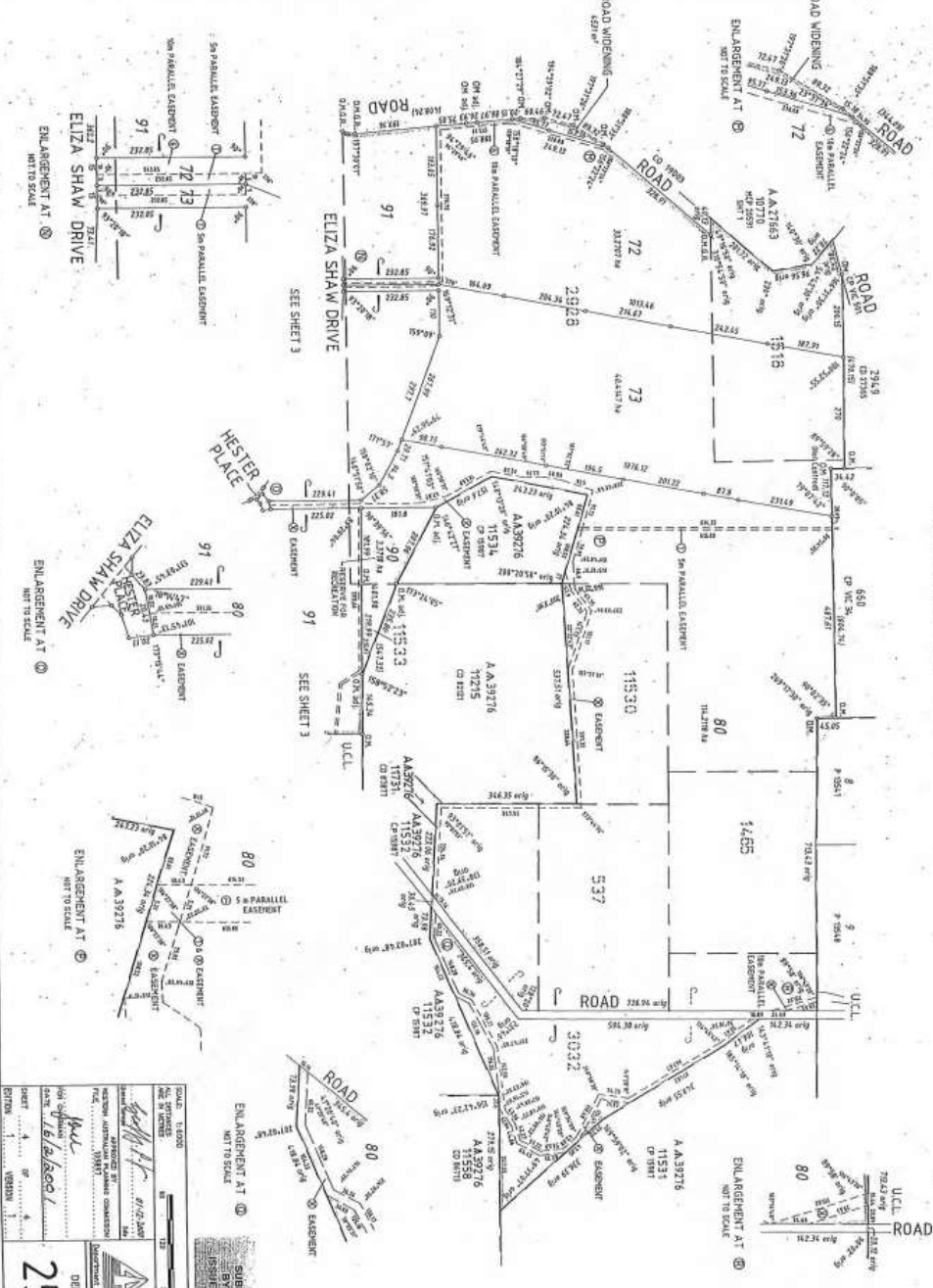
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DEPOSITED PLAN
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FOR HEADING SEE SHEET 1



TITLE: LAND
 PREPARED BY: [Signature]
 DATE: 16/3/2007
 CHECKED BY: [Signature]
 DATE: 16/3/2007
 APPROVED BY: [Signature]
 DATE: 16/3/2007
 DEPARTMENT OF LAND ADMINISTRATION
 DEPOSITED PLAN
25477



DP 25477 (04)





Government of Western Australia
Department of Lands

Your ref: R39276
Our ref: 01607-1988/1 Job No: 151646
Enquiries: Mahtab Nosrati
Ph: (08) 6552 4775 Fax: (08) 6552 4417
mahtab.nosrati@lands.wa.gov.au

3 July 2015

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

Attention : Simon Lancaster

Dear Mr Lancaster

**Proposed addition of Lot 90 on Deposited Plan 25477 to Class "A"
Reserve 39276, White Park – Shire of Chapman Valley**

Thank you for your letter dated 11 June 2015.

The Department of Lands (DoL) will approach the Department of Parks and Wildlife (DPaW) again as to whether Lot 90 on Deposited Plan 25477 can be added to Class "A" Reserve 39276. If DPaW refuses the offer again, then DoL will consider disposing of Lot 90 to the adjoining owner on Lot 80 on Deposited Plan 25477. Enclosed are copies of SmartPlans for your reference.

If you have any further enquiries, please contact me on the above details.

Yours sincerely

A handwritten signature in black ink that reads "Mahtab Nosrati".

MAHTAB NOSRATI
for **MANAGER**
MID WEST- GASCOYNE REGION
REGIONAL AND METROPOLITAN SERVICES

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1143 West Perth Western
Australia 6872
Telephone (08) 6552 4400 Facsimile (08) 6552 4417 Freecall: 1800 735 784 (Country only)
Email: info@lands.wa.gov.au Website: www.lands.wa.gov.au
ABN: 68 565 723 484

A5426206



Government of Western Australia
Department of Lands

Record No **CR1510660**

RECEIVED
20 AUG 2015

Your ref: R39276
Our ref: 01607-1988/1 Job No: 151646
Enquiries: Mahtab Nosrati
Ph: (08) 6552 4775 Fax: (08) 6552 4417
Email : mahtab.nosrati@lands.wa.gov.au

13 August 2015

Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

Attention: Simon Lancaster

Dear Mr Lancaster

FILE No.	R39276
CEO	
CORPORATE SERVICES	
PLANNING	✓
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

Proposed addition of Lot 90 on Deposited Plan 25477 to Class "A" Reserve 39276, White Park – Shire of Chapman Valley

I refer to our previous letter dated 3 July 2015 (copy enclosed).

This Office approached the Department of Parks and Wildlife (DPaW) again as to whether Lot 90 can be added to Class A Reserve 39276, however DPaW has again rejected the inclusion of Lot 90 into Class A Reserve 39276.

Please provide this Office with any comments you may have regarding disposing of Lot 90 by way of amalgamation into Lot 80. This Office will approach the owner of Lot 80 for comments as well.

Also, please advise whether the Shire is aware of a local group that may be interested in taking responsibility for Lot 90. It is noted that Lot 90 will need to be rezoned

If you require further information, please contact me on the above details.

Yours sincerely

MAHTAB NOSRATI
for MANAGER
MIDWEST-GASCOYNE REGION
REGIONAL AND METROPOLITAN SERVICES

Gordon Stephenson House, 140 William Street Perth Western Australia 6000 PO Box 1143 West Perth Western Australia 6872
Telephone (08) 6552 4400 Facsimile (08) 6552 4417 Freecall: 1800 735 784 (Country only)
Email: info@lands.wa.gov.au Website: www.lands.wa.gov.au
ABN: 68 565 723 484

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9.2 Finance September 2015

Contents

9.2 AGENDA ITEMS

9.2.1 Financial Reports for August 2015

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR AUGUST 2015
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	16 SEPTEMBER 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 August 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 August 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 August 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

September 2015

Contents

9.3 AGENDA ITEMS

- 9.3.1 WALGA Discussion Paper – Policy to Increase Elected Member Training Participation
- 9.3.2 Notice of Council Meetings 2016
- 9.3.3 Honour Award Policy – Freeman of the Shire
- 9.3.4 Office Closure – 2015/2016 Christmas/New Year Period
- 9.3.5 Mid-West Development Commission – Board Member Nomination
- 9.3.6 Management Licence – Yuna Multipurpose Community Centre

AGENDA ITEM:	9.3.1
SUBJECT:	WALGA DISCUSSION PAPER – POLICY TO INCREASE ELECTED MEMBER TRAINING PARTICIPATION
PROPONENT:	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SITE:	WA LOCAL GOVERNMENT
FILE REFERENCE:	404.01
PREVIOUS REFERENCE:	NA
DATE:	16th SEPTEMBER 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Below is an email received from the Western Australian Local Government Association (WALGA) seeking feedback on the Discussion Paper – *Policy to Increase Elected Member Training Participation*:

ATTENTION CHIEF EXECUTIVE OFFICER

Dear Chief Executive Officer

Policy Options for Increasing Elected Member Participation in Training – Council Feedback Requested

To guide WALGA's future policy development and advocacy, Council consideration and feedback is requested on the attached Discussion Paper: Policy Options to Increase Elected Member Training Participation.

The Discussion Paper provides an opportunity for WALGA to be guided by sector feedback on a contemporary and important policy issue prior to State Government policy or legislative intervention.

The Paper, after discussing the policy context and existing Elected Member training, explores the following six policy options aimed at increasing Elected Member participation in training:

- 1. Enhance the desirability of training offerings;*
- 2. Delivery of best practice Council induction programs;*
- 3. Require Councils to adopt a training policy;*
- 4. Require candidates to attend training prior to nominating for election;*
- 5. Incentivise training through the remuneration framework; and,*
- 6. Mandate training for newly elected Elected Members.*

Please provide feedback, including general comments as well as answers to the questions on pages 30-31 of the attached paper, by Friday, 13 November 2015 to tlane@walga.asn.au.

Following feedback from the sector, an item will be prepared for future Zone and State Council consideration.

*Kind regards
Tim*

*Tim Lane | Manager, Strategy & Reform | WALGA
(p) (08) 9213 2029 | (m) 0404 719 328 | (f) (08) 9213 2077 | (e) tlane@walga.asn.au*

COMMENT

A copy of the Discussion Paper was provided to the Elected Members as part of the August 2015 Forum Session and is again provided under separate cover for reference.

Comments on the Discussion Paper close on **Friday, 13 November 2015**.

I believe Elected Member and Staff Training is essential to ensure the highest possible service is provided to our constituents and applaud the WALGA to taking the initiative of producing the Discussion Paper for industry feedback.

I do not concur with the comment, which invariable arises whenever the issue of Elected Member training is raised, of “..why should we do it when Commonwealth and State parliamentarians don’t”. My personal opinion is this is a negative approach to improving local government processes and procedures and we should be leading the government sectors in this area, not following poor practices of the other two spheres.

STATUTORY ENVIRONMENT

There is no current legislation, which commits Elected Members to mandatory training; however, I am advocating such legislation should be introduced and this approach should be part of Council’s submission to the WALGA Discussion Paper.

POLICY/PROCEDURE IMPLICATIONS

Council Corporate Management Procedure (CMP-030) is currently relevant.

MANAGEMENT PROCEDURE No.	CMP-030
MANAGEMENT PROCEDURE	CONFERENCE; MEETINGS; TRAINING; ETC
RESPONSIBLE DIRECTORATE	GOVERNANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	9.10 and 9.20
RELEVANT DELEGATIONS	

OBJECTIVES:

Outline the process and conditions associated with Elected Members attending conferences, meetings, training, etc.

MANAGEMENT PROCEDURE STATEMENT/S:

Nominations

Notices inviting Council to nominate delegates to conferences, meetings, training, etc. and similar occasions are brought to Councillors attention.

Any Councillor who wishes to represent Council at such an event shall request nomination at a Council meeting or be endorsed by the Shire President if cost can be covered within budget constraints.

In the event a nomination is to be presented to Council for consideration Council shall decide by resolution to nominate such representatives as considered appropriate.

Annual WALGA Local Government Convention

That Council provide within each Financial Years Budget for the costs for the Councillors and the CEO to attend the Local Government Convention.

The importance of providing Councillors and the CEO with the opportunity to meet fellow Councillors and CEO’s from other Local Authorities and to participate in a state wide forum on issues relevant to Local Government.

- Bookings to the Convention shall be made as soon as notice is given of the venue conference in order to avoid problems by way of booked out accommodation.
- All Councillor or Staff partner expenses must be paid for by the relevant Councillor or Staff member (Either at the time expense is incurred or by reimbursing Council at a later date)

COUNCIL EXPENSES (Other than Annual WALGA Convention)

Any Councillor elected by resolution of Council to represent the Shire of Chapman Valley on any outside organisation, body, working group, committee, etc. shall be entitled to claim the following expenses upon provision of receipt for the actual expenditure (other than fuel costs):

Travel

- Fuel – (at the ATO prescribed rate) claim form showing km's and purpose.
- All costs associated with any other form of travel (i.e. air, bus, etc.) as approved by Chief Executive Officer.

Accommodation

- Room and meals as approved by the Chief Executive Officer.

Other

- Conference registration expenses.
- Taxi fares as approved by Chief Executive Officer.
- All Councillor or Staff partner expenses must be paid for by the relevant Councillor or Staff member (Either at the time expense is incurred or by reimbursing Council at a later date)

FINANCIAL IMPLICATIONS

I believe all aspects of Elected Member training should be fully funded by the Local Government Authority along with incentives and disincentives put in place for Elected Members to participate in this training. This may result in additional cost to Council and the community. However, the up side should be better qualified and informed Elected Members, which should result in better governance.

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

No significant impact on the LTFP is envisaged.

STRATEGIC IMPLICATIONS

As previously mentioned, my personal opinion is Elected Members and Staff must undertake appropriate and ongoing training to ensure the processes and procedures across the whole organisation is at the highest possible standard. This would go a long way to ensuring our constituents have confidence in the leadership and operations activities of the Shire.

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

Leadership

Objective	Strategy	Outcome
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	Community confidence and trust in council

CONSULTATION

The WALGA Discussion Paper is the industry consultation process being undertaken to seek feedback on the issue of Elected Member training.

RISK ASSESSMENT

There is (and I have personal experienced) high risk of issues arising at both the Elected Member and Staff areas of an organisation being directly associated with a lack of training and knowledge. Such issues can be very disruptive to an organisation and most could have been avoided if basic training was undertaken.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council provides the following comments to the Western Australian Local Government's Discussion Paper – Policy to Increase Elected Member Training Participation:

- (a) Reduction of Salary & Allowance Tribunal remuneration fees if Elected Members are participating in mandatory training, not an increase if training is undertaken (more of an incentive);
- (b) Funds not paid due to non-compliance with training are held in reserve for future training needs of organisation (both Elected Members and Staff);
- (c) CEOs be entitled to attend Elected Members training, yet not mandated. This ensures CEOs are part of the process;
- (d) Disqualification is introduced for Elected Members non-compliance with the minimum mandatory training requirements due for completion by the next ordinary local government elections. Disqualified Elected Members cannot re-nominate at the first election immediately preceding the disqualification, yet will be eligible to nominate at any future election after this;
- (e) Code of Conduct must be one of the mandatory training modules;
- (f) Meeting Procedure must be one of the mandatory training modules;
- (g) Mayor/President and Deputies must attend a training course on running meetings;
- (h) Regional Training is essential and must be equally affordable as that offered in the metropolitan area. There must not be an expectation of Elected Members to travel to the Metropolitan and/or Regional Centre's for training;
- (i) More emphasis be place on technology to deliver training modules to make this more affordable and practical to the regional and remote areas of the State;
- (j) Mandatory training of newly elected Councillors to be completed within three months of election. Non-compliance with this mandatory training within the specified period will result in disqualification;
- (k) WALGA must review its existing operational costs and cost to deliver Elected Member training to ensure this is affordable to local government authorities;
- (l) Elected Member training should not be limited to new Councillors and mandatory refresher training modules should also be undertaken by existing Councillors at set periodical intervals;
- (m) Elected Member Training Session should be included as part of the annual WA Local Government Convention and could be listed as part of a day(s) of concurrent training sessions. This could also occur on day(s) either side of the Convention whilst Elected Members and CEOs are in the Metropolitan area.

AGENDA ITEM:	9.3.2
SUBJECT:	NOTICE OF COUNCIL MEETINGS 2016
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.09
PREVIOUS REFERENCE:	NA
DATE:	16th SEPTEMBER 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is required under the Local Government Act 1995 to at least once a year set and advertise meeting dates, times and venues for Ordinary Council meetings for the next 12 month period.

Council has previously discussed the option available to reach out to the community, with one of the proposals being to move the Ordinary Monthly Council Meeting around the shire. This Agenda Item is also seeking Council endorsement to trial this proposal during 2016.

COMMENT

Council meetings are usually held at Nabawa on the third Wednesday of the month, commencing at 9:00am, with the exception of January when no Ordinary Council meeting is held.

The meeting date for December has occasionally been brought forward to the second Wednesday of the month to avoid clashes with Christmas/New Year break period. This would be appropriate again in 2016 as the third Wednesday is the 21st December, which is getting a little late in the month.

Below are recommended meeting locations and dates for the 2016 Ordinary Council Meeting (OCM):

DATE	MEETING LOCATION
17 th February	Nabawa Chambers
16 th March	Nabawa Chambers
20th April	Yuna Multipurpose Community Centre
18 th May	Nabawa Chambers
15 th June	Nabawa Chambers
20 th July	Nabawa Chambers
17th August	John Batten Hall, Drummond Cove
21 st September	Nabawa Chambers
19 th October	Nabawa Chambers
16 th November	Nabawa Chambers
14 th December	Nabawa Chambers

Discussions with staff have resulted in the following items being raised in regards to relocating the Council meetings to different venues:

- i. Computer linkages to Shire server at Nabawa if needed on the day;
- ii. Additional staff time and resources required to set-up and reinstate venues;
- iii. Catering for Councillors & staff on the day;
- iv. Computerised projector and screen facility to display Minutes/Agenda during the meeting may not be available at alternative venues;
- v. Occasionally office transaction need to be dealt with by CEO and staff on Council meeting days;
- vi. Staff not attending the meeting being available if required by Council (e.g. Manager Works, Building Surveyor, and Ranger).
- vii. Staff only attending part of meeting being required to be at meeting venue longer (e.g. Finance Staff);

I believe most of these items can be dealt with and a trial may also highlight other issues we have not thought of.

If the alternative venue trial proves to be too difficult Council can always revert back to the current situation of all OCMs being held at Nabawa.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996 Clause 12 (1) states: Public notice of Council or Committee meetings – s 5.25(G)

At least once each year a local government is to give local public notice:

1. Of the dates, time and place of the ordinary council meetings;
2. The committee meetings that are required under the Act to be open to the members of the public or that are proposed to be open to members of the public are to be held in the next 12 months.

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

No significant costs envisaged. There will be some minor cost associated with using alternative venues (e.g. venue hire, travel, etc.)

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

No affect on the LTFP is envisaged.

STRATEGIC IMPLICATIONS

It is important for Council to include and engage all sectors of our community and the concept of structuring meeting times, dates and location is one means of improving this.

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

- **Leadership**

Objective	Strategy	Outcome
Transparent decision-making is important to us	Active engagement with the community to inform decision-making	Contribution to how local issues are managed
	Maintain a strong customer focus	Effective communication on key decisions

CONSULTATION

This matter has been discussed by Council in Forum Session over the past two months and is now presented to Council for formal consideration.

RISK ASSESSMENT

There is a risk of Council being perceived as not reaching out to its community by insisting OCMs are always held at Nabawa. The Shire's population growth is predominantly in the western region and this very thing should be considered to ensure we embrace these growth areas as much as possible.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

Council Ordinary Meeting time, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations and endorses a trial period during 2016 to hold the Ordinary Council Meetings at locations other than Nabawa:

Date	Start Time	Location
17 th February	9:00am	Nabawa Chambers
16 th March	9:00am	Nabawa Chambers
20th April	9:00am	Yuna Multipurpose Community Centre
18 th May	9:00am	Nabawa Chambers
15 th June	9:00am	Nabawa Chambers
20 th July	9:00am	Nabawa Chambers
17th August	9:00am	John Batten Hall, Drummond Cove
21 st September	9:00am	Nabawa Chambers
19 th October	9:00am	Nabawa Chambers
16 th November	9:00am	Nabawa Chambers
14 th December	9:00am	Nabawa Chambers

AGENDA ITEM:	9.3.3
SUBJECT:	HONOUR AWARD POLICY – FREEMAN OF THE SHIRE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.00
PREVIOUS REFERENCE:	MINUTE REF: 06/15-18
DATE:	16th SEPTEMBER 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has recently reviewed the Policies and Management Procedure for the Shire in May and June 2015, which included adoption of current Management Procedure CMP-033.

COMMENT

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

Below is the current Management Procedure with recommended tracked changes (in RED). The Staff Recommendation reflects these changes:

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

OBJECTIVES:

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

MANAGEMENT PROCEDURE STATEMENT/S:

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

Citizenship Ceremonies –

Citizenship ceremony be conducted at an event as considered appropriate by the Chief Executive Officer (in consultation with the President) one hour before commencement of Ordinary Meeting of Council meetings with morning tea being provided and a native plant be given to the recipients.

Shire of Chapman Valley – Freeman of Shire

~~For outstanding achievement and contribution to the Shire of Chapman Valley – Including Elected Members, Community Members and Staff~~

~~As determined by Council.~~

~~Annual Agenda Item to discuss suitable nominations.~~

~~Determined by Council only and not put to community for nominations.~~

~~Shire of Chapman Valley – lapel badge indicating “Freeman” status.~~

~~Automatic invitation to Shire Annual dinner and any other function considered appropriate by Council (e.g. Governors visit).~~

Shire of Chapman Valley – Freeman of the Shire

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

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

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

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

Eligibility Criteria

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

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

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

Exclusions

- A current Council Elected Member with the Shire of Chapman Valley cannot be nominated for the award.
- Employees of the Shire of Chapman Valley are not eligible to be nominated.

Nomination Procedure

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

Number of Freeman within the Shire

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

Entitlements

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

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

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

Revocation of Title of Freeman or Honorary Freeman

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

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

WALGA Honour Awards

As detailed by the WALGA Awards Guidelines

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

All other award types are to be determined by Council.

Shire of Chapman Valley - Certificate of Appreciation

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

Automatically given to Elected Members who have retired from Council or are the recipient of a Department of Local Government Certificate of Recognition
All others as determined by Council.
Annual Agenda Item to discuss suitable nominations.

Elected Members

Presented at Annual Council Dinner/Function

Community Members

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

Shire of Chapman Valley Citizen of the Year Award

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

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

Determined by appointed committee, with delegation to make decision of award recipient

Morning tea ceremony held on Australia Day.

Dept. Local Government & Community Services Awards

As detailed by the Department's Awards Guidelines

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

All other award types are to be determined by Council.

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

FINANCIAL IMPLICATIONS

No impact envisaged.

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

No affect on LTFP.

STRATEGIC IMPLICATIONS

It is important Council recognises members of the community by bestowing appropriate awards on them.

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

Objective	Strategy	Outcome
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire	A sustainable and progressive local government

CONSULTATION

This matter has been informally discussed at Forum and is now presented to Council for consideration.

RISK ASSESSMENT

There is a risk that without a structure procedure Honour Awards will not be made in an appropriate manner or not made at all. Hence the reason a robust Management Procedure needs to be place and reviewed at least annually.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council adopts the following as a revises "Honour Awards Management Procedure":

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

OBJECTIVES:

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

MANAGEMENT PROCEDURE STATEMENT/S:

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

Citizenship Ceremonies

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

Shire of Chapman Valley – Freeman of the Shire

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2. Level of commitment to the field (or fields) of activity;
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Exclusions

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Nomination Procedure

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Number of Freeman within the Shire

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Entitlements

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

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

Revocation of Title of Freeman or Honorary Freeman

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

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

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Annual Agenda Item to discuss suitable nominations.

Elected Members

Presented at Annual Council Dinner/Function

Community Members

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

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Determined by appointed committee, with delegation to make decision of award recipient

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Dept. Local Government & Community Services Awards

As detailed by the Department's Awards Guidelines

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

All other award types are to be determined by Council.

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

AGENDA ITEM:	9.3.4
SUBJECT:	OFFICE CLOSURE – 2015/2016 CHRISTMAS/NEW YEAR PERIOD
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE SHIRE
FILE REFERENCE:	N/A
PREVIOUS REFERENCE:	MINUTE REFERENCE: 09/14-9
DATE:	16th SEPTEMBER 2015
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has in the past closed the Administration Building during the Christmas and New Year period. This agenda item is seeking Council approval to close the office over the 2015 Christmas and 2016 New Year period.

COMMENT

The closure of the office should not adversely affect the operations of Council and sorting of the mail for the Australia Post Agency will have minimal disruption. Staff will advise Australia Post of the closure and mail distribution and normal mail services will resume on Monday 4th January 2015.

Public Holidays are as follows:

- Christmas Day - Friday 25th December 2015;
- Boxing Day - Saturday 26th December 2015;
- Public Holiday in lieu of Boxing Day – Monday 28th December 2015
- New Year's Day Friday 1st January 2016.

Therefore the Administration Building will be closed at 4:30pm Thursday 24th December 2015 and reopening at 8:30am on Monday 4th January 2016. As arranged in previous years there will be emergency staff contact numbers if required during this closure period.

Staff will need to clear accrued leave for the three (3) normal working days during the office closure period.

The matter is now submitted for Council consideration to approve the proposed closure of the Administration Building during this period. The closure details will be advertised in the ENews, Valley Vibes, Public Notice Board and Geraldton Guardian to ensure the public is made aware of this closure period.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No affect.

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

No affect. Assists with staff leave clearances.

STRATEGIC IMPLICATIONS

Not applicable

- **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
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CONSULTATION

This is an annual discussion with staff and Council.

RISK ASSESSMENT

No significant risk; however, staff time away to clear leave and be with family is important to their wellbeing.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council approves the closure of the Administration Building during the Christmas/New Year for the period from 4.30pm Friday 24th December 2015 to 8.30am on Monday 4th January 2016.

AGENDA ITEM:	9.3.5
SUBJECT:	MID WEST DEVELOPMENT COMMISSION – BOARD MEMBER NOMINATION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	MID WEST DEVELOPMENT COMMISSION
FILE REFERENCE:	404.10
PREVIOUS REFERENCE:	NIL
DATE:	16th SEPTEMBER 2015
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Contact has been made by the Mid-West Development Commission (MWDC) advising of one vacancy being available on the MWDC Board due to a recent expiration of the term of Mr. Ashley Dowden. The MWDC is inviting nominations from local governments within the Commission catchment area to fill this vacancy.

Nominations close 5:00pm Friday 9th October 2015.

COMMENT

Below is information provided by the MWDC for the vacancy:

CONTACT AT THE MID WEST DEVELOPMENT COMMISSION	Ms Sheryl Murphy Executive Assistant Mid West Development Commission Level 2 Foreshore Business Centre 209 Foreshore Drive GERALDTON WA 6530 Ph: 9921 0701 Email: ea@mwdc.wa.gov.au
NAME OF MINISTER FOR THE MID WEST DEVELOPMENT COMMISSION	Hon Terry Redman MLA Minister for Regional Development; Lands; Minister Assisting the Minister for State Development 9 th Floor Dumas House 2 Havelock Street WEST PERTH WA 6005
DESCRIPTION OF POSITION	The Mid West Development Commission requires one <u>elected member</u> experienced in the economic and social development of the region. Other qualities should include decision making abilities, an ability to work cooperatively within a team environment and interests relevant to the Mid West community.
LENGTH OF TERM	Up to three years
CURRENT REPRESENTATIVE AND REASON FOR VACANCY	The vacancy is due to the expiration of the term of Mr Ashley Dowden.
COMMENCEMENT DATE	TBC
MEETING SCHEDULE	Monthly – usually the last Friday of the month commencing with February
LOCATION OF MEETINGS	Various locations within the Mid West region.
DAY/TIME OF MEETING	Friday 8.30am – 2.00pm. Preceded by ‘tour’ of a regional community Thursday PM and occasionally overnight.
DURATION OF MEETING	5-6 hours
MEETING FEE	Full day \$622.00 Half Day \$403.00
TRAVELING ALLOWANCES	As per public sector standards
CHECK THAT APPLICANT IS	

CURRENTLY AN ELECTED MEMBER	
INSURE THAT APPLICANTS CV IS ATTACHED (no more than 2 pages)	
DEVELOPMENT COMMISSION'S TERMS OF REFERENCE	To have the Mid-West recognised as a preferred region in which to live, work and invest.
COUNCILS REPRESENTED BY THE MID WEST DEVELOPMENT COMMISSION	City of Greater Geraldton (including Mullewa) Shire of Chapman Valley Shire of Three Springs Shire of Coorow Shire of Carnamah Shire of Morawa Shire of Perenjori Shire of Irwin Shire of Mingenew Shire of Northampton Shire of Yalgoo Shire of Mt Magnet Shire of Sandstone Shire of Cue Shire of Meekatharra Shire of Murchison Shire of Wiluna

This item has been presented to Council for consideration on nominating an Elected Member to fill the MWDC Local Government Elected Member Board vacancy.

STATUTORY ENVIRONMENT

Development Commission Board representatives are appointed by the Minister for Regional Development and administered by the individual Development Commissions, which fall under the auspices of the Department of Regional Development.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy or Management Procedure affected.

FINANCIAL IMPLICATIONS

There will be no costs to Council as the MWDC Board Member is paid a Meeting Fee as follows:

- Full day \$622.00
- Half Day \$403.00

The Local Government (Administration) Regulations, 1995, also states:

- (3C) *A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if:*
- (a) *the person who organises the meeting pays the council member a fee for attending the meeting*

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

No affect on Council's LTFP.

STRATEGIC IMPLICATIONS

It is important for Council to have representation on organisations such as the MWDC Board to promote the whole MWDC region and not just the Shire of Chapman Valley. This is a regional Board with a regional focus.

- **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	Community confidence and trust in council
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CONSULTATION

The Chief Executive Officer sent all Councillors a copy of the email from the MWDC seeking nomination and asking if any Councillors was interested in seeking nomination from Council for this vacancy.

Cr Wood was the only Councillor to respond with an interest; hence this item has been presented to Council for consideration.

RISK ASSESSMENT

No risk perceived in this matter.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council agrees to nominate Cr _____ to the Mid-West Development Commission Board to fill the current Local Government Elected Member vacancy on this Board.

AGENDA ITEM:	9.3.6
SUBJECT:	MANAGEMENT LICENCE – YUNA MULTIPURPOSE COMMUNITY CENTRE
PROPONENT:	CREATING A BETTER YUNA (CABY)
SITE:	LOT 10404 CHAPMAN VALLEY RD, YUNA
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	MINUTE REFERENCE: 08/15-9
DATE:	16th SEPTEMBER 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The new Yuna Multipurpose Community Centre (YMCC) has been completed and was officially opened on the 11th September 2015.

At the August 2015 OCM the following was resolved:

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

- Council adopt and advertise the following fees and charges for one-off the hire of the Yuna Multipurpose Community Centre:*

<i>Whole Facility</i>	<i>\$ 105.00</i>	<i>per use</i>	<i>Ex GST</i>
<i>Main Meeting Room only</i>	<i>\$ 75.00</i>	<i>per use</i>	<i>Ex GST</i>
<i>Crèche/Small Room only</i>	<i>\$ 25.00</i>	<i>per use</i>	<i>Ex GST</i>
<i>Kitchen only</i>	<i>\$ 35.00</i>	<i>per use</i>	<i>Ex GST</i>
<i>Yuna Primary School</i>	<i>No Charge</i>	<i>Exemption - Policy</i>	

- The following bodies be exempt from one-off hire fees as listed in item 1 above as this will be reviewed as part of the Yuna Multipurpose Community Centre Management Licence:*

- CABY*
- Yuna CWA*
- YFIG*
- Chapman Valley Playgroup*
- Yuna Tennis Club*
- Yuna Bushfire Brigade*

- Council reserves the right to review these fees and charges at the time the Management Licences for the Yuna Multipurpose Community Centre is being considered.*

Voting 8/0

CARRIED

Minute Reference: 08/15-9

COMMENT

I have been in discussions with members of CABY over several months to develop the attached **Draft** Management Licence for presentation and consideration by Council. This is not to be considered a finalised document and is subject to continued negotiation and amendment until all parties are comfortable with the Licence content before final endorsement and signing.

The Draft is based upon the standard template developed in consultation with Council's legal advisors, which has been used for both the Chapman Agricultural Society and the Men's Shed. This template will continue to be used for future Licence arrangements for Clubs, Associations, Groups and Incorporated Bodies/Organisations who use Council owned/controlled facilities.

Each Management Licence will have specific intricacies within the documents to reflect the unique circumstances of each use and organisation, yet the basic structure of the Licences will remain in the same format.

The discussions with CABY has resulted in a request the Yuna P & C be added to the list of affiliated organisations within the Licence. Council Resolution 08/15-9 (Part 2) included the following organisation as being affiliated with CABY as the Licensee of the Management Licence.

- CABY
- Yuna CWA
- YFIG
- Chapman Valley Playgroup
- Yuna Tennis Club
- Yuna Bushfire Brigade

The Draft Management Licence presented to Council for consideration has added the Yuna P & C to this list of affiliated organisations (see Annexure 2 of the Draft Licence).

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/PROCEDURE 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 existing Policies/Procedures. In this instance there are no specific Policies or Management Procedures affected.

FINANCIAL IMPLICATIONS

I do not see the recommended Draft Management Licence being a significant financial burden on Council.

The Draft Management Licence focus on specific groups and organisation that are affiliated with CABY for the purpose of this Licensee as defined at Annexure 2 of the Draft. This reflects Part 2 Council of resolution 08/15-9 i.e.

“The following bodies be exempt from one-off hire fees as listed in item 1 above as this will be reviewed as part of the Yuna Multipurpose Community Centre Management Licence:

- CABY
- Yuna CWA
- YFIG
- Chapman Valley Playgroup
- Yuna Tennis Club
- Yuna Bushfire Brigade”

The intention is all these CABY affiliated organisations will not be charged the on-off hire fee and will be covered under the Management Licence annual fee, which is currently listed as \$1,500 under Item 5 of the Schedule. This amount can obviously be adjusted as Council see fit as part of establishing the Licence,. There is also a mechanism within the draft to review this annual payment (see Clause 4.1(2) and Item 7 of the Schedule).

There will still be a need for the Chief Executive Officer to impose a Bond under the discretionary power given to the CEO as part of the Fees and Charges. This will be covered by the need for CABY to still pre-book the use of the YMCC, at which time the nature of the event will guide the CEO as to whether or not a Bond should be imposed. There is also the option of an Annual Bond paid by CABY being placed in Trust and again can be something the CEO can impose as part of the discretionary direction given by Council.

- **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 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.*

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 Management Licence for the YMCC has been through a lengthy consultation period over a number of months with members of CABY and Shire Staff.

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

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 amended “*Management Licence for the use of the Yuna Multipurpose Community Centre*” at Lot 10404 Chapman Valley Road, Yuna as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions to be effective from the 1st October 2015.

Draft September 2015

Management Licence for use
of Yuna Multipurpose
Community Centre

Lot 10404 Chapman Valley
Road, Yuna

Shire of Chapman Valley

and

Creating A Better Yuna 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

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DRAFT

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Schedule

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Annexure 1 – Sketch of Licensed Area & Other Amenities

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Details

Parties

Shire of Chapman Valley

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

Creating A Better Yuna Incorporated

of PO Box 1045 Geraldton WA 6531
(Registration Number A1008137M)
(Licensee)

Background

- A The Shire is the owner and management body of the Lot 10404 Chapman Valley Road, Yuna, 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 Creating A Better Yuna Incorporated to which this licence is granted.
(See Annexure 2 for list of affiliated organisations forming part of this Agreement);

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 tenable 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, the Yuna Community Centre and Tennis courts on Lot 10404 Chapman Valley Road, Yuna;

Schedule means the schedule to this Licence;

Shire means the Shire of Chapman Valley and its employees and agents; 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. Lot 10404 has 24hr camping alongside the Yuna Hall which incorporates Lot 10404.

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.
- (2) All user groups must provide the Licensee with a Certificate of Currency for public liability insurance with their annual membership.
- (3) 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.
- (4) 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.
- (5) 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 Shire 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) Refer to Item 9 Yuna Community Centre Building and Environmental Maintenance Checklist

4.13 Subletting, Assignment or Hire

- (1) The Licensee will not sublet, assign or hire the facility and may only assign or sublet 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 two months of the service of the notice.
- (3) If the default is not remedied to the satisfaction of the Shire within two months 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 and a Councillor from the Building Committee 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 Uses and that other users of the Land may be permitted to use the Land (at other times);
- (b) the Agreed Uses 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.

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 a 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) Yuna Community Centre and Tennis Courts 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 2015 and expiring on 2035.

Item 4 Other Amenities

Nil

Item 5 Licence Fee

Annual fee of \$1500 reviewed annually

Item 6 Permitted purpose

Yuna community activities and uses reasonably ancillary thereto.

Item 7 Licence Fee Review Dates

As determined by Council.

Item 8 Agreed Uses

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	CABY – Facility Management Group
Interior walls	Check for corrosion/defects	Annually	CABY – Facility Management Group
Roof – external	Check for corrosion/rust	Annually	CABY – Facility Management Group
	Clean Guttering	Annually	CABY – Facility Management Group
Windows and doors – external and internal	Check for corrosion & lock maintenance	Annually	CABY – Facility Management Group
Electrical	Emergency Lighting & RCD Check	Annually	Shire of Chapman Valley
	Check external lighting	Annually	CABY – Facility Management Group
	Check Internal lighting	Annually	CABY – Facility Management Group
	Portable appliances	Annually	CABY – Facility Management Group
	Extraction fans	as required	Shire of Chapman Valley
	Main earth electrode	as required	Shire of Chapman Valley
Plumbing/gas	Check all taps/fixtures etc. for leaks	6 monthly	CABY – Facility Management Group
Air-conditioning	Service all hardware and appliances	as required	Shire of Chapman Valley
Public Health check	Shire –building risk assessment	as required	Shire of Chapman Valley
Fire Protection	Fire hydrant	Annually	Shire of Chapman Valley
	Dry chemical extinguishers	Annually	Shire of Chapman Valley
	Fire detection system	Annually	Shire of Chapman Valley
Pest & Weed control	Check all outside; paved/concrete areas, pathways, car parks etc. Report issues to Shire.	as required	CABY – Facility Management Group
Storm drainage	Clean and maintain	Annually	Shire of Chapman Valley

Signing page

EXECUTED

2015

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 **Creating A Better Yuna Incorporated**

was hereunto affixed pursuant to the constitution of the Creating A Better Yuna 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 Creating A Better Yuna Incorporated indicated under his or her name-

Office Holder Sign

Name:

Address:

Office Held:

Office Holder Sign

Name:

Address:

Office Held:

Annexure 1 – Sketch of Licensed Area & Other Amenities



Annexure 2 – Licensee Affiliated Groups & Organisations

- a) Creating A Better Yuna Incorporated;
- b) Yuna Tennis Club Incorporated;
- c) Chapman Valley Playgroup;
- d) Yuna Farm Improvement Group Incorporated
- e) Yuna CWA
- f) Yuna Bush Fire Brigade

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10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 Chief Executive Officer's Annual Performance Appraisal & Remuneration Review

14.0 CLOSURE