



Shire of
Chapman Valley
Love the Rural Life

AGENDA

FEBRUARY 2014

ORDINARY COUNCIL MEETING

**Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 19 February 2014
at the Council Chambers, Nabawa, commencing at 9:00am.**

DISCLAIMER



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

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

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

WRITTEN CONFIRMATION

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

A handwritten signature in black ink, appearing to read "M. Battilana". The signature is stylized with large loops and a trailing flourish.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

INDEX

1.0	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS	
2.0	LOYAL TOAST	
3.0	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	
4.0	PUBLIC QUESTION TIME	
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	
6.0	DISCLOSURE OF INTEREST	
7.0	PETITIONS/DEPUTATIONS/PRESENTATIONS	
	7.1 – Main Roads WA – Kim Ingle – Oakajee Narngulu Infrastructure Corridor (ONIC)	
8.0	CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS	
	8.1 Ordinary Meeting of Council – 11 December 2013 <i>(Previously provided under separate cover)</i>	
9.0	OFFICERS REPORTS	PAGE NO.
9.1	MANAGER OF PLANNING	6
	9.1.1 Proposed Building Envelope Relocation – White Peak	
	9.1.2 Proposed Outbuilding – Buller	
	9.1.3 Proposed Road Naming	
	9.1.4 Sea Containers	
	9.1.5 Proposed Subdivision – Nabawa	
	9.1.6 ‘Wells Road’	
	9.1.7 Nabawa Townsite Revitalisation Project	
	9.1.8 Bill Hemsley Park	
9.2	FINANCE	73
	9.2.1 Financial Reports for December 2013 & January 2014	
	9.2.2 Budget Variation Requests	

9.3 CHIEF EXECUTIVE OFFICER

80

- 9.3.1 Annual Electors Meeting Minutes
- 9.3.2 Landcare Committee – Delegated Authority
- 9.3.3 Local Emergency Management Committee & Local Emergency Management Arrangements
- 9.3.4 Finance & Audit Committee Minutes
- 9.3.5 Disposal of Landcare Vehicle
- 9.3.6 East Bowes Road – Roads 2030 Recognition
- 9.3.7 Access to Shire Water Points
- 9.3.8 Nabawa Turf Wicket
- 9.3.9 Local Government Structural Reform
- 9.3.10 2014/2015 Bushfire Services Capital & Operating Grants
- 9.3.11 Regional Waste Management Service Contracts
- 9.3.12 Common Seal – Delegated Authority
- 9.3.13 Local Government Energy Efficiency Program
- 9.3.14 Tender – Sale Of Abandoned Vehicle

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 10.1 Review of Local Planning Policies

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

12.0 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY A DECISION OF THE COUNCIL

13.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

- 13.1 Lease Renewal – N & C Philippa – Lot 19 (3285) Chapman Valley Road Nabawa
- 13.2 TENDER 3-13/14 - Supply one (1) new water tanker & outright purchase of 30,000 litre tri-axle water tanker; and

TENDER 4-13/14 - Supply One (1) New Tri-Axle Heavy Duty “Doored” Side Tipper Trailer & Outright Purchase Of Tri-Axle Heavy Duty “Doored” Side Tipper Trailer

14.0 CLOSURE

ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 LOYAL TOAST

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

3.1 Present

3.2 Apologies

3.3 Approved Leave of Absence

4.0 PUBLIC QUESTION TIME

4.1 Questions On Notice

4.2 Questions Without Notice

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 DISCLOSURE OF INTEREST

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 – Main Roads WA – Kim Ingle – Oakajee Narngulu Infrastructure Corridor (ONIC)

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 11 December 2013

That the minutes of the Ordinary Meeting of Council held Wednesday 11 December 2013 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

9.1 Manager of Planning February 2014

Contents

9.1 AGENDA ITEMS

- 9.1.1 Proposed Building Envelope Relocation – White Peak
- 9.1.2 Proposed Outbuilding – Buller
- 9.1.3 Proposed Road Naming
- 9.1.4 Sea Containers
- 9.1.5 Proposed Subdivision – Nabawa
- 9.1.6 ‘Wells Road’
- 9.1.7 Nabawa Townsite Revitalisation Project
- 9.1.8 Bill Hemsley Park

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED BUILDING ENVELOPE RELOCATION – WHITE PEAK
PROPONENT:	J BARNDON & L BOWEN
SITE:	LOT 328 (No.93) WESTLAKE PLACE, WHITE PEAK
FILE REFERENCE:	A1834
PREVIOUS REFERENCE:	N/A
DATE:	10 FEBRUARY 2013
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application for the relocation of the designated building envelope upon Lot 328 (No.93) Westlake Place, White Peak. The application has been advertised to surrounding landowners and in accordance with the Shire’s ‘Location of Buildings on Special Rural and Rural Residential Zoned Land’ Local Planning Policy is now placed before a meeting of Council for consideration. This report recommends conditional approval of the application.

COMMENT

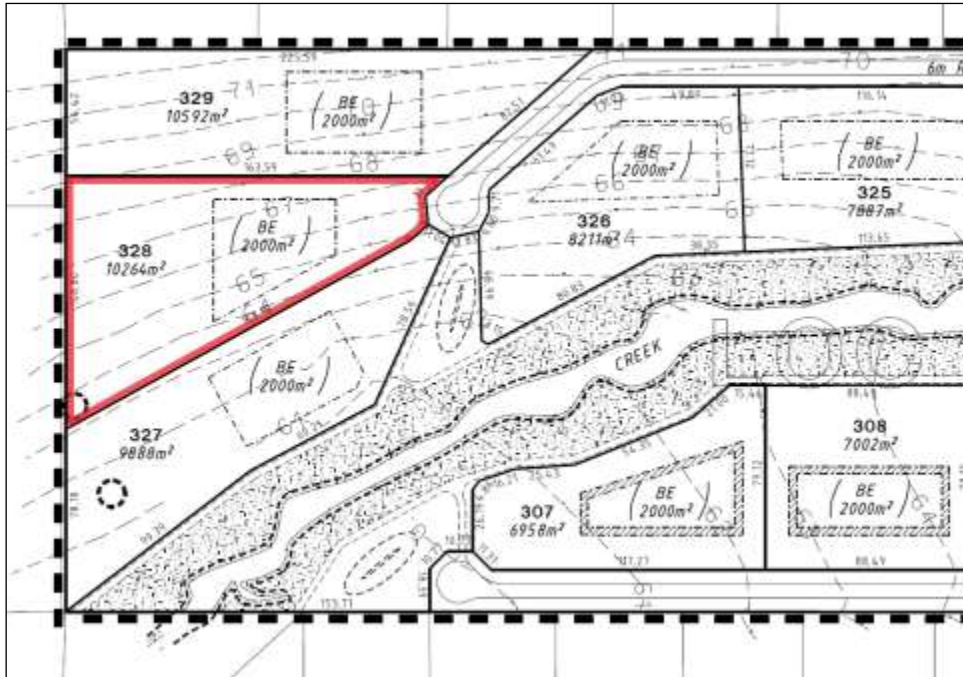
Lot 328 (No.93) Westlake Place, White Peak is located within the Dolby Creek Estate in the locality of White Peak. The property is zoned ‘Rural Residential – Area 1’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Figure 1 – Location Plan for Lot 328 (No.93) Westlake Place, White Peak



Lot 328 fronts the cul-de-sac of Westlake Place on the western side of the road and features a building envelope that was implemented through the Dolby Creek Estate Subdivision Guide Plan. **Figure 2** is an extract of the adopted Dolby Creek Estate Subdivision Guide Plan which demonstrates the current position of the property’s building envelope.

Figure 2 – Dolby Creek Estate Subdivision Guide Plan extract for Lot 328 Westlake Place



The purpose of the building envelope for each lot within the Estate is to ensure that built development is constructed at an appropriate distance from Dolby Creek and its potential secondary flood plain. The building envelopes also serve to cluster development within a defined area so as to protect the visual amenity of a locality and also ameliorate noisy, pollutant or untidy practices due to development upon each lot having close proximity to the residence.

The Shire is now in receipt of an application for the relocation of the building envelope upon the property to allow for the construction of a dwelling upon Lot 328 at a distance of 90.4m to the front property boundary and 12m from the side (northern) property boundary.

A copy of the applicant's proposed building envelope location has been included as **Attachment 1** to this report.

The original building envelope as shown in **Figure 2** above is 2,000m² in area. The applicant now proposes that the building envelope be moved to the west but remain 2,000m² (40m x 50m) in area.

Shire staff, after having taken into consideration the merits of this application, recommend approval for the following reasons:

- The visual impact of the building envelope location is considered to not detrimentally affect the outlook from adjoining properties given the changes in contour across the surrounding land;
- The building envelope would remain the same area as the original building envelope;
- The relocation of the envelope increases the protection of the dwelling from future Dolby Creek flood events;
- Built development will still appear clustered to the same extent as other lots when viewed from adjoining properties and the street;
- It is not considered that approval of the amended building envelope will set an undesirable precedent for the area; &
- No submissions were received during the advertising period from adjoining landowners.

Figure 3 – View looking west along boundary between Lot 328 and Lot 329



Figure 4 – View looking west across Lot 328 from Westlake Place cul-de-sac



Figure 4 – View looking north west from Westlake Place drainage sump



STATUTORY ENVIRONMENT

The property is zoned 'Rural Residential – Area 1' under the Scheme for which Schedule 11 states:

"All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope."

POLICY IMPLICATIONS

On 16 November 2004 the Council adopted Local Planning Policy 'Location of Buildings on Special Rural and Rural Residential Zoned Land Policy' in order to give guidance to landowner's and staff when dealing with applications that requested the relocation and amendment of designated building envelopes.

Clause 2 of the 'Location of Buildings on Special Rural and Rural Residential Zoned Land Policy' Local Planning Policy states:

"In considering an application to relax the development standards pursuant to Clause 3.1.3 of the Town Planning Scheme, the Council will give particular consideration to:

- a) justification for the proposed amendment;*
- b) the secondary nature of the development should the application be to site a building/s outside of the envelope (ie horse stables);*
- c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Ranges;*
- d) unnecessary clearing of remnant native vegetation;*
- e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;*
- f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;*
- g) use of materials and colours to assist in softening any perceived visual impact;*
- h) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Town Planning Scheme and associated Planning Policies."*

With regard to the Policy the application does not propose the clearing of vegetation and the siting of built development within the proposed new building envelope location would not detrimentally impact on the streetscape as future development would be sited at a greater distance from Westlake Place than prior to the relocation of the building envelope.

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

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

Community Consultation

The 'Location of Buildings on Special Rural and Rural Residential Zoned Land Policy' Local Planning Policy requires that an application seeking to relocate or alter building envelopes shall be advertised to surrounding landowners inviting comment upon the proposal. Letters were sent to surrounding landowners with the advertising of the application commencing on 20 January 2014 and concluding on 7 February 2014. At the conclusion of the advertising period no submissions were received and the Shire did not receive any enquiries regarding this application.

FINANCIAL IMPLICATIONS

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal a further cost is likely to be imposed on the Shire through it's involvement in the appeal process.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

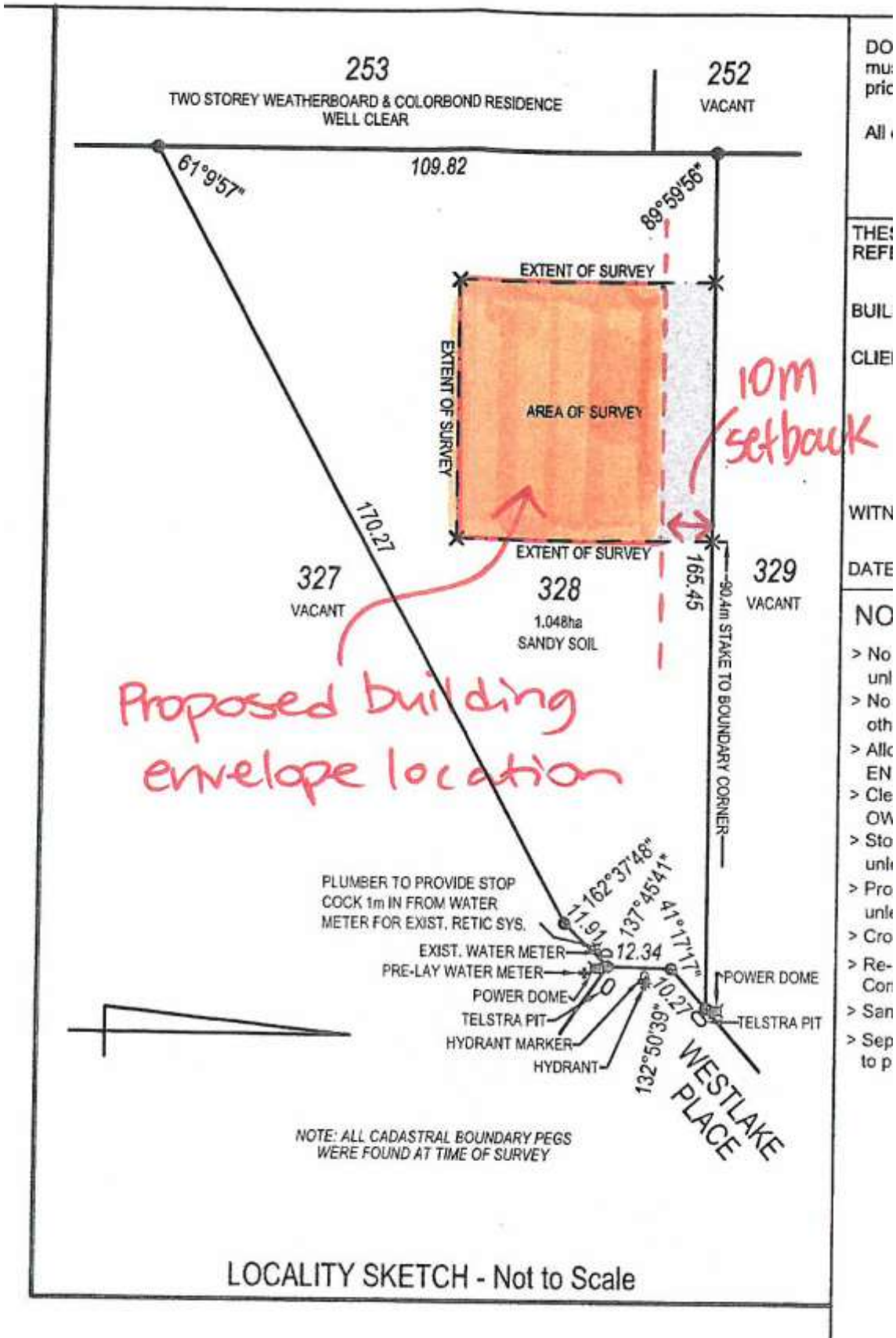
That Council grant formal planning approval to the alteration of the building envelope upon Lot 329 (No.93) Westlake Place, White Peak subject to compliance with the following:

Conditions:

1. All built development shall be located upon the property in accordance with the attached approved plan dated 19 February 2014 (Attachment 1 to Agenda Item 9.1.1 of the 19 February 2014 Council Meeting) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.

Notes:

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



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LOCALITY SKETCH - Not to Scale

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED OUTBUILDING – BULLER
PROPONENT:	SHORELINE OUTDOOR WORLD FOR M & N CROFT
SITE:	LOT 112 (No.38) WOKARENA ROAD, BULLER
FILE REFERENCE:	A1864
PREVIOUS REFERENCE:	N/A
DATE:	10 FEBRUARY 2014
AUTHOR:	KATHRYN JACKSON

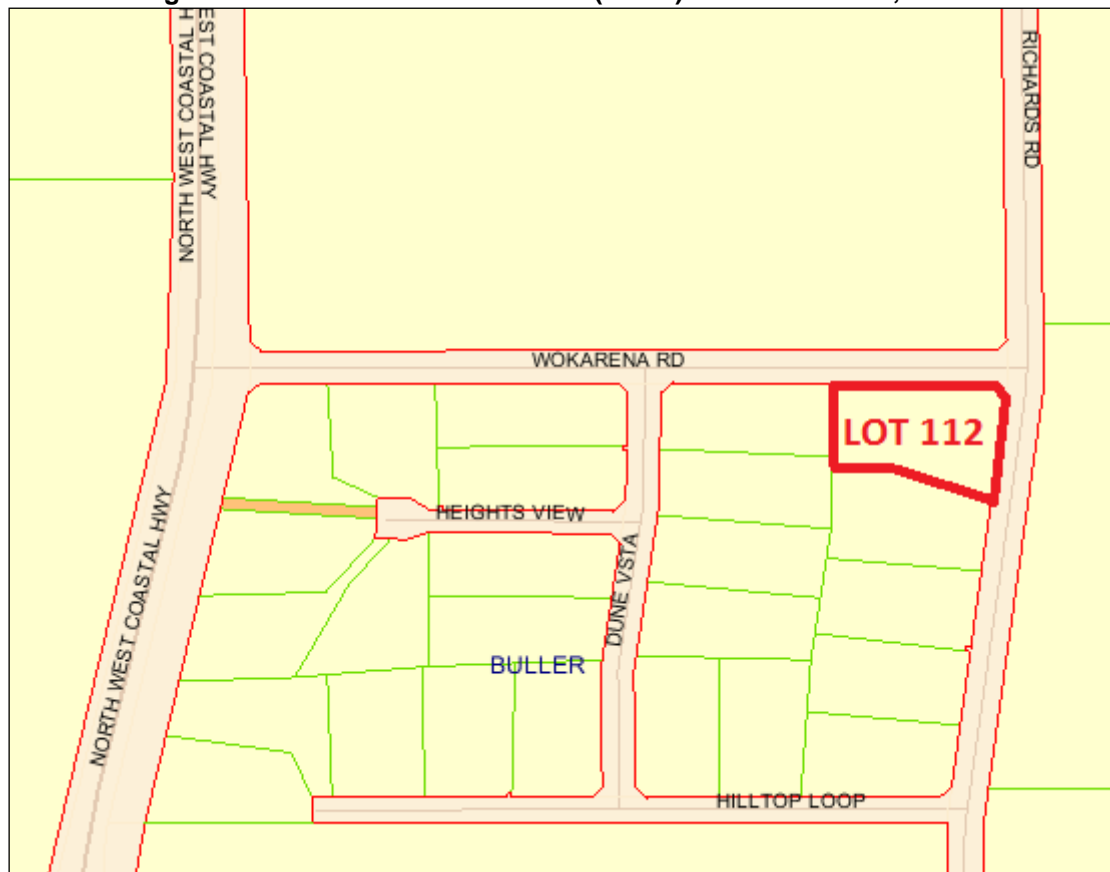
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to construct an outbuilding at Lot 112 (No.38) Wokarena Road, Buller that exceeds the maximum wall height, apex height and aggregate area specified by the Shire's 'Outbuildings' Local Planning Policy. This report recommends conditional approval of the application.

Figure 1 - Location Plan for Lot 112 (No.38) Wokarena Road, Buller



COMMENT

The applicant seeks approval for an 8.36m x 9.88m (82.6m²) outbuilding with a wall height of 3.8m (at the highest point as measured from natural ground level) and an overall height of 4.4m. The walls and roof of the proposed outbuilding would be constructed of coated metal sheeting (colorbond).

The outbuilding is proposed to be located to the south east of the existing dwelling, 10m from the side (eastern) property boundary and 3m from the rear (southern) property boundary.

A copy of the applicant's submitted site, floor and elevation plans for the proposed outbuilding are included as **Attachment 1** to this report.

Shire staff are in support of the application given that:

- The height of the outbuilding as viewed from Wokarena Road will be lessened by the forward location of the dwelling;
- The height of the outbuilding will appear appropriate compared to the existing two storey dwelling that forms the backdrop to the outbuilding as viewed from Richards Road;
- The view of the outbuilding from the Wokarena Road frontage will be largely obscured by the mature trees that line the front property boundary; &
- The outbuilding meets the requirements under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme') in regards to building materials, use and colours.

Figure 2 – View towards outbuilding site looking south from Wokarena Road



Figure 3 – View towards outbuilding site looking north-west from Richards Road



Figure 4 – View of outbuilding site looking West from Richards Road



STATUTORY ENVIRONMENT

The subject land is zoned 'Residential 2.5' under the Scheme No.2 and the outbuilding complies with the land use requirements of the Scheme.

POLICY IMPLICATIONS

Clause 1 of the Shire's 'Outbuildings' Policy states:

Zone	Standard	Maximum
Residential	Area (total aggregate)	75 m ²
	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
* Wall heights are to be measured from natural ground level		

The proposed outbuilding has a total area of 82.6m², a maximum wall height of 3.8m (measured from natural ground level) and an overall height of 4.4m.

The wall height of the proposed outbuilding is 3.7m in height from pad level. The applicant has indicated that they wish to fill to a maximum height of 100mm under the proposed outbuilding location to achieve a level building site. The policy requires that the wall height be measured from natural ground level, and therefore the outbuilding exceeds the maximum wall height specified by the Policy by 0.8m and the overall height by 0.4m.

It can be argued that the forward position and height of the dwelling and existing mature trees will assist in obscuring the view of the outbuilding and lessen its potential visual impact upon the streetscape. It is considered that the outbuilding will not detrimentally impact the amenity of the locality and therefore conditional approval of the outbuilding is recommended in this instance.

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

FINANCIAL IMPLICATIONS

Development applications of not more than \$50,000 in value are charged a fee of \$147 under the Shire of Chapman Valley Planning Services Fees 2013/2014 and standard building permit fees.

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal a further cost in terms of staff hours is likely to be imposed on the Shire through its involvement in the State Administrative Tribunal appeal process.

STRATEGIC IMPLICATIONS

The Residential Design Codes of Western Australia (2013) provide general principles that guide the assessment of outbuilding developments in residential areas. The relevant section of the R-Codes Explanatory Guidelines has been included as **Attachment 2** to provide further background to the manner in which outbuildings may be assessed. However it is worth noting that whilst the principles of the R-Codes are of assistance, the document does focus on issues more commonly associated with smaller Perth lots and the suggested area requirements are not appropriate when dealing with lots larger 4,000m² lots and in a regional setting where demand for larger outbuildings is typically required to service boat and caravan ownership.

Shire of Chapman Valley Local Planning Scheme No.2 was gazetted on 20 November 2013 rezoning Lot 112 from 'General Farming' to 'Residential R2.5'. This zoning is new to the Shire and it is necessary for the 'Outbuildings' Local Planning Policy to be reviewed to provide more appropriate guidelines for the construction of outbuildings upon residential land of 4,000m² in area.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

That Council grant formal Planning Approval for an outbuilding to be constructed upon Lot 112 (No.38) Wokarena Road, Buller subject to the following:

Conditions

1. Development shall be in accordance with the attached approved plan(s) dated 19 February 2014 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
3. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
4. The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
5. All stormwater is to be disposed of on-site to the specifications and approval of the Local Government. On application for a building licence a detailed design of stormwater collection and disposal system of developed areas is to be supplied.
6. Installation of crossing place/s to the standards and specifications of the Local Government.
7. The walls and roof of the proposed outbuilding are to be clad in coated metal sheeting (i.e. colorbond) of complementary colours to the main residence to the approval of the Local Government. The use of uncoated zincalume is not permitted.

8. This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.

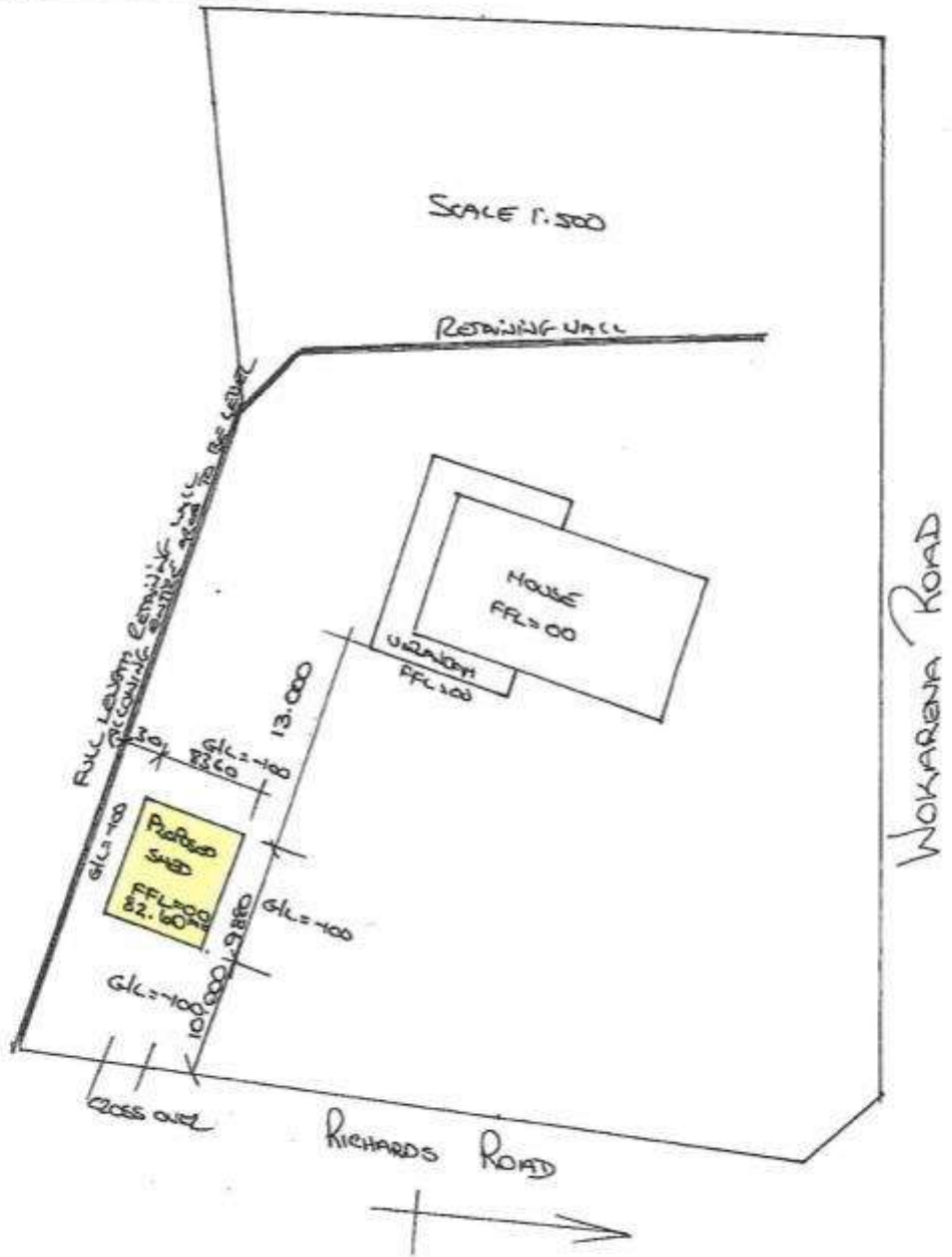
Notes

- a. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- b. Should the applicant be aggrieved by the decision of the Council (in part or whole) a right of appeal exists to the State Administrative Tribunal within twenty eight (28) days from the date of the decision.

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Tel. 99644447 Fax 99217119
leon.shorodw@westnet.com.au
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Amended Plan
received 12/12/2013

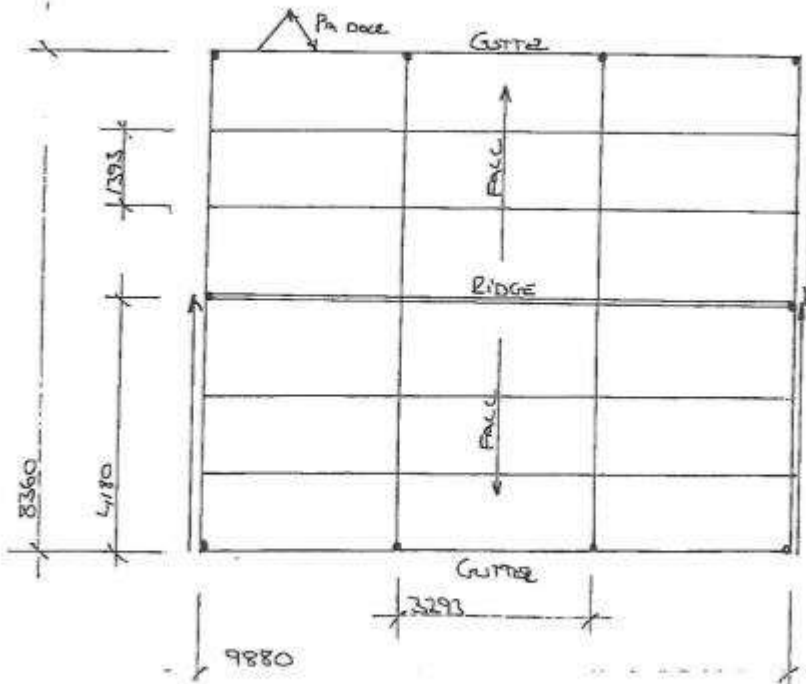
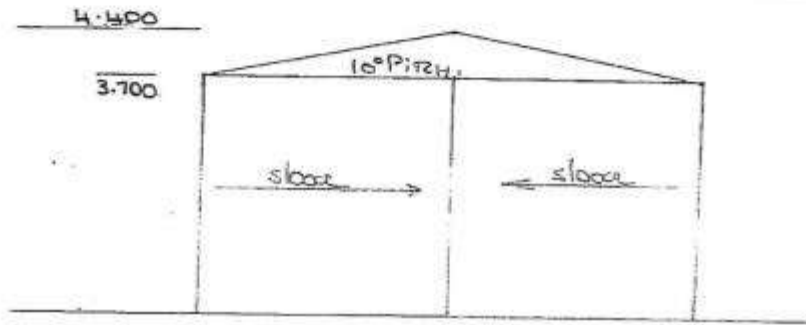
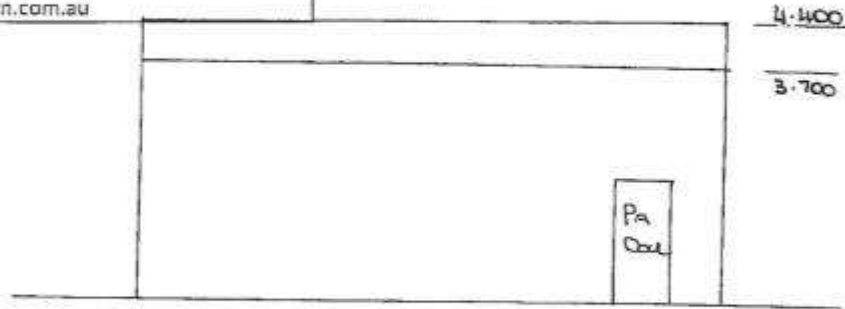
Block 5463 m²



LOT 112 WOKARENA ROAD

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AMENDED PLAN
Received 12/12/2013
REDUCED SHED HEIGHT





7 Design elements of the R-Codes – Building design

7.3 Outbuildings

(Clauses 5.4.3 and 6.4.4 of the R-Codes)

All outbuildings could, in theory, be regarded as buildings and made to comply with the same design guidelines as the main building or buildings. However, Australia has a long tradition of backyard sheds, workshops, garages, and other similar buildings, including outside laundries and toilets, and these have always been regarded in a different light to the main buildings they serve. The tradition is changing because contemporary living standards have led to the demise of the outside laundry and toilet, in part because the spacious quarter acre block has since given way to smaller lots, and also because urban lifestyles have changed.

Nevertheless, there is a case for relaxed standards for some outbuildings. The criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape. This means that any outbuilding that is to be exempt from the residential or dwelling standards should be:

- relatively small in area;
- relatively low in height;
- sited so as to preserve the use and amenity of open space;
- set back sufficiently from boundaries;
- confined to single houses and grouped dwellings; and
- excluded from street setback areas.

Other common private garden or backyard constructions such as pergolas, cubby houses and play fixtures, and dog kennels have not been included in the definition of building and are exempted from planning control, although some decision-makers do have policies to control certain backyard constructions (for example, cubby houses).

While outbuildings of less than 60m² in area (or 10 per cent of the site, whichever is the lesser) and no more than 2.4m in wall height are deemed to comply, they are still required to be sited in accordance with the setback requirements of clauses 5.1.3 and 6.1.4 of the R-Codes and comply with open space requirements in table 1 of the R-Codes.

General guidelines

7.3.1 Outbuildings – Part 6 of the R-Codes

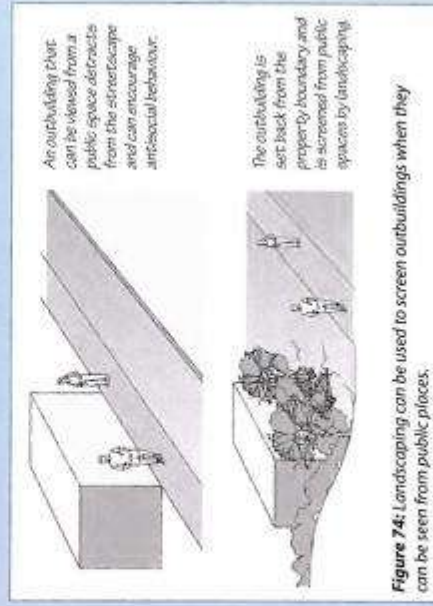
(Clause 6.4.4 of the R-Codes)

Place outbuildings in unobtrusive locations

Outbuildings should be located at the rear of the property so they are not visible from the street.

Screen outbuildings from the street and neighbouring properties

Where no opportunity exists to locate outbuildings at the rear of the property, they should be integrated into the development or adequately screened from public view (refer to figure 74).



AGENDA ITEM:	9.1.3
SUBJECT:	PROPOSED ROAD NAMING
PROPONENT:	W & E BOYS
SITE:	LOT 171 CORONATION BEACH ROAD, OAKAJEE
FILE REFERENCE:	1001.270, R19893 & A356
PREVIOUS REFERENCE:	09/09-5, 03/09-14, 08/10-8, 11/11-14 & 07/12-7
DATE:	30 JANUARY 2014
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The landowner of Lot 171 Coronation Beach Road has been working in conjunction with the Shire to create an access into their property north of the Coronation Beach Nature Based Camping Area (Reserves 19893 & 50066). This process has required a new road reserve to be created and the Department of Lands require that the Shire provide a name for this new road. Given that the process has been instigated by the landowner of Lot 171 and they will be the sole accessing party Shire staff have invited them to suggest road names, and these are now presented to Council for its consideration and potential forwarding to the Department of Lands for endorsement.

Figure 1 - Location Plan for proposed road closure and dedication



COMMENT

Council approved an application for the development of a caravan park, shop and manager's residence upon Lot 171 (former Lot 19) Coronation Beach Road, Oakajee at its 17 September 2008 meeting.

As part of this approval the applicant was required to formalise an access at the northern end of the Coronation Beach Nature Based Camping Area from Coronation Beach Road across Reserve 19893 into their Lot 171. A copy of the plan illustrating the land areas required to be dedicated and closed to create the necessary access and a copy of the approved development plan have been included as **Attachment 1** to this report. Council resolved at its 18 March 2009 meeting:

“The Council resolve pursuant to section 56 and 58 of the Land Administration Act, 1997 to support the dedication and closure of the western portion of Coronation Beach Road to facilitate safe access to Lot 19 Coronation Beach Road as Plan 06164BR1 prepared by LandWest Planning Consultants, subject to the Shire not being responsible for the construction of the subject portion of road being dedicated as part of this process.”

The Shire subsequently advertised the road dedication and closure application and no objections were received from landowners and service authorities, however, the Department of Aboriginal Affairs advised that there may potentially be an Aboriginal Heritage Site within the subject area and that a Section 18 application and ethnographic survey was required to be undertaken pursuant to the *Aboriginal Heritage Act 1972*. The landowners engaged a consultant to prepare a Section 18 and address the Department of Aboriginal Affairs' requirements.

Council subsequently resolved at its meeting held on 16 November 2011:

- “1 That Council resolve to request the Hon. Minister for Lands to:*
- a) Dedicate a 2393m² portion of Reserve 19893 Coronation Beach Road and 534m² of Lot 19 Coronation Beach Road as Public Road Reserve pursuant to Section 56 of the Land Administration Act 1997; &*
 - b) Close a 1637m² portion of Coronation Beach Road Reserve and amalgamate this land into adjoining Reserve 19893 pursuant to Section 58 of the Land Administration Act 1997.*
- 2 Advise the Department of Regional Development and Lands that the support of the road closure and dedication is conditional to the landowner of Lot 171 Coronation Beach Road completing a Section 18 to the requirements and approval of the Department of Indigenous Affairs.”*

Due to the lengthy delays arising through the road realignment and Section 18 process Council resolved at its 25 August 2010 meeting and again at its 18 July 2012 meeting to renew the approval of the caravan park application for a further two years to enable the completion of the road dedication and closure process (note that if the development has not substantially commenced before 17 September 2014, a new application for planning approval is required to be lodged).

The Department of Lands now require a road name to be applied to the approximately 70m long road that would be created running north from Coronation Beach Road to access Lot 171, and the applicant/landowner was invited to provide their suggestions for this road name. The landowner has suggested the following in order of preference:

- Marloo (this being the name of the farm property the road will lead to and is also an Aboriginal word for 'kangaroo');
- Epic (this being windsurfer terminology for 'awesome windsurfing conditions' which is appropriate given the road is immediately adjacent to Coronation Beach which is a windsurfing location of international renown and frequented by both locals and international visitors for windsurfing and kitesurfing);
- Notus (this being the name for the ancient Greek god of the south wind which is appropriate given the very strong seasonal southerly winds that Coronation Beach experiences).

A copy of the draft Deposited Plan of Survey illustrating the unnamed proposed road reserve has been included as **Attachment 2** to this report, upon Council selecting a name it would be applied to this survey plan and forwarded to the Department of Lands seeking its endorsement.

STATUTORY ENVIRONMENT

The Department of Land's Geographic Names Committee are responsible for the final approval of road names and ensuring that road names are not duplicated wherever possible. The Geographic Names Committee deem under their road naming guidelines that the following are not suitable:

- names of living persons;
- first names;

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

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

"26A New subdivisions, names of roads and areas in

- (1) *If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.*
- (2) *The local government may require the person so subdividing the land —*
 - (a) *to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and*
 - (b) *to propose a name for the area the subject of the proposed subdivision, or if a name has already been proposed, to alter that name.*
- (3) *If the local government approves a name proposed under subsection (1) or (2), the local government is to forward the proposal to the Minister.*
- (4) *The Minister may —*
 - (a) *approve the proposed name; or*
 - (b) *direct the local government to reconsider the proposed name, having regard to such matters as the Minister may mention in the direction; or*
 - (c) *refuse to approve the proposed name.*
- (5) *A person must not —*
 - (a) *assign a name to the area or road unless the name is first approved by the Minister;*
 - (b) *alter or change a name that has been so assigned, whether initially or from time to time, to the area or road unless the Minister first approves of the alteration or change of that name.*

Penalty: \$1,000 and a daily penalty of \$100."

POLICY IMPLICATIONS

Shire Policy 15.210 'Road Names' provides a Council pre-approved list of road names for application in the Shire of Chapman Valley and Council may wish to select a name from this list (and an alternative should the initial choice prove unacceptable to the Department of Lands) for application to the proposed road. However, the road names on the policy list are linked to localities and there are no names from the policy list for the Oakajee or Coronation Beach area.

Council may also wish to consider an alternative road name that could derive from the surname of a person or family that has made a notable contribution to the Coronation Beach area, or a name of local significance such as local flora and fauna, or a notable landscape or built form feature, or a local event.

Shire Policy 15.210 'Road Names' states:

"Objective - To allow for the efficient allocation of appropriate names to new roads being created in the Shire, or to existing unnamed roads.

Policy Statement - In the case of new roads being created by subdivision, Council is supportive of proposed road names, which meet one or more of the following criteria -

Any name which derives from a pioneer of the locality, a previous owner of the land, a traditional name for the property, a physical feature within, adjacent to, or nearby the land.

Where more than three new roads are being created as part of a subdivision; names that follow a consistent theme (where this option is taken at least three new roads must follow the same thematic approach); or

Any name on the reserved list”

In addition to the actual road name a road type (e.g. street, road, terrace etc.) will also need to be applied and a list of these has been included as **Attachment 3** for Council’s information.

FINANCIAL IMPLICATIONS

The decision of Council arising from this report will not have a budgetary impact.

STRATEGIC IMPLICATIONS

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

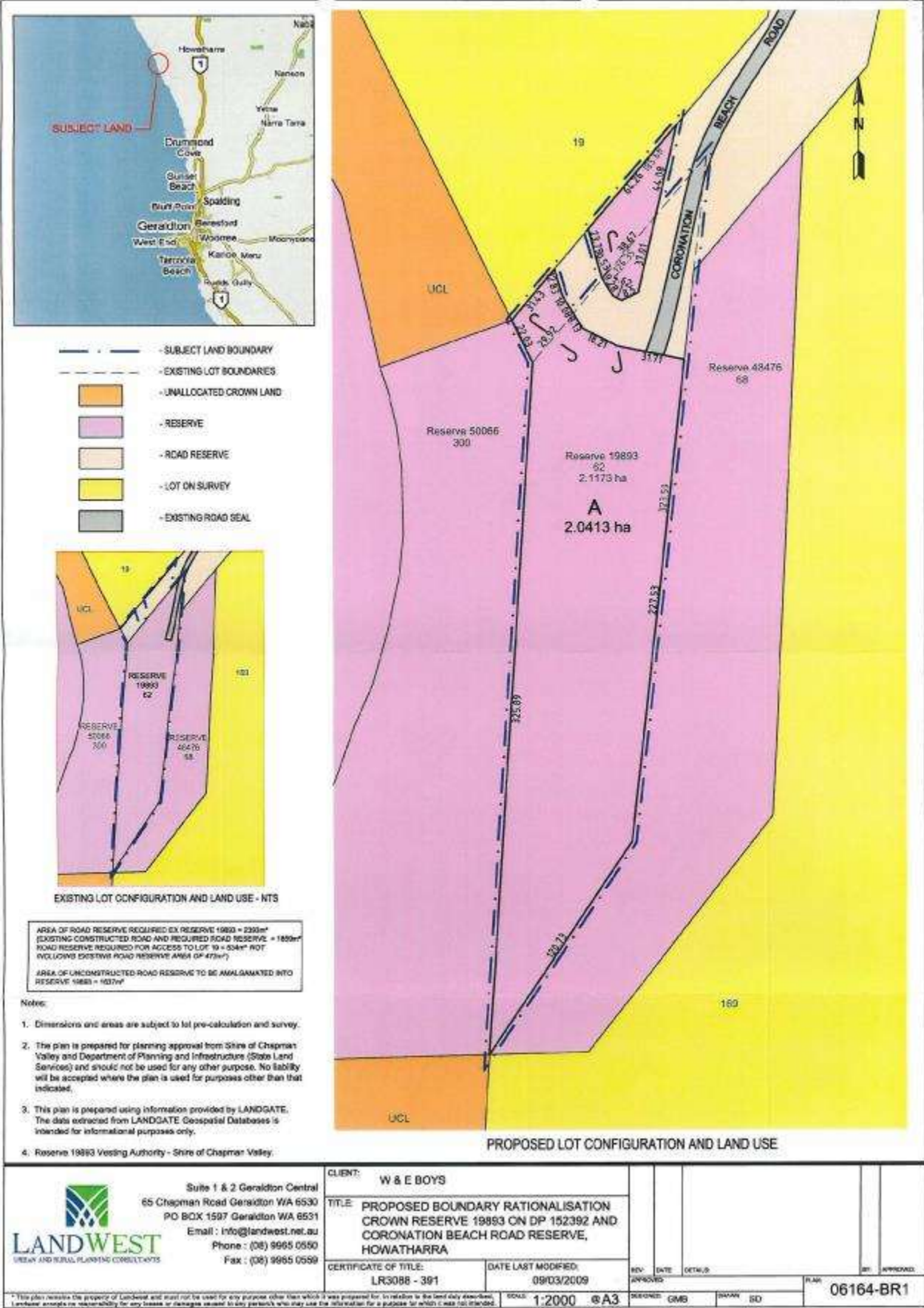
VOTING REQUIREMENTS

Simple Majority required.

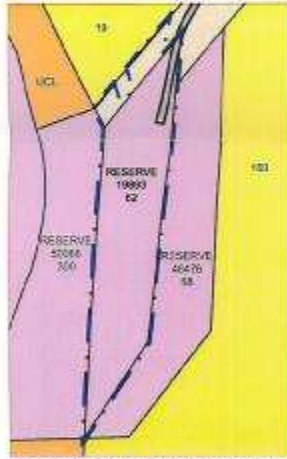
STAFF RECOMMENDATION

That Council advise the Department of Land’s Geographic Names Committee that it supports the assignation of the following road names in order of preference for the road proposed to be created by Deposited Plan of Survey 77360:

- Marloo Place;
- Epic Place;
- Notus Place.



- - - - - SUBJECT LAND BOUNDARY
- - - - - EXISTING LOT BOUNDARIES
- UNALLOCATED CROWN LAND
- RESERVE
- ROAD RESERVE
- LOT ON SURVEY
- EXISTING ROAD SEAL



EXISTING LOT CONFIGURATION AND LAND USE - NTS

AREA OF ROAD RESERVE REQUIRED EX RESERVE 19893 = 2393m²
 (EXISTING CONSTRUCTED ROAD AND REQUIRED ROAD RESERVE = 1850m²)
 ROAD RESERVE REQUIRED FOR ACCESS TO LOT 19 = 204m² (NOT INCLUDING EXISTING ROAD RESERVE AREA OF 473m²)
 AREA OF UNCONSTRUCTED ROAD RESERVE TO BE AMALGAMATED INTO RESERVE 19893 = 1037m²

- Notes:**
1. Dimensions and areas are subject to lot pre-calculation and survey.
 2. The plan is prepared for planning approval from Shire of Chapman Valley and Department of Planning and Infrastructure (State Land Services) and should not be used for any other purpose. No liability will be accepted where the plan is used for purposes other than that indicated.
 3. This plan is prepared using information provided by LANDGATE. The data extracted from LANDGATE Geospatial Databases is intended for informational purposes only.
 4. Reserve 19893 Vesting Authority - Shire of Chapman Valley.

PROPOSED LOT CONFIGURATION AND LAND USE

<p>Suite 1 & 2 Geraldton Central 65 Chapman Road Geraldton WA 6530 PO BOX 1597 Geraldton WA 6531 Email: info@landwest.net.au Phone: (08) 9965 0550 Fax: (08) 9965 0559</p>	CLIENT: W & E BOYS TITLE: PROPOSED BOUNDARY RATIONALISATION CROWN RESERVE 19893 ON DP 152392 AND CORONATION BEACH ROAD RESERVE, HOWATHARRA	REV: [] DATE: [] DETW: [] DESIGNED: GMB DRAWN: [] ID: []	PLAN: 06164-BR1
	CERTIFICATE OF TITLE: LR3088 - 391 DATE LAST MODIFIED: 09/03/2009	SCALE: 1:2000 @ A3	APPROVED: []

* This plan remains the property of Landwest and must not be used for any purpose other than which it was prepared for. In relation to the land data described, Landwest accepts no responsibility for any losses or damages caused to any person who may use the information for a purpose for which it was not intended.



Performance standards defined by Council Parks and Sporting Grounds Regulations 1987

Indicators include:

Structure	100%	100%
Drainage	100%	100%
Vegetation	100%	100%
Water	100%	100%

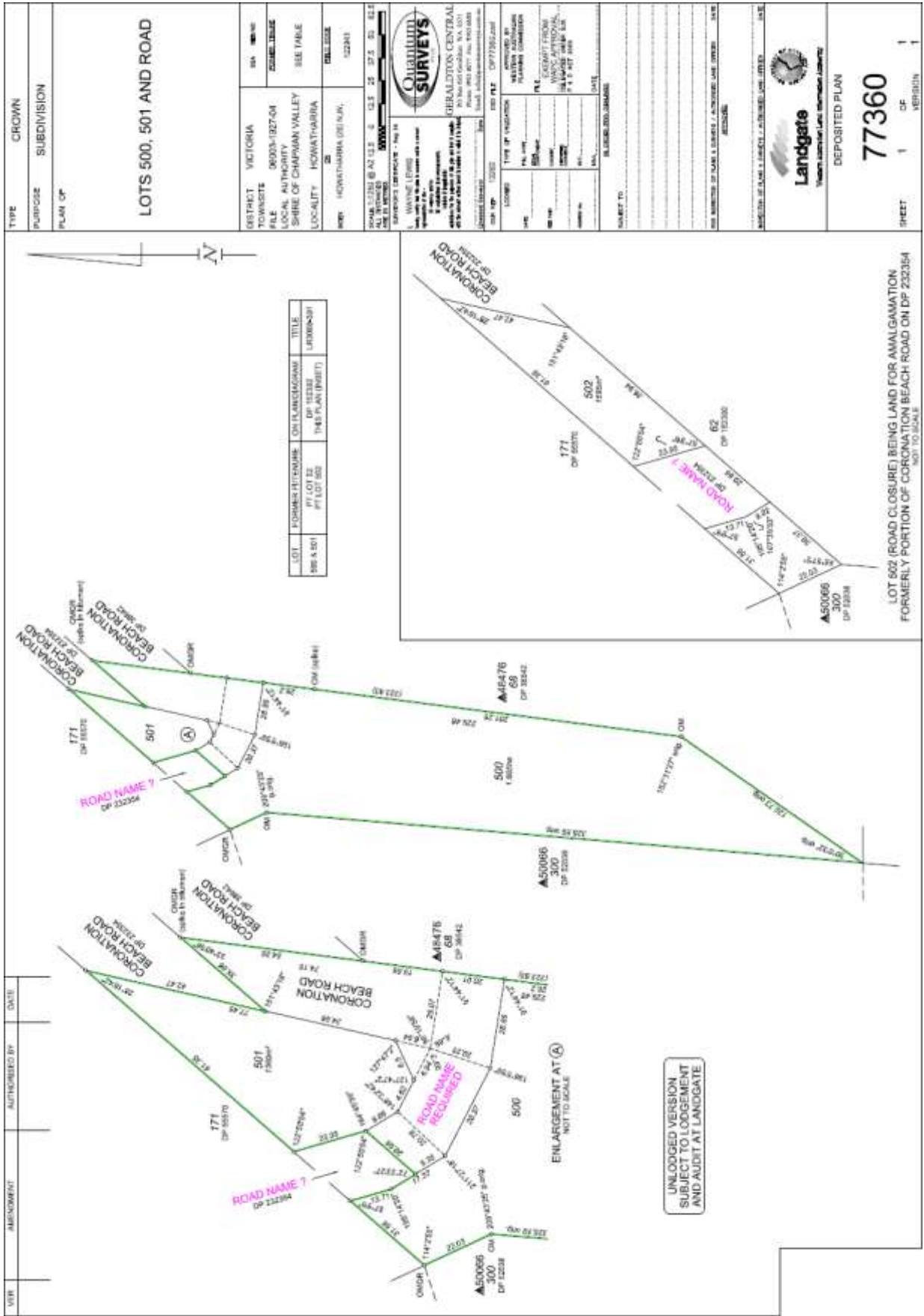
Additional notes regarding site conditions and compliance.

LEGEND

- CARAWAN & CAMPING PARK
 - A - CARAWAN PARK (10 x 50m)
 - B - CARAWAN CAMP (10 x 50m)
 - C - CARAWAN BAY (10 x 50m)
- EXISTING VEGETATION
- ▨ PROPOSED GROUND LEVEL
- PROPOSED UNDERPASS
- PROPOSED WATER TANK

- Notes:**
1. Dimensions and areas are subject to final detailed design and survey.
 2. The plan is prepared for development approval from the local authority and should not be used for any other purpose. No liability will be accepted where the plan is used for purposes other than that intended, including marketing.
 3. All proposed ground and finished floor levels given are indicative only. All levels will be determined by surveying/levels at final design stage. Storm-watering may be required.
 4. The volume of water used from internal roads will be limited, and due to the high permeability of the soil, will be directed into grasses and registered areas adjacent to the roads.

<p>LANDWEST LANDSCAPE ARCHITECTURE</p>	<p>Suite 1 & 2 Seavision Central 66 Chapman Road Gosford NSW 2250 PO BOX 1937 Gosford NSW 2250 Email: info@landwest.net.au Phone: (02) 9565 0550 Fax: (02) 9565 0559</p>	<p>CLIENT: W & E BOYS</p> <p>TITLE: DEVELOPMENT PLAN LOT 15 ON PLAN 2325M CORDONATION BEACH ROAD, HOWATHARRA CARAWAN & CAMPING PARK</p>	<p>DATE LAST MODIFIED: 11/07/2008</p> <p>SCALE: 1:750</p>	<p>REV. DATE</p>	<p>DATE OF ISSUE</p>	<p>BY</p>
	<p>CERTIFICATE OF TITLE: 1643/454</p>	<p>DATE OF ISSUE: 11/07/2008</p> <p>SCALE: 1:750</p> <p>RA2</p>	<p>DESIGNED: GIB-1584</p> <p>DRAWN: GIB-1584</p>	<p>PLAN: 06164-SF1</p>		



APPENDIX A
ROAD TYPES—AUSTRALIA

(Normative)

The road type shall be selected from those specified as suitable for open ended roads, culs-de-sac, or pedestrian only roads (see Clauses 4.3, 4.6.2, 7.2 and 8.3.2(a)).

Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Ally	Usually narrow roadway in cities or towns, often through city blocks or squares.	✓	✓	
Approach	App	Roadway leading to an area of community interest (e.g. public open space, commercial area, beach etc.)	✓		
Arcade	Arc	Passage having an arched roof, or any covered passageway, especially one with shops along the sides.			✓
Avenue	Av	Broad roadway, usually planted on each side with trees.	✓		
Boardwalk	Bwvk	Promenade or path, especially of wooden planks, for pedestrians and sometimes vehicles, along or overlooking a beach or waterfront.			✓
Boulevard	Bvd	Wide roadway, well paved, usually ornamented with trees and grass plots.	✓		
Break	Brk	Vehicular access on a formed or unformed surface, which was originally prepared as a firebreak.	✓		
Bypass	Bypa	Alternative roadway constructed to enable through traffic to avoid congested areas or other obstructions to movement.	✓		
Chase	Ch	Roadway leading down to a valley.	✓	✓	
Circuit	Cct	Roadway enclosing an area.	✓		
Close	Cl	Short, enclosed roadway.		✓	
Concourse	Con	Roadway that runs around a central area (e.g. public open space or commercial area).	✓		
Court	Ct	Short, enclosed roadway.		✓	
Crescent	Cr	Crescent-shaped thoroughfare, especially where both ends join the same thoroughfare.	✓		
Crest	Crst	Roadway running along the top or summit of a hill.	✓	✓	
Drive	Dr	Wide thoroughfare allowing a steady flow of traffic without many cross-streets.	✓		
Entrance	Ent	Roadway connecting other roads.	✓		
Esplanade	Esp	Level roadway, often along the seaside, lake or a river.	✓		

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Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Firetrail	Ftrl	Vehicular access on a formed or unformed surface, which was originally prepared as a firebreak.	✓		
Freeway	Fwy	Express, multi-lane highway, with limited or controlled access.	✓		
Glade	Gld	Roadway usually in a valley of trees.	✓	✓	
Grange	Gra	Roadway leading to a country estate, or focal point, public open space, shopping area etc.	✓		
Grove	Gr	Roadway that features a group of trees standing together.	✓	✓	
Highway	Hwy	Main road or thoroughfare, a main route.	✓		
Lane	Lane	Narrow way between walls, buildings or a narrow country or city roadway.	✓	✓	
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.	✓		
Mall	Mall	Sheltered walk, promenade or shopping precinct.			✓
Mews	Mews	Roadway in a group of houses.		✓	
Parade	Pde	Public promenade or roadway that has good pedestrian facilities along the side.	✓		
Parkway	Pwy	Roadway through parklands or an open grassland area.	✓		
Passage	Psg	Narrow street for pedestrians.			✓
Path	Path	Roadway used only for pedestrian traffic.			✓
Place	Pl	Short, sometimes narrow, enclosed roadway.		✓	
Plaza	Piza	Roadway enclosing the four sides of an area forming a market place or open space.		✓	
Promenade	Prom	Roadway like an avenue with plenty of facilities for the public to take a leisurely walk, a public place for walking.	✓		
Quays	Qys	Roadway leading to a landing place alongside or projecting into water.	✓		
Ramp	Ramp	Access road to and from highways and freeways.	✓		
Retreat	Rtt	Roadway forming a place of seclusion.		✓	
Ridge	Rdge	Roadway along the top of a hill.	✓		
Rise	Rise	Roadway going to a higher place or position.	✓	✓	
Road	Rd	Open way or public passage primarily for vehicles.	✓		
Square	Sq	Roadway bounding the four sides of an area to be used as an open space or a group of buildings.	✓	✓	
Steps	Stps	Route consisting mainly of steps.			✓

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Road type	Abbreviation	Description	Open ended	Cul-de-sac	Pedestrian only
Street	St	Public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.	✓		
Subway	Sbwy	Underground passage or tunnel that pedestrians use for crossing under a road, railway, river etc.			✓
Terrace	Tce	Roadway usually with houses on either side raised above the road level.	✓	✓	
Track	Trk	Roadway with a single carriageway. A roadway through a natural bushland region. The interpretation for both Track and Trail is limited to roadways, whereas in many areas (e.g. Tasmania) these are often associated with walking rather than vehicular movement.	✓		
Trail	Trl	See 'Track'.			
View	View	Roadway commanding a wide panoramic view across surrounding areas.	✓	✓	
Vista	Vsta	Roadway with a view or outlook.	✓	✓	
Walk	Walk	Thoroughfare with restricted access used mainly by pedestrians.			✓
Way	Way	Roadway affording passage from one place to another. Usually not as straight as an avenue or street.	✓		
Wharf	Whrf	A roadway on a wharf or pier.	✓	✓	✓

AGENDA ITEM:	9.1.4
SUBJECT:	SEA CONTAINERS
PROPONENT:	VARIOUS LANDOWNERS
SITE:	BULLER, WAGGRAKINE & WHITE PEAK LOCALITIES
FILE REFERENCE:	A1229, A1633 & A1819
PREVIOUS REFERENCE:	12/13-4
DATE:	10 FEBRUARY 2014
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

In response to a series of complaints concerning the siting of sea containers in the Shire's rural-residential areas an audit was conducted for the Waggrakine, White Peak and Buller localities, with Council endorsing a series of actions at its 11 December 2013 meeting. As part of this process 3 landowners were identified as having sited sea containers without approval following the initial audit and a recommendation in relation to each is now presented to Council for its consideration.

COMMENT

The Shire has received several complaints concerning the siting of sea containers on particular properties within the Waggrakine, White Peak and Buller localities. To ensure a consistent approach was adopted Shire staff undertook an audit of all rural-residential properties on 19 August 2013 to establish those containing sea containers. The audit identified 23 properties containing sea containers, with 5 of these considered to meet the criteria established by the Shire's Local Planning Policy 16.270 – Use of Sea (Shipping) Containers.

The Shire permits the siting of sea containers within its rural-residential areas only where the structure is being used for the temporary storage of building equipment, where a building permit has been issued and remains current, and construction of a dwelling has commenced, and only for a maximum period of 12 months.

The issue of sea containers within the Shire's rural residential areas was generally discussed at the 21 August 2013 Forum Session and a draft copy of the Shire letter to be sent to the relevant landowners was circulated.

The Shire wrote to the landowners within the Waggrakine, White Peak and Buller localities who had a sea container sited upon their property on 29 August 2013 advising of the requirements of Local Planning Policy 16.270. Landowners were further advised that the siting of a sea container without approval of the Local Government is an offence under the Scheme which requires that a person shall not carry out development of any land without first having applied for and obtained the planning consent of the Council.

The Shire correspondence advised the 23 landowners that they were required to remove the sea containers from their properties within 60 days of the date of this letter. Some variations to this timeframe were given on an individual basis where a building permit was current and construction work on the relevant building was nearing completion, advising that the sea container was required to be removed from the property by a specific date.

Council made specific determination at its 11 December 2013 meeting in relation to each of the 23 sea containers (with at time of writing of this report, 8 having now been removed) and the majority of the remainder being granted temporary approval until 11 December 2014 subject to approved building works being undertaken on-site.

However, further audits conducted by Shire staff for the Waggrakine, White Peak and Buller localities on 8 November 2013 and 3 December 2013 revealed that 3 further sea containers had been sited on properties since the first audit and Shire staff wrote to those landowners also requiring them to remove the sea containers from their properties within 60 days (with Council being advised of this action in the report presented to the 11 December 2013 meeting).

A separate attachment has been provided to Councillors with the February 2014 Council Agenda that provides an individual summary for these 3 properties, including the landowner responses, and seeking Council endorsement for the suggested staff action in relation to each.

STATUTORY ENVIRONMENT

Section 1.5 of Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme') lists the following purposes of the Scheme:

- “(d) control and guide land use and development;*
- (e) make provision for the administration and enforcement of the Scheme.”*

Section 1.6 of the Scheme lists the following aims of the Scheme:

- “(d) Protect, preserve and enhance the environment, natural and cultural heritage, and landscape and streetscape values.”*

The siting of a sea container meets the definition of 'development' as listed under Section 1.7 of the Scheme:

- “Means the use or development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation or other works on any land.”*

Section 5.8 of the Scheme lists the following:

“5.8 Appearance of Land and Buildings

- 5.8.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.*
- 5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.*
- 5.8.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.”*

Section 8.1 of the Scheme requires that:

“8.1 Requirement for Approval to Commence Development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Local Government. A person shall not commence or carry out any development without first having applied for and obtained the planning approval of the Local Government under Part 9.

Note:

- 1 The planning approval of the Local Government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).*
- 2 Development includes the erection, placement and display of any advertisements.”*

The siting of a sea container meets the definition for 'development' under Section 4 of the *Planning and Development Act 2005* as follows:

- “development means the development or use of any land, including —*
- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
 - (b) the carrying out on the land of any excavation or other works;*
 - (c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
 - (i) is likely to change the character of that place or the external appearance of any building; or*
 - (ii) would constitute an irreversible alteration of the fabric of any building.”*

Section 8.4 of the Scheme states:

“8.4 Unauthorised Existing Developments

8.4.1 The Local Government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning approval.

Note:

- 1 Applications for approval to an existing development are made under Part 9.*
- 2 The approval by the Local Government of an existing development does not affect the power of the Local Government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.”*

Section 10.2 of the Scheme lists the following matters to be considered by the Local Government relevant to development:

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

Section 10.6 of the Scheme notes that where the Local Government grants planning approval, the Local Government may impose conditions limiting the period of time for which the approval is granted.

Section 11.4 of the Scheme states that:

“11.4 Person must comply with Provisions of Scheme

A person must not:

- (a) contravene or fail to comply with the provisions of the Scheme;*

- (b) *use any land or commence or continue to carry out any development within the Scheme area –*
 - (i) *otherwise than in accordance with the Scheme;*
 - (ii) *unless all approvals required by the Scheme have been granted and issued;*
 - (iii) *otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and*
 - (iv) *otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the Local Government under the Scheme with respect to that building or that use.*

Note: Section 223 of the Planning and Development Act 2005 provides that a person who commits an offence under this Act is liable to a penalty of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which day the offence continues.”

Section 214 of the *Planning and Development Act 2005* concerns the issue of directions regarding unauthorised development.

Section 215 of the *Planning and Development Act 2005* concerns the issue of, where a notice has been served the responsible authority may itself remove the development, and any expenses incurred may be recovered from the person to whom the direction was given.

POLICY IMPLICATIONS

Shire staff have the capacity to grant approval for the siting of a sea container upon land should an application meet the delegated authority requirements of its Local Planning Policy ‘Use of Sea (Shipping) Containers’.

Council Local Planning Policy 16.270 ‘Use of Sea-Shipping Containers’ notes that:

- “1 *The placement of a sea (shipping) container or similar re-locatable storage unit on land, other than industrial land and rural land greater than 20 hectares in area, requires the planning approval of the local government as it is considered to fall within the definitions of “development’ under the Town Planning Scheme.*
- 2 *In general, planning approval to a maximum of 12 months will only be granted where the structure is being used for the temporary storage of plant, machinery and/or building equipment on a building site, a building license has been issued and remains current, and construction of a dwelling has commenced.”*
- “4 *Other than industrial and rural zoned land (for properties greater than 20 hectares in area) the local government will generally not support:*
 - (a) *more than one (1) sea (shipping) container on a property;*
 - (b) *a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height.”*

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

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

FINANCIAL IMPLICATIONS

On determination should the landowner be aggrieved by the determination or conditions of approval they have a right of appeal to the State Administrative Tribunal. The engagement of a solicitor by the Shire through its involvement in any appeal process, and to undertake enforcement action will incur expense that would be drawn from Account 2232 - Legal Expenses.

STRATEGIC IMPLICATIONS

The adoption by Council of Local Planning Policy 'Use of Sea (Shipping) Containers' demonstrates its understanding of the need for the temporary storage of plant, machinery and/or building equipment on a building site to secure these items from theft and climate. However, the policy requirement limiting storage of sea container for temporary purposes only, was deemed to be sufficient to meet normal rural-residential/domestic needs, and therefore variation to this requirement should generally only be considered in exceptional circumstances.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council endorse the actions as outlined in the separate Attachment to Agenda Item 9.1.4.

AGENDA ITEM:	9.1.5
SUBJECT:	PROPOSED SUBDIVISION – NABAWA
PROPONENT:	SHIRE OF CHAPMAN VALLEY & LANDCORP
SITE:	LOT 9500 GREEN DRIVE, NABAWA
FILE REFERENCE:	A1662
PREVIOUS REFERENCE:	05/08-13 & 13/02-6
DATE:	10 FEBRUARY 2014
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 18 February 2013 meeting to apply to LandCorp for it to undertake the subdivision of Lot 9500 Green Drive, Nabawa on its behalf under the Regional Development Assistance Program. LandCorp have advised that the Shire's application has been listed as one of the final shortlisted 'shovel ready' projects and it would appear that it is seriously considering undertaking the development of 9 residential lots at the eastern end of the Nabawa townsite.

Figure 1 – Location Plan for Lot 9500 Green Drive, Nabawa



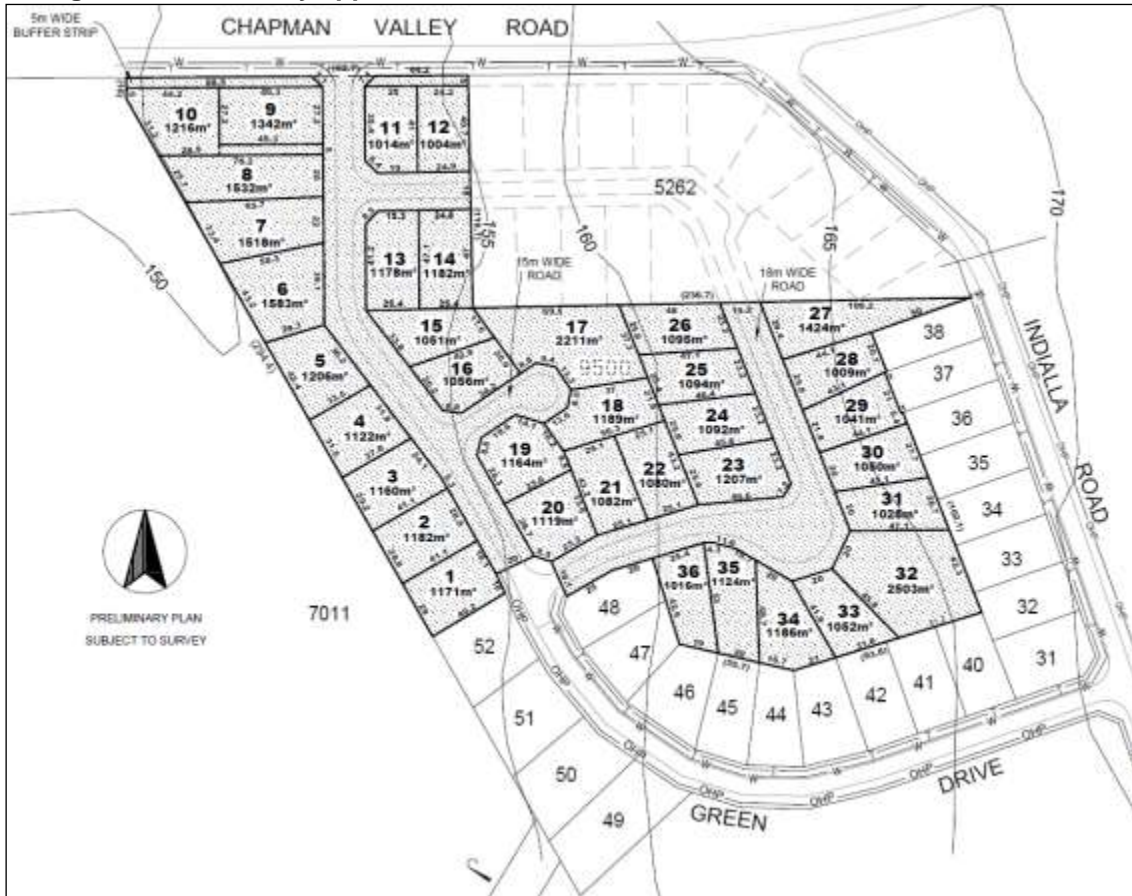
COMMENT

The Regional Development Assistance Program seeks to enable development of land where the project may not necessarily be economically viable and cost prohibitive but will benefit or stimulate growth in a regional area. LandCorp promotes the program as being:

“...available for projects in towns where there are either limited or no active private developers and as a result real land supply needs are not currently being met. LandCorp or other State or Local Government agencies develop land to support regional communities where there is a community benefit even though, due to high servicing costs or low market prices, the development may not be attractive to the private sector. Residential, commercial, tourism and light industrial developments are all eligible for RDAP funding.”

Lot 9500 Green Drive, Nabawa is a freehold title owned by the Shire of Chapman Valley located at the eastern end of the Nabawa townsite. This 5.7567ha lot has a current subdivision approval valid until 9 August 2016 (WAPC Ref: 146090) to create a 36 residential lots which would assist growth and future demand for affordable residential lots within the Nabawa townsite.

Figure 2 – Previously approved Subdivision Plan for Lot 9500 Green Drive, Nabawa



Initial discussions between Shire staff and LandCorp in early 2013 indicated that the subdivision of residential zoned lots upon Shire owned land in Nabawa would qualify for consideration under the Regional Development Assistance Program. Successful applications under this program would result in LandCorp meeting the subdivisional costs e.g. road construction, power, water, surveying, settlement, fencing etc. (with the Local Government often having some ability to provide some level of monetary contribution or in-kind assistance where it possessed the necessary experience and equipment).

Council resolved at its 18 February 2013 meeting to lodge an application under Regional Development Assistance Program whereby LandCorp would undertake subdivision of 36 residential lots upon Lot 9500 Green Drive as per the WAPC approved subdivision plan. application. Copies of the submitted grant application can be made available to Councillors upon request.

LandCorp acknowledged receipt of the application and periodic correspondence in relation to this matter were provided to Council in the July, September & November 2013 Information Reports.

To assist in its assessment of the submitted project LandCorp have engaged consultants to prepare the following studies in relation to the site, indicating a level of serious consideration of this project (copies of these can be provided to Councillors upon request):

- Geotechnical Study (Galt Geotechnics Pty Ltd);
- Environmental Preliminary Site Investigation (Greencap);
- Engineering Report (TME Pty Ltd); &
- Feature Survey (Harley Global).

LandCorp wrote to the Shire on 6 January 2014 raising a number of issues in relation to the progression of the project and a copy of this correspondence is included as **Attachment 1** for Council's information.

Shire staff responded to LandCorp on 22 January 2014 advising that this matter could not be dealt with under delegated authority and would be presented to a meeting of Council for its consideration, given that the 9 lot residential subdivision proposed by LandCorp represented a departure from the 36 lot residential subdivision originally proposed by Council at its 18 February 2013 meeting, and further that the initial Council commitment was for the purchase of 2 lots at \$40,000 each, and the LandCorp correspondence made reference to it seeking a commitment to the purchase of lots within a 9 lot subdivision at \$60,000 each.

In further discussion with LandCorp the following response has been received:

"You requested that we take control of the entire lot 9005 and undertake a 36 lot subdivision however LandCorp's Board only agreed to undertake a first stage release of 9 lots. The Shire will retain the balance of title and if the first stage sells quickly, you can undertake a second stage yourselves or ask LandCorp back to do that development. The same with stage 3 and 4. It is impossible to build an economic argument to do the entire development in a single stage.

I have mentioned a possible sale price of \$60,000 as that would be a reflection of the current asking prices for lots. If a valuer tells me the lots should be valued at say \$30,000 (with the current asking price of \$40,000 by others being unrealistic) then LandCorp's release price would reflect that valuation plus 50% (\$45,000) to bring them slightly closer to the cost of production (which is around \$100,000).

I am simply bringing this to your attention at this early stage so that you can revise your commitment or budget accordingly."

LandCorp after having reviewed the subdivision plan previously prepared for the Green Drive subdivision in 2005, and that has a current WAPC approval, sought the Shire's comment on whether it would be receptive to a revised subdivision plan being prepared that might reduce the potential subdivision costs. The Shire indicated that it would be receptive to discussing a revision of the subdivision plan if it assisted LandCorp in its willingness to deliver the project. Some initial design work assessed the removal of the intersection with Chapman Valley Road as this would remove a considerable expense to meet the requirements of Main Roads WA, and some redesign of the internal layout to enable staging of lot release and improved handling of stormwater drainage. An alternate layout that would ultimately create 32 lots (as opposed to the previous 35) was discussed although it should be noted that one of these lots was of a size that would allow for strata development.

LandCorp have lodged a subdivision application with the WAPC seeking approval to subdivide 9 residential lots, a drainage/recreation reserve and a 3.83ha balance lot that would be returned to the Shire.

Shire staff do not raise issue with the proposed revision to the subdivisional road network although consider that the reduction in the minimum lot size to below 1,000m² may draw the attention of the Department of Health in regards to on-site effluent disposal capability. The lots previously subdivided by the Shire on Green Drive attracted the subdivision condition that they were required to be serviced by an alternative treatment unit (ATU) for waste disposal purposes, rather than the more commonly used septic tank and leach drain system due to the site's location within the Nabawa Water Reserve Priority 3 Source Protection Area (such areas have the fundamental water quality objective of risk mitigation.)

LandCorp are also seeking approval from the WAPC and Western Power for the subdivision to be serviced by overhead rather than underground power, and this may be an issue where LandCorp are unsuccessful.

The LandCorp subdivision application has been referred to all relevant government agencies and service authorities and the Shire seeking comment and a copy of this has been provided as **Attachment 2** for Council's information.

The revised LandCorp subdivision layout would result in a change to the internal subdivisional road network that would make a 142m² portion of road reserve previously created through the Green Drive subdivision for future intersection truncation (and temporary cul-de-sac head) purposes redundant. A plan illustrating this road reserve area has been provided as **Attachment 3** to elaborate upon this matter. It is suggested that were the LandCorp subdivision application to be supported by the WAPC, and Council still wish to progress with this project, that this surplus 142m² area be closed and amalgamated into the adjoining lots.

The correspondence received from LandCorp also queries what road names should be applied to the new roads to be created in the subdivision, but it might be considered that issue is somewhat presumptuous at this point and could be deferred pending an outcome as to whether the WAPC will approve the revised subdivision layout, and whether Council still wish to pursue this reduced proposal from LandCorp. However, should Council elect to continue with either its current subdivision layout, or the LandCorp revision, a road name will be required in the future and the matter of road names could be considered by Council, with the road leading eastwards from Green Drive marked in red in the LandCorp correspondence being the only road that need be considered at this juncture.

A copy of Council Policy 15.210 'Road Names' has been provided as **Attachment 4** for Council's information. The names 'Allender', 'Cahill', 'Cream', 'Eakins', 'Farmer', 'Heinsen', 'Keyhoe' are listed in the policy for the Nabawa locality. It is suggested that one of 'Cahill', 'Farmer', 'Heinsen' or 'Keyhoe' should be applied as these are not already utilised within a 50km radius of the Nabawa townsite. An extract from 'Chapman Valley Pioneers' by PA McDonnell (published in 1974) detailing the contributions of the Cahill and Keyhoe families to Nabawa has also been included in Attachment 4 in support of their being selected as the road name and alternative.

STATUTORY ENVIRONMENT

Lot 9500 Green Drive, Nabawa is zoned 'Residential R10' under Shire of Chapman Valley Local Planning Scheme No.2. The R10 zoning requires a 1,000m² minimum average lot size across the subdivision and a minimum lot size of 875m².

Figure 3 – Extract from Shire of Chapman Valley Local Planning Scheme No.2 Map



In relation to the matter of the 142m² area illustrated in Attachment 3 that would be surplus to road requirements should Council support the revised subdivision layout, then Section 58 of the Land Administration Act 1997 provides for the closure of public roads and part 3 of the staff recommendation addresses this aspect.

Should Council initiate the road closure, it is required to be publicly advertised for a period of 35 days in accordance with the requirements of the Land Administration Act 1997. This would include the following actions:

- Notice being placed in a locally circulating newspaper detailing the proposed closure;
- Letters being sent to surrounding landowners/occupiers;
- Letters being sent to relevant statutory authorities (e.g. Main Roads WA, Department of Land, Telstra, Western Power, FESA etc.); &
- A sign detailing the proposed road closure being erected onsite.

At the conclusion of the advertising period the proposal will be placed before a meeting of Council for its final determination.

The LandCorp correspondence also makes reference to the development constituting a 'major land transaction' under the *Local Government Act 1995*, however, the Shire advised LandCorp that after reviewing Sections 8A & 8 of the *Local Government (Functions & General) Regulations 1996* it was not entirely clear on which basis this would be applied and sought LandCorp's advice in relation to this aspect.

Sections 8A & 8 of the *Local Government (Functions & General) Regulations 1996* states as follows:

"8A Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

- (1) *The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —*
 - (a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) *\$10 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*

or
 - (b) *if the land transaction is entered into by any other local government, the amount that is the lesser of —*
 - (i) *\$2 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*
- (2) *A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —*
 - (a) *the total value of —*
 - (i) *the consideration under the transaction; and*
 - (ii) *anything done by the local government for achieving the purpose of the transaction,*

is more, or is worth more, than the amount prescribed under subregulation (1); and
 - (b) *the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —*
 - (i) *the total value of the transaction; or*
 - (ii) *variations throughout the State in the value of land.*

8 Exempt land transactions prescribed (Act s. 3.59)

- (1) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if the local government enters into it —
 - (a) without intending to produce profit to itself; and
 - (b) without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
- (2) For the purposes of subregulation (1)(b) a person is given joint use of land if the land is to be jointly used for a common purpose by the local government and that person (whether or not other persons are also given joint use of the land).
- (3) A transaction under which a local government disposes of a leasehold interest in land is an exempt land transaction for the purposes of section 3.59 of the Act if —
 - (a) all or any of the consideration to be received by the local government under the transaction is by way of an increase in the value of the land due to improvements that are to be made without cost to the local government; and
 - (b) although the total value referred to in the definition of major land transaction in that section is more, or is worth more, than the amount prescribed for the purposes of that definition, it would not be if the consideration were reduced by the amount of the increase in value mentioned in paragraph (a)."

In further discussion with LandCorp the following response has been received:

"I drew Section 35.9 of the Local Government Act and Section 8 of the Regulations to your attention to simply ensure it was not overlooked. Some local governments have prepared business plans for their land developments and some haven't. I would concur with your appraisal of the Nabawa site, but clearly it is a decision that your Council must take as to whether those pieces of legislation apply."

POLICY IMPLICATIONS

Council resolved at its 17 February 2010 meeting that all grant funding applications are required to be presented to a meeting of Council prior to lodgement. Should Council resolve to support this application, and this application be successful, a further report would be presented to Council once a grant agreement has been received.

LandCorp have yet to formally advise that the Shire's application has been successful, however, given that the proposal has been both reduced in scale and altered in layout by LandCorp through its serious entertainment, feasibility and due diligence process then it is appropriate that Council should review the project in its current proposed form and make a decision on whether to proceed, withdraw or seek discussion on further amendment.

FINANCIAL IMPLICATIONS

Should the Shire's application under the Regional Development Assistance Program be approved then LandCorp would accept the costs involved in the development of the Shire's landholding, including:

- creation of sealed roads access (extension of Green Drive and creation of new subdivisional roads);
- siteworks costs (such as clearing of land and levelling where required);
- provision of power to each lot (this will be a requirement of Western Power at the subdivision stage);
- provision of reticulated water to each lot and headworks charges (this will be a requirement of the Water Corporation at the subdivision stage);
- land surveying costs;
- marketing costs; and
- conveyancing and settlement costs.

LandCorp would generally ensure fair market value when determining the pricing of land based on advice from Landgate's valuation services and independent valuer's, this valuation may not necessarily reflect or recoup the true cost of the development of the land.

As part of its due diligence into the submitted project LandCorp commissioned TME to prepare an Engineering Report for the Green Drive subdivision. The Engineering Report underscored that the cost of the Green Drive subdivision makes the project unviable given the likely sales prices that would be achieved and that the Shire would be unlikely to proceed further with the project without the partnership of LandCorp through the Regional Development Assistance Program. A copy of the preliminary cost estimate for the release of 9 lots as Stage 1 is provided has previously been provided to Council in the September 2013 Information Report. The proposed 9 lot Stage 1 was estimated to cost \$695,000 plus GST or \$73,000 plus GST per lot this includes power, water, telecommunications, earthworks, roadworks, drainage and a 20% contingency sum (the recent LandCorp correspondence estimates \$90,000 per lot potentially factoring in non-engineering costs). The Engineering Report identified that the underground power and trenching costs are the largest items in the estimate and the report makes the assumption that accommodation (mobilisation) costs would be reduced if a Geraldton based contractor is appointed.

In the originally lodged application the Shire proposed that it would cede, at no cost to LandCorp, Lot 9500 and that it would provide in-kind assistance where it possessed the necessary experience and skills (i.e. road grading, clearing etc.). It was also proposed that the Shire would make arrangement to buy back 2 lots at an estimated cost of \$40,000 each. This amount was given as a guide only for the purposes of budget allocation for the 2014/2015 financial year and once a confirmed price is known a further report would be presented to Council for consideration. In the LandCorp correspondence it is suggested that the cost of purchase should be \$60,000. Council may consider it appropriate that as its original offer was based upon purchasing 2 lots of a 36 lot subdivision (representing 5.5% of lot yield) at \$40,000 each (representing 2.5% of the total project cost based upon development costs being \$90,000 per lot) that a revised offer of purchasing 1 lot of a 9 lot subdivision (representing 11.1% of lot yield) at \$60,000 (representing 7.4% of total project cost) would be a reasonable means of recalculation.

Land Development Reserve Account GL6511 presently contains \$116,253.64 that Council gave previous consideration to utilising, in its original lodgement of the grant application, for potential expenditure on the Green Drive subdivision project (without requiring allocation from general budgeted revenue).

It is suggested that to provide greater certainty to LandCorp over the preparation of tender documents, awarding of contracts, warranty, liability and site access issues that the Shire advise that it would not undertake in-kind works in the subdivision, and instead limit its contribution to financial only. This would also provide greater certainty to the Shire's own roadworks program and avoid commitment to the Green Drive subdivision when Shire resources are required elsewhere. In the event that tenders were called for aspects of the subdivision that coincided favourably with the Shire's works program the Shire might seek to make application to LandCorp, or enter into discussion with LandCorp where tenders had been called and no applications has been received.

The creation of additional residential lots will generate an increased rate revenue for the Shire, and an increased demand for servicing.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley Local Planning Strategy (2008) identifies Lot 9500 within the 'Precinct 9 – Nabawa'. The Strategy lists the following economic objectives for this precinct:

- "9.2.1 Accommodate urban growth with a focus on larger lots for affordable rural lifestyle opportunities.*
- 9.2.2 Promote commercial, light industrial and tourist related uses/development to support economic growth.*
- 9.2.3 Ensure urban and rural residential development can proceed through the provision of appropriate services and infrastructure."*

In its support of the application Council considered the strategic outcome of making available further residential lots in the Nabawa townsite, either for general sale, or to allow for an upgrading of its Shire housing stock (potentially linked to sale of some of its existing housing stock).

VOTING REQUIREMENTS

Simple Majority.

STAFF RECOMMENDATION

That Council:

- 1 Advise LandCorp that it has considered the reduced scale of the Regional Development Assistance Program Lot 9500 Green Drive, Nabawa subdivision project now being considered and would be prepared to purchase 1 lot in the 9 lot subdivision for the amount of \$60,000. Further advise that to provide greater certainty to LandCorp over the preparation of tender documents, awarding of contracts, warranty, liability and site access issues the Shire that would not undertake in-kind works, and instead limit its contribution to financial only.
- 2 Advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 9500 Green Drive, Nabawa as shown upon Plan No.16765-7 (WAPC date stamped 23/12/13) and requests the imposition of the following conditions:
 - (a) Those lots not fronting an existing road being provided with frontage to a constructed road connected by a constructed road to the local road system and such roads being constructed and drained at the applicant/owner's cost to the requirements of the Local Government.
 - (b) The land being graded and stabilised to the requirements of the Local Government.
 - (c) The land being filled and drained to ensure that stormwater is contained on-site, or appropriately treated and connected to the local drainage system to the requirements of the Local Government.
 - (d) Drainage easements and reserves as may be required by the Local Government for drainage infrastructure being shown on the Deposited Plan as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*.
 - (e) A Notification, pursuant to section 165 of the *Planning and Development Act 2005* is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:

"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."
 - (f) Suitable arrangements being made with the Water Corporation so that provision of a reticulated scheme water supply service will be available to all lots shown on the approved plan of subdivision.
 - (g) Fire hydrants to be installed and identified at the subdivider's cost to the requirements of the Department of Fire and Emergency Services.
 - (h) Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of an underground electricity supply service to all lots shown on the approved plan of subdivision.

- 3 In the event that WAPC application 149282 is given approval subject to conditions, Council, pursuant to Section 58 of the *Land Administration Act 1997* initiate closure action of the portion of Green Drive road reserve across Lots 48 & 9500 as shown upon the plan included as Attachment 3 to this report.
- 4 In the event that WAPC application 149282 is given approval advise the Department of Land's Geographic Names Committee that it supports the assignation of the name 'Cahill' (or 'Keyhoe' as an alternative if the preferred selection is not acceptable to the Committee) to the proposed road running eastwards off Green Drive as shown upon Plan No.16765-7.

A1662

CR147547



BY: _____

Our Ref 1306484
Enquiries Robert Fenn (9482 7471).

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

Attention; Simon Lancaster

Dear Simon,

GREEN DRIVE – RESIDENTIAL SUBDIVISION

Over the past month, LandCorp has received reports from its surveying, town planning, engineering and environmental consultants that, respectively, the feature survey has been completed, the subdivision application has been prepared and will soon be lodged with the WAPC, the geotechnical investigations have been undertaken and that both a field and a desk-top review of the environmental conditions affecting the site has been completed. To-date, those investigations have not delivered any surprises and the various consultants are confident that the site can be developed for residential purposes.

TME has now commenced the detailed engineering designs for the project and will review their budget estimates to undertake the project over the coming weeks. I should also soon be in a position to send through to you copies of the various investigation reports, as they become available.

With the draft program that has been set out to deliver the Nabawa residential development, I now require the Shire of Chapman Valley to commence several actions under the *Land Administration Act 1997* to ensure the project remains on the projected delivery timelines. The Shire is the agency responsible for initiating the actions required under that Act to name the streets within the development and to close a portion of a current Green Drive road reserve.

Road Closure:

An earlier stage of the Nabawa residential land release anticipated that a road reservation would be created off Green Drive and along the northern boundary of Lot 48 Green Drive. The plan of subdivision currently being submitted to the WAPC no longer proposes to create that road reserve. The result of that decision is that a localised widening of the existing Green Drive road reserve is no longer required and it will impact on the property frontage of proposed Lot 9 in the upcoming development. On the following diagram is an area that has been hatched in red (currently road reserve) and I request that the Shire of Chapman Valley commence the processes under Section 58 of the *Land Administration Act 1997* to close this portion of road. I will arrange with Harley Global for a diagram to be forwarded to the Shire to more clearly identify the land involved, to assist you in the processes under

Western Australian Land Authority (WALA) 100 Stirling Street
 Level 8, Westfarmers House, 40-110 Esplanade, North Western Australia 6000
 Locked Bag 5, Perth Business Centre, Perth Western Australia 6048

T 08 9482 7475 F 08 9481 6561
 E landcorp@landcorp.com.au
 landcorp.com.au

the Act and to clearly show how the land is to be distributed at the end of the road closure process.



Attached is an extract from the *Land Administration Act 1997* outlining the process that the Shire is required to undertake. It may also be advantageous for the Shire (or I can do so if you provide me with the owner's particulars) to make contact with the owner of Lot 48 to ensure that the landowner will not object to the closure action and they are not unreasonably disadvantaged by being denied a (potential) secondary lot frontage. The proposed subdivision approval process will not automatically accommodate any land dealings with the owner of Lot 48 and these must be sorted out prior to LandCorp seeking clearances on the Diagram of Survey for the proposed development.

You should also be aware that it is normal Department of Lands / Landgate policy to seek compensation from the party that receives the portion of closed road. I encourage you to raise this issue early in the process and request that the compensation payment (usually less than \$2,000) be waived in this instance, given that a considerably larger area of land will be provided back to the Crown for local roads through the subdivision process. If that fails, consideration should be given to either the Shire or LandCorp picking up the expenses (compensation and land title fees) for adding the 18 m² (approximately) of additional land into the title for lot 48.

Road Names:

Within the subdivision, additional roads will ultimately be created and the configuration of the proposed roads is such that the future lots will not be able to all have frontage to Green Drive.

Section 26A of the *Land Administration Act 1997* (copy attached) leaves the responsibility for the naming of roads within a new subdivision with the local authority. As road naming can become a very sensitive local issue, I request that you commence the process of selecting new road names at the earliest opportunity; once selected, the new road names must then be submitted to the Geographic Names Committee within Landgate and confirmation received that the names are acceptable to that committee. LandCorp will not be able to put a future Deposited Plan in order for dealing until a copy of the Committee's letter of approval for the road names can be provided.



On the above diagram, I have marked in green, blue and red the extent of three (3) potential roads and names could be allocated for each. You may also consider allocating a single name to the sections of roads marked in blue and green, although the staging of future land releases (particularly if the owner of lot 5262 does not wish to subdivide) could result in the new road being delivered in a disjointed fashion, confusing the general public when seeking to locate a future resident.

Shire Contribution:

Within the Shire's application for funding, you have stated that "the Shire has the capacity to assist LandCorp in some subdivisional works, including road construction." Can you please clarify what assistance, if any, the Shire can deliver to the project and what limitations would be placed on that assistance. TME is currently doing the preliminary designs for the development and will be required to prepare tender documentation for the civil works in the near future. That documentation will be required to clearly clarify what works the contractors will / will not be undertaking. It is also important that (for defects liability) there is a clear demarcation on what work or materials the contractor provided and is required to warranty.

Future lot Purchases:

Within the Shire's application for funding, you have stated that "the Shire commits to the purchase of two lots within the new subdivision to the total value of no more than \$80,000". A recent search of realestate.com and sales information has highlighted

that similar sized lots in Nabawa are being marketed in the \$40,000 price range. The cost of producing the proposed lots is likely to be in excess of \$90,000 and LandCorp has a mandate to advance the price for newly created lots in regional Western Australia closer to the cost of lot production; the historic sale of lots at low prices has also created considerable hardship for purchasers wishing to try and secure finances against the land as there has been little or no equity against which banks can secure mortgages.

If the current sales prices are reflective of true market conditions, then it is probable that LandCorp would be placing the lots in the market at a price in the order of \$60,000 (valuation plus 50%) which is still below the cost of production. Needless to say, if this was to occur, the Shire's maximum budget of \$80,000 would not be adequate to purchase two (2) of the proposed lots. LandCorp has also signed sales contracts in recent times with generous "incentives" incorporated, to help reduce the impact of the initial sales price. In these instances, the purchaser is placed on a performance based schedule to proceed into construction of a building on the lot (our main aim is to produce built form and not simply supply land). Equally, with CEO approval, we have arranged "advanced sales" discounts for local governments and I am prepared to advance a similar request for the Shire of Chapman Valley.

I would also request an indication from you on when the purchase(s) is likely to take place. The subdivisional works are not likely to be completed before August 2014, with titles potentially not available until late 2014/early 2015.

Land Transfer:

The transfer of the land from the Shire to LandCorp to undertake the development constitutes a "Major Land Transaction" under the *Local Government Act* and LandCorp assumes that the Shire of Chapman Valley has completed all of the statutory processes to allow the transfer to occur, in accordance with the undertakings in your application. The Shire Council is also, I understand, required to pass a resolution to allow the President and Chief Executive Officer the authority to complete the transfer.

Prior to LandCorp committing funding for the construction of the nine (9) residential lots, I need to obtain tenure over the subdivision site (to meet the requirements of our Act). Through experience, the most efficient way to secure tenure to sites under the RDAP program, where the land is held in freehold title by the Shire, is by the following process:

1. The Shire transfer the title for 9005 Green Drive to LandCorp and LandCorp pay a \$1.00 (GST inclusive) consideration upon the transfer. The transfer would occur within Landgate slightly prior to the following steps being actioned.
2. LandCorp will apply to have the titles created for the nine (9) lots created through the subdivision process and an additional lot, being the balance of title (shown as 9000 on the plan attached to the subdivision application).
3. Conveyancing staff within LandCorp will apply to Landgate to have ten (10) new titles created in accordance with the approved final Deposited Plan for the development.
4. LandCorp will apply to have nine (9) new titles issued in the name of LandCorp (unless there is sales contract in place with a third party for one of the released lots) and we would then offer those lots to the market.

5. Land will apply to have the tenth new title (lot 9000) issued in the name of the Shire of Chapman Valley and it will record a \$1 consideration for the sale of that lot to the Shire. Lot 9000 would then be held by the Shire to undertake a second (and potentially further) stage subdivision release if required.
6. LandCorp and the Shire are to make their own inquiries and meet any obligations associated with sales tax on the transactions.

This arrangement will require that the Shire trusts LandCorp to undertake the steps outlined above. Our aim would be to hold the title to lot 9005 for the least possible period. I am aware that there are statutory provisions that you must comply with and I am providing you with advance notice of the need to undertake those processes. I will also be in a position to forward to you a draft of a potential sales contract to achieve step 1 around March / April 2014.

Whilst there is adequate time for the Shire of Chapman Valley to complete all of the above actions before major decisions are taken, I request that you give these matters your earliest attention.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

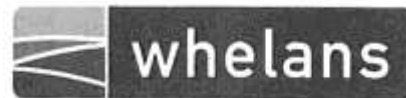


Robert Fenn
SENIOR DEVELOPMENT MANAGER

6 January 2014

Encl: Sections 26A and 58 of the Land Administration Act 1997

Our ref: 16765-03
20 December 2013



The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir/ Madam

PROPOSED FREEHOLD SUBDIVISION OF LAND AT LOT 9500 CHAPMAN VALLEY ROAD, NABAWA

Please find enclosed eight copies of a proposed plan of survey strata, a signed Form 1A, a copy of the certificate of title and a cheque for the sum of \$3,510.23 being the necessary application fee for the Subdivision Application.

Whelans Town Planning act on the behalf of the Whelans act on the behalf of LandCorp, who are subdividing this land as part of the Regional Development Assistance Program. The proposal involves Freehold Subdivision of the above land into 9 residential lots, 1 public open space and drainage reserve and 1 balance lot (a total of 11 lots).

With regard to requirements for provision of electricity services to the estate, the proposal comprises only 9 residential lots. Further, future demand for additional residential land is considered to be limited. Underground electricity supply is therefore not appropriate in this instance and condition number E2 of the Model Subdivision Conditions is recommended for the proposal as follows:

*Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Horizon Power for the provision of an electricity supply service to the lots shown on the approved plan of subdivision.
(Horizon Power)*

Should you have any enquiries regarding this matter or require additional information from our office, please do not hesitate to contact me on 9208 0113.

Yours faithfully,

Greg Comiskey
Senior Town Planner
Town Planning

DEPARTMENT OF PLANNING	
DATE	FILE
23 DEC 2013	149282

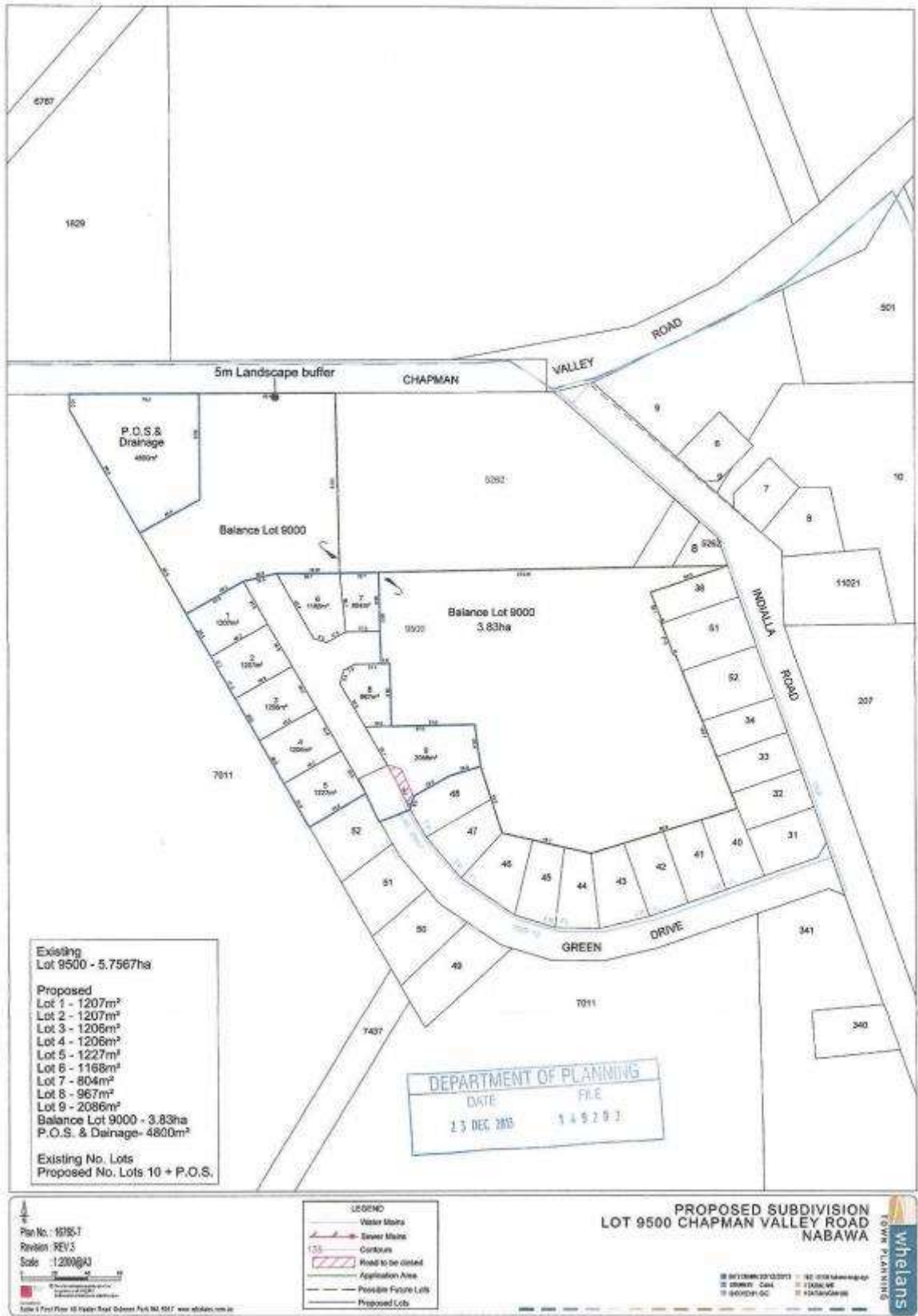
Encl.

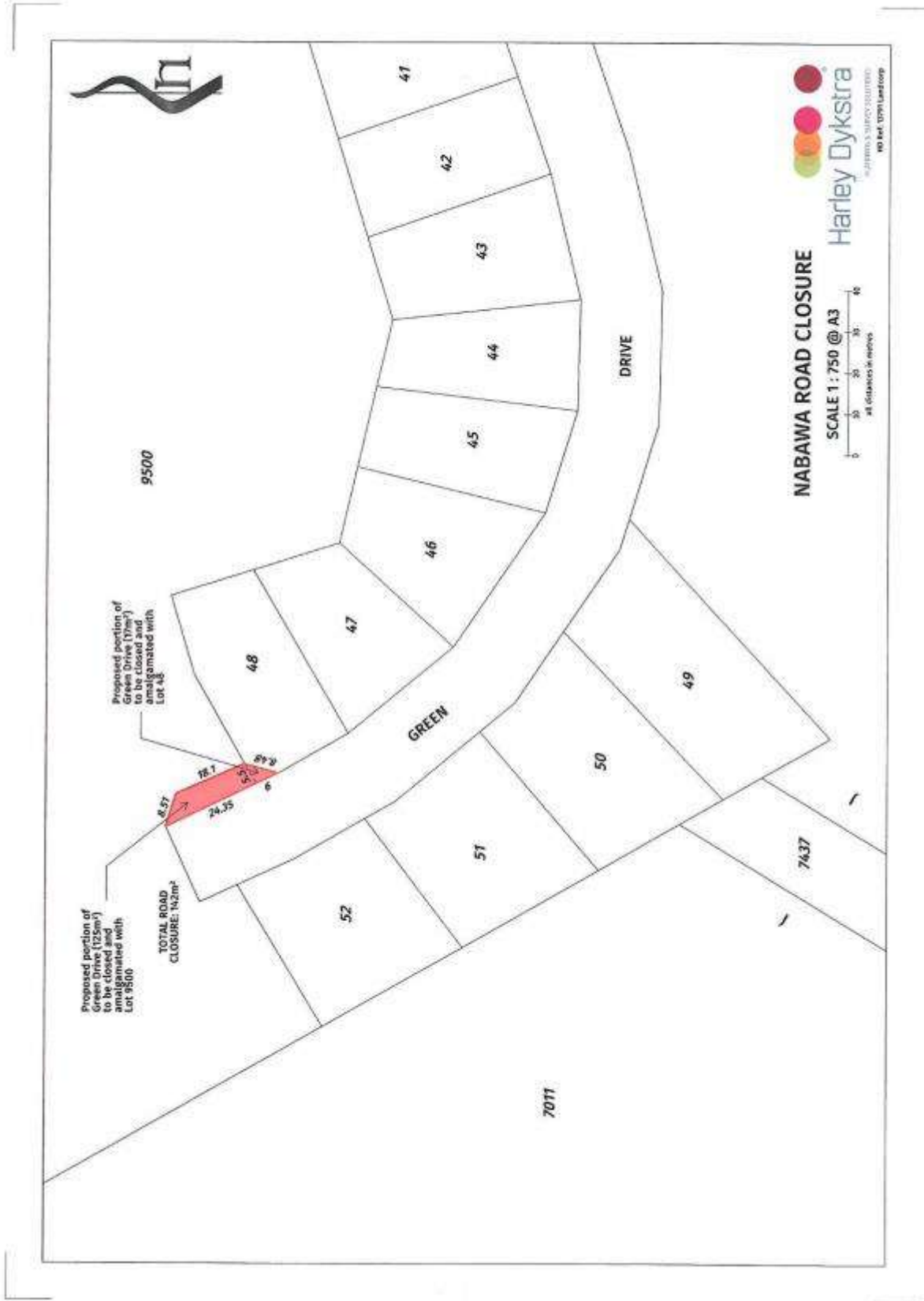
- 8 x Subdivision Plan
- Signed Application Form 1A
- Certificate of Title
- Application Fee

HEAD OFFICE:
Suite 4, First Floor, 40 Hasler Road, Osborne Park WA 6017
PO Box 99, MCLENT HAWTHORN WA 6915
T: 08 6241 3333 F: 08 6241 3300
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PERTH | KARRATHA | BROOME | KUNUNURRA | KALGOORLIE
WHELANS (WA) PTY LTD ACN 074 363 741

SURVEYING | MAPPING | TOWN PLANNING





15.210 ROAD NAMES

PREAMBLE

The assignment of road names is determined by the Geographic Names Committee, which is a branch of the Department of Lands. In administering this responsibility the Geographic Names Committee have regard to an extensive set of criteria, which may be summarised as follows:

1. Name duplication within local governments or adjoining local governments shall be avoided. If possible, it should also be avoided within the State.
2. Names of living individuals shall not be used.
3. Names characterized as follows are to be avoided: incongruous; given/first names; given/first and surname combinations; double names; qualified names; corrupted, unduly cumbersome or difficult to pronounce names; obscene, derogatory, racist or discriminatory names; company names; or, commercialised names.
4. Preferred sources of names include: aboriginal names; pioneers of the State or area; war casualty lists; or thematic names e.g. fauna, ships etc.

Whilst ultimate responsibility for the naming of roads rests with the Geographic Names Committee, they undertake consultation with local authorities as part of the process of assigning names. To assist this process a local authority can develop policies to guide their advice to the Geographic Names Committee. Such policies may, and usually do, include a list of reserved names pre-approved by the Geographic Names Committee.

OBJECTIVE

To allow for the efficient allocation of appropriate names to new roads being created in the Shire, or to existing unnamed roads.

POLICY STATEMENT

In the case of new roads being created by subdivision, Council is supportive of proposed road names, which meet one or more of the following criteria-

Any name which derives from a pioneer of the locality, a previous owner of the land, a traditional name for the property, a physical feature within, adjacent to, or nearby the land.

Where more than three new roads are being created as part of a subdivision; names that follow a consistent theme (where this option is taken at least three new roads must follow the same thematic approach); or

Any name on the reserved list outlined below-

LOCALITY	ROAD NAME
Nabawa	ALLENDER
Nanson & Yuna	ASCIONE
Naraling	BARCLAY
Nanson	BOOTH
Nabawa & Nanson	CAHILL
Nabawa & Nanson	CREAM

Yuna	DONALD
Nabawa	EAKINS
Yuna & Naraling	EXTEN
Nabawa	FARMER
South West	FAWCETT
Naraling	FOAT
Nanson	FORBES
Nabawa	HEINSEN
East Yuna	HIGGINS
Yuna	HIGGINS
Narra Tarra & Nabawa	KEYHOE
Nanson	L'HUILLIER
Nolba	LIPPLE
Durawah	MAYNARD
South West	MCLUSKY
South West	MEEHAN
Buller (Wokarena Heights)	COASTAL
Buller (Wokarena Heights)	DUSK
Buller (Wokarena Heights)	ELEVATION
Buller (Wokarena Heights)	ENDLESS
Buller (Wokarena Heights)	ETERNAL
Buller (Wokarena Heights)	EVENTIDE
Buller (Wokarena Heights)	INFINITY
Buller (Wokarena Heights)	OVERLOOK
Buller (Wokarena Heights)	SKYLINE

In the case of other roads, which require names, Council is supportive of road names, which meet one or more of the following criteria-

Any name which derives from a pioneer of the locality, a previous owner of the land, a traditional name for the property, a physical feature within, adjacent to, or nearby the land;

Names that have traditionally been applied by residents of the area to the road and which is suggested by a person owning land adjacent to the road; or

Any name on the reserved list outlined in 1(c) above.

With regard to the reserved list outlined at 1(c) above, whenever the list is reduced to less than ten names, Council shall work with the Geographic Names Committee to place additional names on the list.

Adopted by Council: 21 March 2006
Minute Reference: 03/06-10
Adopted by Council: 17 July 2013
Minute Reference: 07/13-3
Approved by Minister of Lands: 9 September 2013

who was one of the original pupils at the old Mt. Erin School.

Apparently he did not attend this school for very long, he was in fact over 14 years old when it opened, and about this time Mr. and Mrs. Carter disposed of the little property to Mr. Sam Crabbe.

The writer had the opportunity of perusing the Contract of Sale made between Carters and Mr. Crabbe. It was prepared in 1909 by Mr. Arnold Meadowcroft, an Accountant in Geraldton.

The contract, in addition to giving essential details of the land, itemised the list of plant which mentioned separately a specific number of horse collars, the number of sets of harness, one grindstone, one dray, the number of fowls and so on. This document was carefully preserved in 1972 by a son of the purchaser (Stanley E. Crabbe of Askew Road, Geraldton).

The other block referred to was occupied by Walter Jessup.

It comprised 130 acres and was only a short distance from Phil Carter's home.

Very little could be learned about Mr. Jessup's activities, but it would be logical to conclude that both of these men performed other work apart from their pioneer efforts in farming.

Walter Jessup was very interested in music and was a singer of above average ability. He was a close friend of Mr. and Mrs. William Eastough of Yetna who were also interested in music and singing.

Mr. Jessup was a brother-in-law of Mrs. Eli Bignell. Mr. and Mrs. Bignell later selected land near Jessup's, and in 1909 the Jessup block was purchased by Eli Bignell. It was always referred to as "Jessup's Block".

23. DAN AND ELIZABETH CAHILL

The little centre of Nabawa as it existed in the earlier years of the district would be familiar to Dan and Elizabeth Cahill. Mrs. Cahill was in fact born in the region and was the daughter of Michael and Mary Ann Roman.

Dan Cahill was born at Bowes Station in 1869. He was known to his acquaintances as Dan Carr. However, the correct spelling was "Cahill".

Dan's parent had been associated with the station for many years, in the period when it was owned by Mr. William Burges. Dan had at least one brother, Walter (Wally), who lived for a short time in the Valley, and also a sister. His sister's name could not be learned but it is definitely known that she entered a religious life and was a sister in the Catholic Convent at Northam.

Dan spent his early life at Bowes and as time progressed he followed station work of all types, in the process becoming familiar with the neighbouring areas of Oakabella, Eureka, Mt. Erin, and Narra Tarra, as well as being associated with the lead mining fields.

As a result of this extensive experience he became a highly proficient stockman as well as being an excellent judge of all types of animals, horses, cattle, sheep and pigs.

He was renowned for his ability to train and handle sheep dogs.

After his marriage to Miss Ronan the Cahills' settled permanently at Nabawa, having acquired a small block of land there. This was before the 1900 days.

A few years later a larger block was secured about 5 miles from Nabawa, north-east. The second block was probably a portion of that area which had been reserved as an "Agricultural Area" in the event of such a development. This became the site of the family home before the Bowes Station was sold for development of farms.

The family numbered seven. Three daughters—Hannah, Nellie and Alice, and four sons Ted and Paddy (now deceased), Dan living in Perth and Frank in Queensland.

Like all the early settlers the Cahills made the farm as self supporting as possible, growing vegetables,

producing milk, butter and poultry, keeping pigs, sheep and cattle as well as wheat growing.

Many of the earlier farmers will recall that the two eldest sons Ted and Paddy Cahill were shearers of a very high standard operating in the district and also at other centres in the Shire of Morawa.

Dan Cahill being a man ready to recognise an opportunity to diversify activities during the years before and after 1920, when the lead mine at Protheroe was working, established a butchering business to supply meat to the mining community.

In later years he added a bakers' business. The bakehouse was established on the block close to Nabawa and bread was delivered to Protheroe, Nanson and Nabawa. The baker was Mr. McCormack known as "Mac the Baker" and two men were actively associated with the butchers work, these were Tommy Davies and Bob McAuliffe.

Dan Cahill was a familiar figure at stock sales held in the region. He was quick to recognise the advantage of motor transport, purchasing his first car in July 1923. It was a new "Chevrolet 4" with registration plates marked CU.26.

The Cahill family gave generous support to the Catholic Church at Nabawa being prominent workers for church functions. Dan was a prominent Church Committee man and was an inspiration to the young men just joining the committee. His car was made available to assist the Priests in the Parish at any time required.

The parents and all the family were keen supporters of sport and social activities and were keenly interested in horse racing.

Always willing to assist a worth while project, Dan Cahill provided land from his Nabawa block on which the Nabawa Hall was erected in 1926.

Mr. and Mrs. Cahill spent the major portion of their married life at Nabawa but as they advanced in years the property was sold to two local farmers and they retired to Geraldton.

Dan Cahill died in 1952. He was aged 83.

Mrs. Elizabeth Cahill died in 1954. She also reached the age of 83.

24. DANIEL O'CONNELL KEYHOE

The majority of those people who read this chapter could perhaps hazard a guess with reference to the Country from which this gentleman came. In case there may be any doubt, he came from Ireland.

Leaving the subject of Ireland for the time let us return to the Valley.

In 1898 a "half-time" government school was established 17 miles from Geraldton.

The school was officially known as "Narra Tarra School" and the building was in fact William Eastough's workshop, at his home "The Orangerie", Yetna. By 1901 the Department had erected another building at Yetna on the same site.

Around this time the Department established the other "half-time" school in the area. This was the building erected as an Agricultural Hall a little earlier, and was situated adjacent to the present Nabawa Cemetery Reserve on the southern end.

Perhaps many readers would inquire what was meant by the expression "half-time school". The answer is simple. One teacher, two schools. One school open one week, the other next week.

The two "half time" schools were situated approximately seven miles from each other and research work carried out by the writer has disclosed that there were in the initial stages of this Educational Project eighteen pupils at Narra Tarra School and twelve at Nabawa, and the teacher was Mr. Dan Keyhoe.

Daniel O'Connell Keyhoe was educated in Ireland, completing his studies at St. Andrew's Christian Brothers' College in Glasgow.

He came to New South Wales in 1879 and entered that State's Education Department as a teacher.

After a period in this occupation amounting to about 13 years he resigned and spent six years in New

South Wales as a sheep farmer. He was always very interested in the life of the people on the land.

Coming to Western Australia in 1898, Mr. Keyhoe rejoined the Education Department was appointed as teacher in charge of the two schools already described.

Dan Keyhoe was a competent school teacher, working under conditions vastly different from those which exist some 70 years later.

Dan Keyhoe, having had experience of life on the land, was anxious to assist the early settlers in any way possible.

He was therefore associated with the first farmers' organisation formed in the district which was of course the Upper Chapman Farmers' and Fruit Growers' Association.

He served a term as Secretary of the Association and in addition was the first Secretary of the Upper Chapman Road Board which was formed about this time. His position as Secretary was only a part time job to help local government work.

Before the formation of the Upper Chapman Board the entire area which now comprises Northampton and Chapman Valley Shires, was known as the Mines Road Board District.

The Narra Tarra School was afterwards re-designated and officially known as the Yetna School.

Other men after Mr. Keyhoe who succeeded as teachers of the part time schools were Messrs. Michael O'Dea, grandfather of Dan O'Dea of Perth, member of the legal profession and now a Stipendiary Magistrate, also Thomas McNaught who will be referred to again in this story.

25. McNAUGHTS

Thomas McNaught born in Scotland migrated with his parents to New Zealand in 1875 where he was educated and afterwards trained as a school teacher. He came to Western Australia in the late 1890's and continued his teaching profession at the Mullewa State School.

While he was at Mullewa he met his future life partner Miss Edith Fremlin, who at the time was an employee of the P.M.G. Department.

Thomas and Edith McNaught were married at Mullewa and they were able to secure a small block in the Valley in the area later known as Dindloa. This was prior to closer settlement when it was very difficult to secure land for a home.

Leaving Mullewa the McNaughts moved into the Valley in 1901 travelling by the horse and cart system of transport.

In the years that followed they developed their farm in what may be described as the hard way and were obliged to secure income from other sources to carry on.

Tom McNaught was fortunate that he had the qualifications as a school teacher as teachers were in short supply and some time after his arrival in the district he was requested to rejoin the Department. As a result he became a member of the band of part-time teachers officiating at Nabawa and Yetna.

Prior to accepting this appointment he had also worked at the Chapman Experimental Farm which had just commenced its pioneer experiments for the welfare of agriculture.

The McNaughts continued to develop their farm after Mr. McNaught relinquished teaching and as the construction workers moved forward constructing the Geraldton-Wokarina-Naraling section of railway, they supplied meat to the large number of workers.

After the railway was in operation an official Post Office was established at McNaughts and the couple also established a small general store to cater for local settlers who were arriving in this new era. The Post Office was known as "Roslyn".

Mr. and Mrs. Tom McNaught retained their association with the Valley until their family had passed their childhood days.

They turned their attention then to Walkaway where Mrs. McNaught was appointed as Post Mistress

in 1917. Her husband divided his time between Walkaway and Dindloa.

The McNaught family numbered five, Sons, Hugh, Henry and Fremlin, Daughters, Grace (Mrs. McLean) Rockingham, and Madge (Mrs. Hymus) for many years a resident of Greenough.

The Dindloa farm of McNaughts was for a period leased to a neighbouring farmer and in 1949 was taken over by son, Fremlin McNaught who with his wife and family have enlarged it and can be regarded as very efficient and progressive farmers.

Some of the members of the McNaught family selected land at East Ogilvie (they also started with the horse and cart).

They selected several thousand acres but the depression years brought this project to an end.

Henry McNaught is now a resident of England and as mentioned Frem is a successful farmer in the Valley. Prior to taking over the home property Frem was employed for many years by Charles Tayler of Yuna.

Eldest son, Hugh McNaught, will be remembered by many people as a wheat agent for Westfarmers operating as receiver of bagged wheat first at Naraling and afterwards Yuna. With the progress of time he joined Co-operative Bulk Handling as a bin attendant afterwards as a supervisor, and finally as a Zone Inspector for the Company, a position which he carried out in a most efficient manner.

Hugh McNaught and his wife have for some time resided at Wonthella and Hugh has of course retired.

We may say that Hugh and Mrs. McNaught have only retired in one respect. They now have more time to devote their attention to Church activities and engage in the practical work of charity which is so much appreciated by those in need.

Hugh and Mrs. McNaught were prominent in the Chapman Valley as sincere Church workers.

This chapter may be concluded by recording that pioneers Thomas and Edith McNaught both reached the age of 91 and though not with us, are affectionately remembered for their wonderful contribution to the district's development.

26. EXTRACTS FROM STORY "WESTERN PIONEERS"

In his book "Western Pioneers" compiled in 1936 the author Mr. Jesse E. Hammond who was born in Perth in 1856 makes reference to the Chapman Valley District in the 1870's.

Mr. Hammond was a builder and general handy man and at intervals spent about 24 years of his life in the Geraldton region.

He also worked in other occupations and was familiar with the State from Albany to Northampton and as far north as the Gascoyne districts.

Relating his association with the Geraldton district, Mr. Hammond refers to a droving trip with stock for North West Stations in 1875. Accompanied by six other men he stayed at Mt. Erin Station for more than a week and mentions that a man in charge of station activities, Mr. Bob Quilton gave the droving party a lot of assistance.

Some two years later, 1877, with a companion, Mr. C. Buggins also a builder, he undertook a commission to carry out building additions to the homestead dwelling at Mt. Erin.

Mr. Hammond was very impressed with the homestead kitchen, thirty feet by twenty feet with a tremendous fireplace. A table right down the centre was adequate to seat all hands even at shearing time.

He states that he had seen two sheep eaten at one meal.

While working at Mt. Erin Messrs. Hammond and Buggins visited the Narra Tarra Lead Mines where a dance was held once each month. They would walk about 5 or 6 miles to the mines on Saturday afternoon, returning Sunday evening.

Many of the miners had come from Cornwall and were talented singers and there were also several excellent musicians.

AGENDA ITEM:	9.1.6
SUBJECT:	'WELLS ROAD'
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 100 & 3324, OAKAJEE
FILE REFERENCE:	1001.1290
PREVIOUS REFERENCE:	1/99-15, 4/00-6 & 06/05-18
DATE:	7 FEBRUARY 2014
AUTHOR:	SIMON LANCASTER

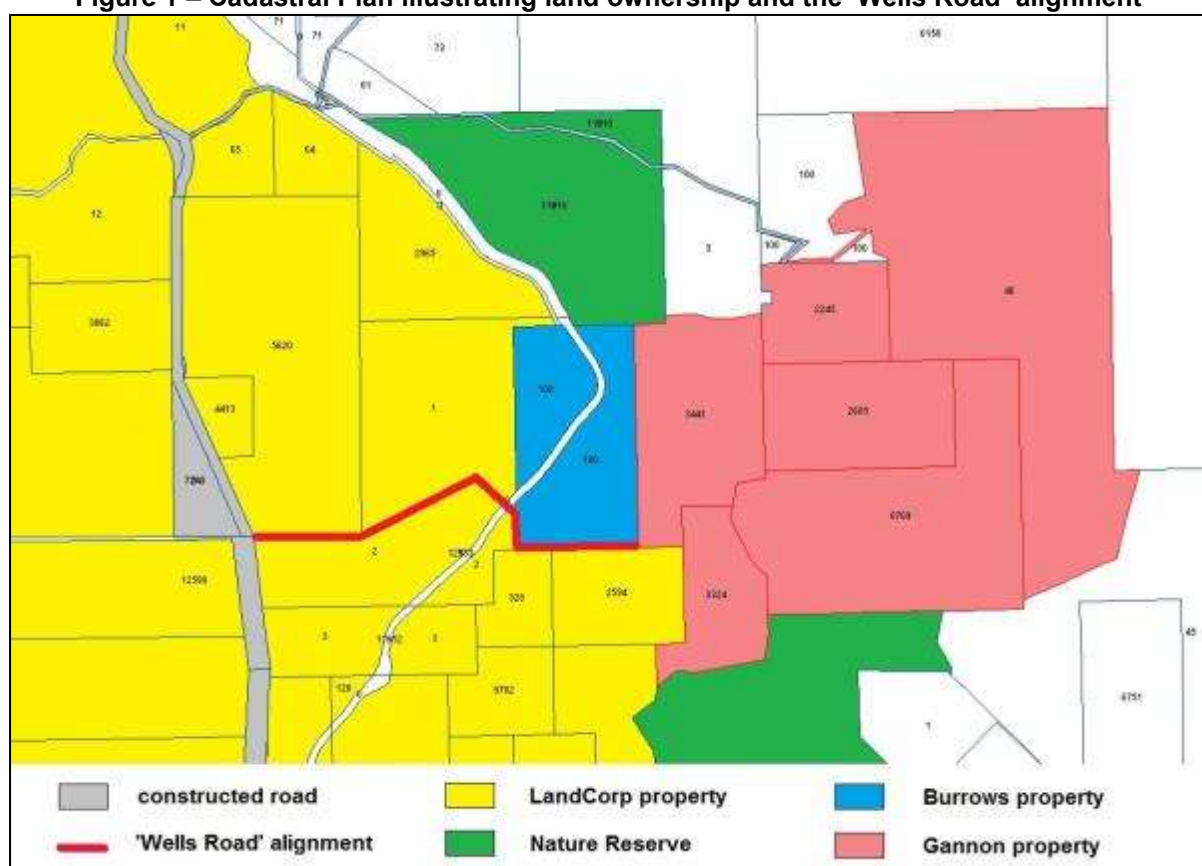
DISCLOSURE OF INTEREST

Nil

BACKGROUND

Two private landowners in the White Peak locality currently access the North West Coastal Highway via means of an informal track referred to as 'Wells Road'. This alignment is not a road reserve and this report provides a series of recommendations for Council's consideration on how this situation could be managed.

Figure 1 – Cadastral Plan illustrating land ownership and the 'Wells Road' alignment



COMMENT

It is understood that in 1980 a 4.5km long access track was constructed commencing at North West Coastal Highway and heading eastwards to provide access to gravel extraction operations located in the Moresby Range upon Lot 6769. Since its construction the track has commonly been referred to as 'Wells Road', given the operating company that constructed the track was Wells Sand and Gravel, and the track was used by local residents to access their properties.

However, 'Wells Road' is not a dedicated (public) road, and the track runs across a number of freehold properties raising issue over legal access and liability for these landowners. An aerial photo illustrating the alignment for 'Wells Road' is provided as **Attachment 1** for Council's further information.

Figure 2 – View of ‘Wells Road’ looking west



The majority of the ‘Wells Road’ alignment is located within land purchased by LandCorp arising from the rezoning of the Oakajee Industrial Estate and Buffer, with 2 private landowners at the eastern end of ‘Wells Road’ who are located outside of the Oakajee buffer using the track to gain access to the highway.

There are 5 residences accessing ‘Wells Road’ that are located upon LandCorp land and leased out to residents, and it could be considered that their security of access is safeguarded by the lessor also being the party over whose land they traverse to reach the highway and this is therefore an internal rental arrangement for LandCorp. However, the 2 private landowners at the eastern end of ‘Wells Road’ currently traverse LandCorp property to access the highway and their ability to continue to utilise this access is therefore at the discretion of LandCorp.

The landowner of Lot 100 has an outbuilding only upon their property, and this is located at the eastern end of the 2.6km section of ‘Wells Road’ that is currently accessible. Lot 100 does have legal road frontage to an unconstructed road running parallel to the former Northampton rail reserve, this is unconstructed for a length of 1.9km and leads north-east to connect with Olsen Road.

Figure 3 – Outbuilding located upon Lot 100



The remainder of the track leading to the former Wells quarry is gated and is effectively a private driveway as it is internal within the 2nd private landowner's landholding which comprises of Lots 46, 2245, 2685, 3324, 3441 & 6769. Lot 3324 has a residence upon it, the access to which is via 'Wells Road' back to the highway. Lot 46 does possess legal frontage to Olsen Road further north via a 540m long battleaxe access leg which does provide road connection for the overall landholding, although to reach this alternative frontage would require the landowner to create a 3.4km (minimum) driveway access to Olsen Road.

Figure 4 – Residence located upon Lot 3324



In response to this issue Council resolved at its 19 January 1999 meeting to resume the private lands known as 'Wells Road' under Section 56(1)(c) of the *Land Administration Act 1997* and dedicate those lands as road under Section 56(6) which allows for the resumption and dedication of 'private roads' without payment of compensation to affected landowners for the portions of land that have

been in continuous use by the public for more than 10 years. Survey drawings were then prepared illustrating the land area required for road dedication purposes.

However, after further investigation it was indicated by the Department of Lands on 10 March 2000 that some difficulties existed with this approach as 'Wells Road', whilst it may be a 'road' held in private ownership, was not in fact a 'private road' by specific definition pursuant to the *Land Administration Act 1997*. As such Section 56(1)(c) did not apply in this case.

Notwithstanding the above, it was noted the area of land in question could be dedicated as a road if:

- The affected landowners consented to the ceding of the land at no cost; or
- Council was to advise the Department that it wished to resume the land and was prepared to cover any costs of compensation that may result.

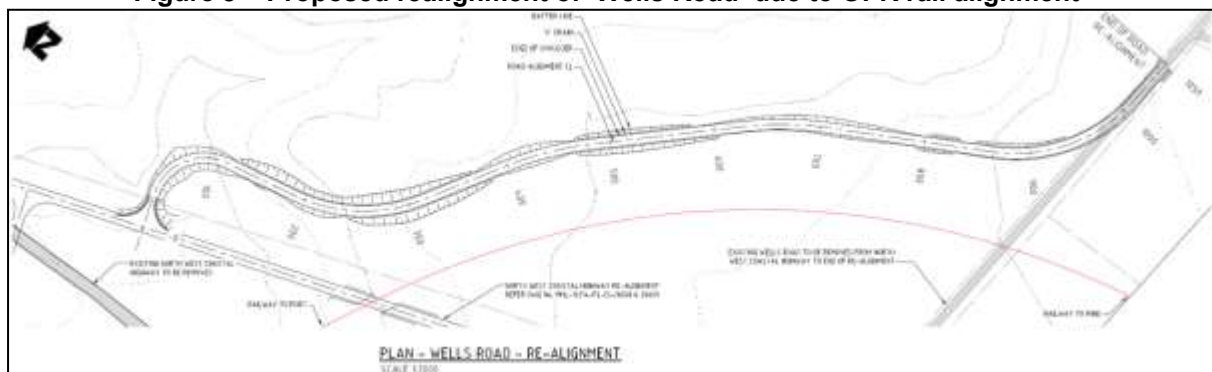
At the time all of the affected landowners were approached to cede the land free of charge for the purpose of dedicating the road with several declining and requesting compensation be paid should a land resumption program be exercised. In response to the landowners' position and based on LandCorp commencing the acquisition of much of the land for the Oakajee Buffer at the time, Council at its 18 April 2000 meeting resolved to revoke its decision of 19 January 1999 to dedicate 'Wells Road' pursuant to Section 56(1)(c) of the *Land Administration Act 1997* and place an item on the Status Report requiring further investigation of the possibility of dedicating 'Wells Road' once Town Planning Scheme Amendment No.18 (Oakajee) had been determined.

Following the gazettal of Scheme Amendment No.18 and the acquisition of much of the 'Wells Road' alignment by LandCorp the issue was revisited by the Shire, with 2 of the now 3 landowners indicating their support to cede the land necessary to formalise 'Wells Road' at no cost, with the 3rd landowner expressing their opposition and view that the land should be purchased by the Shire.

Council resolved at its 21 June 2005 meeting to approach all affected landowners with the proposal to establish a legal 'right of carriageway' agreement (or similar) that would formalise and support access across respective properties using the existing 'Wells Road' formation.

The issue of 'Wells Road' was further delayed by the proposed rail alignment leading into Oakajee crossing 'Wells Road' and discussions were held with Oakajee Port & Rail that the western portion of 'Wells Road' would be required to be realigned to run alongside the new rail alignment and intersect with the North West Coastal Highway at a new location approximately 1.3km north of the current intersection to continue to maintain access.

Figure 5 – Proposed realignment of 'Wells Road' due to OPR rail alignment



The issue of 'Wells Road' recently arose when the street sign was noticed to have been removed and the Shire requested that Main Roads WA (who have responsibility for directional highway signage) not replace this street sign as it created the incorrect impression that 'Wells Road' was a road reserve and accessible to general traffic. Main Roads WA have since replaced the 'Wells Road' street sign citing that it is listed in their database.

The Department of Lands have previously advised on 10 March 2000 that "currently rights of carriageway have been registered over the relevant Certificate of Title, allowing the owners legal access to their properties. Arrangements for the maintenance of that carriageway are not DOLA's

concern, but I understand Council does have power under the Local Government Act to allocate funds for works benefiting a local community.”

Search of the titles for Lot 100 and Lot 3324 indicates that an easement was registered on 30 November 1981 providing right of carriageway along an alignment corresponding to the on-ground 'Wells Road' across the intervening lots to the North West Coastal Highway.

STATUTORY ENVIRONMENT

The *Land Administration Act 1997* addresses the dedication, resumption and closure of roads.

POLICY IMPLICATIONS

Council Policy 15.70 'Private Works' provides direction regarding the use of Shire resources for the completion of private works.

FINANCIAL IMPLICATIONS

In the event that 'Wells Road' was formalised a road reserve the Shire would be responsible for road upgrading and ongoing maintenance and liability costs.

The Shire does not attend to maintenance works on 'Wells Road' on an annual basis, it has previously undertaken some grading or tree pruning works at the request of LandCorp, and should such works be undertaken in future they should be done so as private contracted works.

STRATEGIC IMPLICATIONS

The Oakajee Industrial Estate Structure Plan (2012) illustrates rail alignments into the Oakajee Port crossing the 'Wells Road' alignment, and in past discussions with LandCorp and Oakajee Port & Rail the Shire has expressed the position that 'Wells Road' would require realignment and creation as a road reserve to maintain the current access for the 2 landowners at its eastern end. The proposed relocation of the intersection of 'Wells Road' with the North West Coastal Highway further north would also provide the opportunity to create an intersection with improved sightlines.

Figure 6 – View looking south and north from 'Wells Road' highway intersection



VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council:

- 1 Update its ROMAN database by removing 'Wells Road' to reflect that this is not a road reserve;
- 2 Advise Main Roads WA that 'Wells Road' is not a road reserve and it is not listed in the Shire's ROMAN database;
- 3 Request Main Roads WA to remove the 'Wells Road' street sign to reflect that this is not a road and to discourage general traffic from accessing private property (if Main Roads WA should

deem that this right of carriageway access point requires some form of signage then it is requested that the access location be sign posted as 'Private Road' to indicate that this is not a road reserve and is not for general traffic, with potentially yellow approach signage in either prior direction to advise traffic of the driveway's location);

- 4 Advise the Department of Land's Geographic Names Committee that 'Wells Road' is not a road or private road as defined under the *Land Administration Act 1997* and to request that the name be removed from its database relevant to the Shire of Chapman Valley; &
- 5 Advise the 3 landowners that utilise the 'Wells Road' alignment of Council's actions in regard to this matter and further advise that Council will review the possible creation of 'Wells Road' as a road reserve in the event that an infrastructure alignment (potentially rail) necessitates the realignment of the western section of this access and its intersection location with the North West Coastal Highway.



AGENDA ITEM:	9.1.7
SUBJECT:	NABAWA TOWNSITE REVITALISATION PROJECT
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	NABAWA TOWNSITE
FILE REFERENCE:	204.06.05
PREVIOUS REFERENCE:	N/A
DATE:	8 FEBRUARY 2014
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire has been approached by the Department of Planning (Northern Planning Program - Central Regions Revitalisation Team) to potentially undertake a revitalisation project for the townsite of Nabawa. To enable a clearer understanding on the potential cost of such a project, Shire staff invited expressions of interest with twelve (12) submissions being received. This report recommends endorsement of Josh Byrne & Associates as the preferred provider for this project and Council's approval to pursue a funding agreement with the Department of Planning for the acquisition of funds.

COMMENT

The principal objective of the Nabawa Townsite Revitalisation Project (the 'Project') is to establish a plan and associated activities that will produce a dynamic and inviting streetscape for residents and visitors and provide for greater connectivity between the facilities and the people of the town. The project should take into consideration areas that are appropriate for future development and growth and their connection to the townsite whilst also identifying opportunities to provide a greater experience and connection with visitors to the area.

The Project would produce a document that assists the Shire in creating a community setting that is inviting to local residents and those considering relocating to a regional area and enhance the townsite and facilities for visitors to the area.

It is considered important that some professional assistance be sought towards creating a plan incorporating the abovementioned components and to depict them visually and graphically.

Should Council support this project it is recommend that a 'Nabawa Townsite Revitalisation Steering Group' be established to guide the Project. It is suggested that the Steering Group would comprise of the following representation:

- 2 Councillors (1 to serve as chair)
- Community Representatives (suggested that the Shire could approach several Nabawa community members directly seeking their involvement and also place a notice in the Valley Vibes)
- Shire staff
- Appointed consultant
- Department of Planning representative (should the Department of Planning wish to be included in the steering group)

The following deliverables have been established as being required to be identified by the project (although these would be considered by the appointed consultant and Steering Group in the study process it does not mean that they are to be incorporated into the final plan if it is felt unwarranted):

- Main street/general streetscape enhancement & Design
- Revegetation/Rehabilitation/Landscaping
- Tourism facilities/tourist attractions (upgrades to these and/or signage to direct attention to them)

- Opportunities for growth (i.e. identification of areas for rezoning/subdivision to deliver a range of residential and rural-residential lifestyle options)
- Schedule of estimated costs to achieve outcomes
- Overnight parking and amenities for caravans/campers
- Resource Centre
- Signage / Interpretive Signage / Entry statements
- Community facilities upgrades
- Public Art

The consultant will work with Shire staff and members of the Nabawa Townsite Revitalisation Steering Group to develop an overview of the Project and concepts for each of the listed priorities.

It is envisaged that the project will be finalised within 12 months from the date of appointment of the successful consultant and the signing of the funding agreement with the Department of Planning. As a guide it is suggested that the project would have the following stages:

- Stage 1 (By 30 May 2014) - The Consultants will have an initial site meeting with the community members and Shire representatives to further familiarise themselves with the project parameters and to explore ideas which might be incorporated in the plan. Discussions with relevant government agencies with particular regard for (but not limited to) Main Roads WA (as Chapman Valley Road is a Main Roads WA road) and Department of Water (as Nabawa is a Public Drinking Source Protection Area).
- Stage 2 (By 31 August 2014) - Consultants will present Council and the community members who have attended initial meeting with a preliminary draft/concept.
- Stage 3 (by 31 February 2015) - Shire will consider draft/concept and liaise with the community members and Consultants, make necessary amendments and commission final plan. Consultants to finalise plan and make presentation to Council and community members

It is noted for Council's information that funding has not yet been confirmed by the Department of Planning. Should Council support the project, the received expressions of interest (identifying the Shire's preferred provider) will be forwarded to the Department of Planning and the Shire would thereafter be advised as to whether the project has been chosen to be funded.

Should this project be confirmed for funding by the Department of Planning the Shire will be in a position to formalise an agreement with the Department of Planning and with the successful consultant.

STATUTORY ENVIRONMENT

Council would formally view the Nabawa Townsite Revitalisation Plan document as a draft stage and if satisfied with its content advertise the document and then again consider the document and any submissions received at a further meeting of Council.

The final plan submitted by the consultants if adopted by Council would be used as a foundation for accessing external funding to implement the project outcomes and to give guidance to the future revision of the Shire's Local Planning Strategy.

POLICY IMPLICATIONS

Expressions of interest were sought with the following items listed as some of the areas that would be considered by the Shire when selecting a consultant to undertake this project:

- Demonstrated experience in Townscaping/Urban Design (required to provide examples of previous work (or similar) that includes documentation (text) and layout of plans in a clearly understood and high quality manner);
- Fees (quotes to be inclusive of all work carried out by the consultants, including travelling, accommodation and disbursements);
- Capacity to meet the timelines specified in this brief;
- Ability to accurately estimate the costs to implement the plan's recommendations;

- Demonstrated understanding of the project outcomes;
- Methodology proposed to achieve goals; &
- Experience of the individual project team members.

An advert calling for expressions of interest to assist the Shire with this Project was published in the The West Australian on Saturday 4 January 2014 with submissions accepted up until Friday 24 January 2014. The submission period has now closed with twelve (12) expressions of interest having been received. An evaluation matrix comparing the expressions of interest received and the three highest ranked submissions have been provided to Councillors as a **separate attachment** to this report. Copies of all 12 received submissions can be provided to Councillors upon request.

FINANCIAL IMPLICATIONS

Shire staff have submitted a study brief and initial expression of interest on the basis that this project is 100% funded by the Department of Planning (approximately \$40,000 + GST) with the Shire's contribution being in-kind (staff time such as administration and project management, venue use, advertising and mail out costs).

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley has consulted with the Nabawa community as part of the Strategic Community Planning process to establish priorities for the enhancement of the Nabawa townsite. The Project addresses the following community aspirations depicted in the Strategic Community Plan:

Economic Objectives

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Investigate options to establish a store in the heart of the Shire	We can help grow the local economy	Community Chapman Valley business community Shire of Chapman Valley
	Develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley
	Develop short-term and overnight accommodation options across the Shire	Visitors stay longer in our community Short-term employees can reside in the Shire	Chapman Valley business community Chapman Valley farming community Shire of Chapman Valley
Utilise the land available in the area for a range of new businesses	Develop the semi-rural parts of the Shire to attract light industry and retail	Increased customer spending and employment in the Shire	Chapman Valley business community Community Private enterprise Shire of Chapman Valley

Community Objectives

Objective	Strategy	Outcome	Partners
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	State government Industry Community Shire of Chapman Valley
	Investigate bus transportation options to provide greater access links between the community and services	Our community can more easily access the range of services they need	Shire of Chapman Valley Community
	Investigate the establishment of aged care facilities in the area	We can care for our elderly locally	Shire of Chapman Valley Community State Government Private providers
We want inclusive communities	Develop community facilities to provide	Stronger, inclusive communities across the	Shire of Chapman Valley Community

	gathering places, including community centre, swimming pools	Shire	
We are committed to supporting growth in our towns	Make the right land available to increase housing	More people and families move into the Shire	Shire of Chapman Valley Local developers State Government

Environmental Objectives

Objective	Strategy	Outcome	Partners
We want to make the most of our environment, including the ranges, rivers and coastline	Explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics	We recognise and uphold the value of our natural landscape	Shire of Chapman Valley State government Community organisations Landowners

VOTING REQUIREMENTS

Simple Majority.

STAFF RECOMMENDATION

That Council:

1. Thank all parties who expressed an interest in undertaking the Nabawa Townsite Revitalisation Project;
2. Notify Josh Byrne & Associates that they are the Shire's preferred provider for the Nabawa Townsite Revitalisation Project;
3. Advise the Department of Planning of the Shire's preferred provider and Council's willingness to undertake the Nabawa Townsite Revitalisation Project as per the submitted study brief and funding arrangement;
4. Delegate authority to the Chief Executive Officer to formalise an agreement with the Department of Planning should the Shire be notified of its success with acquiring grant funding for the undertaking of the Nabawa Townsite Revitalisation Project;
5. Delegate authority to the Chief Executive Officer to formalise an agreement with Josh Byrne & Associates should the Department of Planning approve the Shire's funding application for the Nabawa Townsite Revitalisation Project;
6. The Nabawa Townsite Revitalisation Steering Group be comprised of the following representatives:
 - 2 Councillors
 - Community Representatives
 - Shire staff
 - Appointed consultant
 - Department of Planning
7. Nominate Cr (insert name) and Cr (insert name) to be the Councillor representatives for the Nabawa Townsite Revitalisation Steering Group.

AGENDA ITEM:	9.1.8
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	BILL HEMSLEY PARK MANAGEMENT COMMITTEE
SITE:	LOT 9503 ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	A1637
PREVIOUS REFERENCE:	9/09-11, 8/10-3, 4/11-4, 5/11-29, 12/11-3, 4/13-5 & 10/13-3
DATE:	10 FEBRUARY 2014
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council has previously supported the subdivision of Lot 9503 Eliza Shaw Drive, White Peak subject to a 9.5225ha balance area being created as a Reserve for Recreation (Bill Hemsley Park). This subdivision is nearing completion and the 2nd meeting of the Bill Hemsley Park Management Committee, comprising representatives from Council, the community and the developer, has been held to progress planning for the future development for the park.

Figure 1 - Location Plan for Lot 9503 Eliza Shaw Drive, White Peak



COMMENT

The developer of the Parkfalls Estate wrote to the Shire on 16 July 2010 proposing that the 13.2503ha Lot 9503 Eliza Shaw Drive, White Peak be rezoned and subsequently subdivided into 9 residential lots fronting Redcliffe Concourse ranging in size from 4,025m² to 4,272m², and the eastern balance area be vested in the Shire as a reserve. The developer also proposed that an amount of \$300,000 be paid in trust for the improvement of the reserve when the titles for the 9 lots and the reserve are issued.

Council resolved at its 25 August 2010 meeting to initiate the rezoning of the land, and made this subject to legal documentation being prepared that confirmed the offer made by the developer. A legal agreement was drafted by the developer's solicitor and reviewed by the Shire's solicitor and considered by Council at its 20 April 2011 meeting, with it being resolved to sign the agreement subject to final modifications being undertaken, and that advertising of Scheme Amendment No.49 be

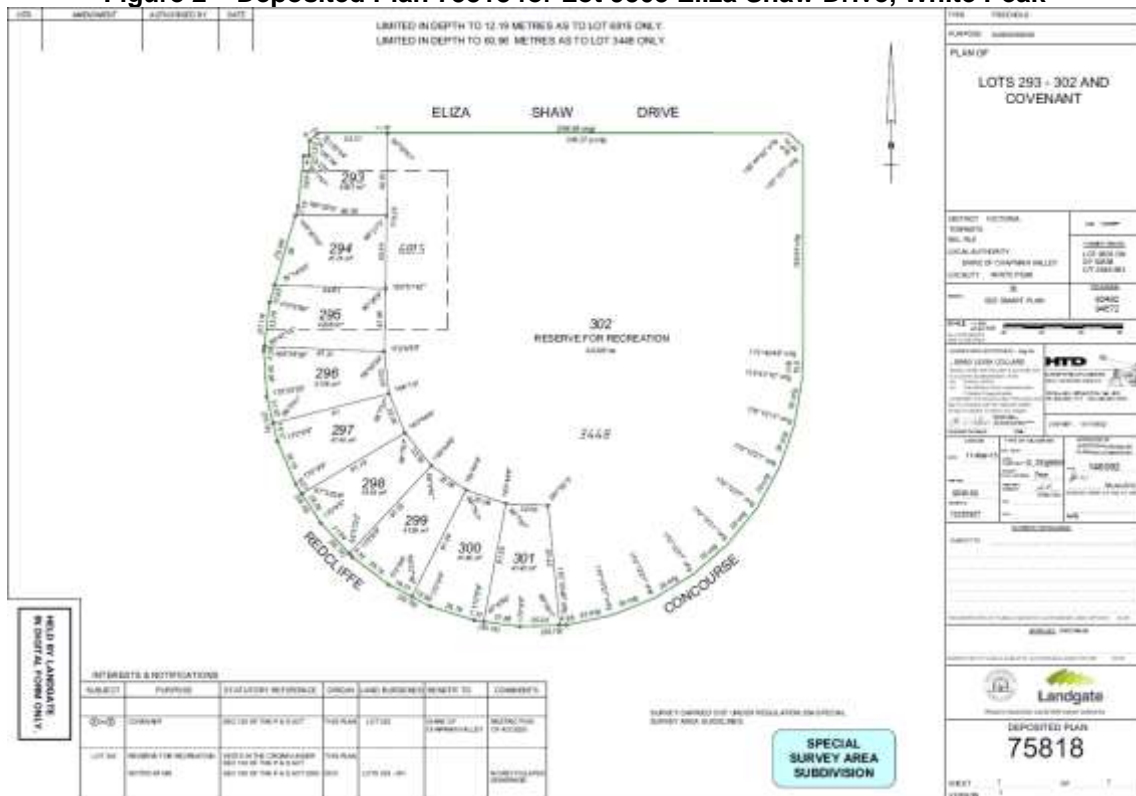
commenced upon finalisation of the legal agreement. The legal agreement was duly finalised, and signed and sealed by all parties on 25 August 2011.

Scheme Amendment No.49 was advertised in accordance with the *Planning & Development Act 2005* from 19 September until 31 October 2011 and proposed to rezone Lot 9503 from the 'Special' zone to the 'Low Density Residential R2.5' and 'Recreation' zones. Council determined at its 14 December 2011 meeting to adopt Scheme Amendment No.49 for final approval and the Minister for Planning granted final approval to the rezoning on 17 April 2012.

The Western Australian Planning Commission granted approval for the developer to subdivide Lot 9503 on 9 August 2012 enabling the developer to proceed with the on-ground subdivision works and marketing of the 9 lots.

Deposited Plan of Survey 75818 that creates the 9 lots and the Reserve for Recreation has been lodged with the Department of Lands and should shortly be declared in order for dealings, at which point the Shire will be in position to request the management order for the reserve. The legal agreement between the Shire and the developer required the payment of \$300,000 (GST inclusive) 30 days after the Deposited Plan is in order for dealings. The developers have requested the Shire provide an invoice for this amount, and this was issued on 6 February 2014 to enable payment as per the legal agreement.

Figure 2 – Deposited Plan 75818 for Lot 9503 Eliza Shaw Drive, White Peak



Council resolved at its 18 May 2011 meeting to engage its solicitor to draft up a Management Committee Agreement for the park, and subsequently resolved at its 17 April 2013 meeting to endorse the Management Agreement.

The intention of the Management Agreement was to establish the membership of a Management Committee and its roles and responsibilities. The Management Committee in itself can not authorise the expenditure of trust funds but would be involved in the management of the reserve and make recommendation to the Council for its consideration as to development and expenditure within the reserve.

At the outset the community group who would be a user of the reserve is the Parkfalls Residents Association and the agreement was drafted to refer to them as a relevant party. However, the

Agreement has been worded sufficient to allow other parties to be added to the Agreement should they arise in the future. Given that the reserve will be 9.5225ha in area and develop over a period of time to serve the needs of the surrounding area there is provision for the Management Committee to evolve to accommodate a number of user groups as they may emerge.

The first Parkfalls Park Management Committee meeting was held on 15 August 2013 and a copy of the unconfirmed minutes was included in the September 2013 Information Bulletin. At this meeting the Committee supported the name 'Bill Hemsley Park' being forwarded to Council as a potential name for the park. Prior to this matter being presented to Council, the Shire wrote to Bill Hemsley's widow (Ann) on 26 August 2013 seeking her feedback. The Shire received a response from Mrs Hemsley on 3 September 2013 indicating her support and Council resolved at its 16 October 2013 meeting to support the name 'Bill Hemsley Park'. The Department of Lands responded on 17 December 2013 that the name had been approved by order of the Minister of Lands. Upon receipt of confirmation from the Department of Lands that Deposited Plan 75818 is in order for dealings the Shire will write to the Department seeking the formal application of the name in addition to the management order.

The second Bill Hemsley Park Management Committee meeting was held on 6 February 2014 and given that both the agenda and the unconfirmed minutes contain a series of plans best viewed as A3, a copy of the Agenda and Unconfirmed Minutes for the meeting have been provided as **separate attachments to this report**. The minutes of the 15 August 2013 Management Committee meeting were also confirmed at the second meeting and these have also been provided to Councillors with these separate documents.

At the meeting a concept plan prepared by the Parkfalls Residents Association was presented to the Management Committee for discussion with the Committee recommending this concept plan to Council and its implementation in accordance with the priorities identified by the community survey.

The community survey undertaken by the Parkfalls Residents Association of 215 White Peak landowners sought to ascertain what form of 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 the 15 August 2013 meeting.

The survey indicated the community had a preference for the following:

- grassed area;
- shaded area;
- playground;
- native gardens;
- barbecue;
- gazebo; &
- walkways.

The survey did not indicate a level of support for the following:

- skate park;
- public toilets;
- oval;
- hall;
- sand pit;
- horse trail;
- basketball (half) court;
- lawn bowls; &
- tennis court.

The survey was not conclusive in relation to the following facilities, although it could be assumed therefore that they were not generally considered immediate priorities:

- amphitheatre; &
- closed gazebo.

The community survey did not indicate a level of support for a car park immediately off Redcliffe Concourse or Eliza Shaw Drive.

STATUTORY ENVIRONMENT

The subject portion of Lot 9503 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 provides the terms for the transfer of the intended 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.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The transfer of the proposed park site from private to public ownership will enable the Shire to work with the community to create an area that meets its recreational and community requirements. In its consideration of the responsible and staged development of the park the Management Committee, and subsequently Council, would have regard for the following:

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

The developer has agreed to make payment of \$300,000 (GST inclusive) for expenditure on construction and development within the park and the Shire will be able to supplement this through future budgetary allocation and pursuit of external funding sources.

STRATEGIC IMPLICATIONS

The development of a park and facilities upon Lot 9503 to serve as a recreation and community node would capitalise on the Parkfalls Estate's radial network of bridle paths and roads that should lead to maximum utilisation of the site as it would be relatively easy to access for the community it will serve.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

That Council:

- 1 Receive the Minutes of the Bill Hemsley Park Management Committee meeting held on 6 February 2014, noting the following recommendations contained therein:
 - a) That the Committee recommend to Council the concept plan prepared by the Parkfalls Residents Association (subject to the term 'bike path' being replaced by 'path network') and the implementation of the concept plan in accordance with the priorities identified by the community survey.

- b) That the Committee support the Shire seeking the services of a diviner to investigate groundwater availability in the park, and subject to the outcome of the tests, costings be obtained for groundwater supply to the park.
- 2 Write to the Department of Lands seeking the issue of a management order to the Shire of Chapman Valley for 'Bill Hemsley Park' this being the 9.5225ha Reserve for Recreation shown as Lot 302 Eliza Shaw Drive, White Peak upon Deposited Plan of Survey 75818 at the earliest opportunity, to enable works to commence on-ground in the 2014 winter period.
- 3 Write to the Department of Lands' Geographic Names Committee thanking them for their pre-approval of the name 'Bill Hemsley Park' and seeking their application of this name to the 9.5225ha Reserve for Recreation shown as Lot 302 Eliza Shaw Drive, White Peak upon Deposited Plan of Survey 75818 concurrent to the Department's assignment of a Reserve Number and Management Order to the Shire of Chapman Valley.

9.2 Finance February 2014

Contents

9.2 AGENDA ITEMS

- 9.2.1 Financial Reports for December 2013 & January 2014
- 9.2.2 Budget Variation Requests

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR DECEMBER 2013 & JANUARY 2014
PROPONENT:	MID WEST REGIONAL COUNCIL
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	11 FEBRUARY 2014
AUTHOR:	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 December 2013 & January 2014 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 5 percent is set for reporting of all material variances."*

FINANCIAL IMPLICATIONS

As presented in December & January financial statements.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receive the financial report for the month of December 2013 & January 2014 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
- Credit Card Statements

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AGENDA ITEM:	9.2.2
SUBJECT:	BUDGET VARIATION REQUESTS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.13
PREVIOUS REFERENCE:	NIL
DATE:	19 FEBRUARY 2014
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Local Government Act and Regulations require a local government to review its annual budget between 1st January and 31st March in each year. Regulation 33A of the Local Government (Financial Management) Regulations 1996 state:

“33A Review of budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- (3) *A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
* *Absolute Majority required*
- (4) *Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”*

COMMENT

Prudent management of the Shire's Annual budget includes a full review of the Shire's progress half-way through the financial year. This review process has been undertaken having regard for:

- actual revenues and expenditures for the first six (6) months of the financial year,
- forecast revenue and expenditure levels for the remaining six (6) months of the year,
- the more significant (in \$ terms) variances to budget rather than the many minor 'under & overs' which, history has shown, will largely balance out

There are a number of amendments identified in the review document to accommodate unforeseen situations, grant variations, reallocation of works and services, etc, since the Original Budget was adopted

Council's adopted budget at times will need variations made to reflect changes which occur after the budget has been adopted.

The Budget Review document has been considered by all senior staff in the Shire to ensure its contents are agreed upon and validated

The items listed in the *Financial Implications* section of this report have been identified as required variations to the Budget with a nil overall effect on the Budget.

STATUTORY ENVIRONMENT

Local Government Act (1995) – Division 2 - Annual Budget - Section 6.2

Local Government (Financial Management) Regulations - Review of Budget - Reg 33A

POLICY IMPLICATIONS

No existing policy affected or relevant.

FINANCIAL IMPLICATIONS

Below is a summary of Budget Variations being requested with a nil overall effect on the budget:

Review of Budget for the period ended 31 December 2013					
COA	COA Description	Adopted Budget	Revised Budget	Effect on Budget	Comments
	Estimated Surplus July 1	-\$909,552	-\$1,085,019	-\$175,467	Additional Funds Available at 1/7/13
0071	Interim Rates Raised	\$0	-\$7,988	-\$7,988	Budget Increase
0272	Council Chambers Repairs & Maintenance	\$1,389	\$2,189	\$800	Budget Increase
1822	Accounting & Audit Expenses	\$18,100	\$27,600	\$9,500	Budget Increase
0573	Reimbursements & Contributions	\$0	-\$6,228	-\$6,228	Budget Increase
0553	Grant Income - Admin	-\$18,000	\$0	\$18,000	Budget Decrease
0564	Building Improvements (L&B)	\$18,000	\$0	-\$18,000	Budget Decrease
0882	Fire Prevention Enforcement Expenditure	\$5,000	\$7,500	\$2,500	Budget Decrease
0883	Fire Prevention Enforcement Income	-\$5,000	\$0	\$5,000	Budget Decrease
1722	Brigades Operating Expenses	\$26,764	\$43,000	\$16,236	Budget Increase
0933	Grant Income - Pre School	-\$16,000	\$0	\$16,000	Budget Decrease
0994	Capital Exp. - Land & Bldgs.	\$16,000	\$0	-\$16,000	Budget Decrease
0805	Proceeds from Disposal of Asset - Housing	-\$480,000	-\$307,424	\$172,576	Budget Decrease
2522	Staff Housing Repairs & Maintenance	\$5,870	\$10,000	\$4,130	Budget Increase
2543	Rental Income - Staff Housing	-\$7,780	-\$6,260	\$1,520	Budget Decrease
2553	Rental Income - Non Employee Housing	-\$18,720	-\$9,360	\$9,360	Budget Decrease
2555	Building Reserve - Transfer From	-\$32,500	-\$17,729	\$14,771	Budget Decrease
2563	Staff Housing Income	-\$13,196	-\$9,897	\$3,299	Budget Decrease
2544/H19	Capital Expenditure - Housing (L&B)	\$7,000	\$1,000	-\$6,000	Budget Decrease
2544/H31	Capital Expenditure - Housing (L&B)	\$13,771	\$5,000	-\$8,771	Budget Decrease
1883	Waste Management Facility Improvement Plan	\$0	-\$40,890	-\$40,890	Budget Increase
1892	Waste Management Facility Improvement Plan	\$0	\$40,890	\$40,890	Budget Increase
1902	Grant Expenditure - Other	\$801,749	\$210,249	-\$591,500	Budget Decrease
1904	Additional Domestic Rubbish Collection	-\$15,075	-\$30,350	\$4,725	Budget Decrease
2203	Grant Income - Other	-\$782,900	-\$191,400	\$591,500	Budget Decrease
2213	Declared Species Grant Income	-\$10,000	-\$23,000	-\$13,000	Budget Increase
2243	Outsourced Planning Fees - Other LGs	-\$97,657	-\$45,000	\$52,657	Budget Decrease
2233	Town Planning Fees Income - GST Free	-\$22,000	-\$32,000	-\$10,000	Budget Increase
2232	Legal Expenses - Town Planners	\$12,000	\$10,000	-\$2,000	Budget Decrease
2252	Advertising Expenses	\$5,000	\$10,000	\$5,000	Budget Increase
2415	Capital Expenditure Nabawa Cemetery (P&O)	\$37,464	\$7,000	-\$30,464	Budget Decrease
3113	Cemetery Income Received	\$0	-\$1,000	-\$1,000	Budget Increase
3633	Grant - Community Development	-\$80,364	-\$50,900	\$39,464	Budget Decrease
2644	CAPITAL EXP. - LAND & BLDGS	\$0	\$100,000	\$100,000	Budget Increase
2712	Tennis Clubs Expenses	\$3,321	\$5,000	\$1,679	Budget Increase
3445	Grant Funding Received	-\$57,739	-\$42,789	\$14,950	Budget Decrease
3634	Equipment Purchases	\$37,590	\$22,190	-\$15,400	Budget Decrease
1482/LSG	Sporting Clubs Expenses/Sports Ground	\$64,676	\$72,036	\$7,360	Budget Increase
2732/LHL1	Nabawa Community Centre	\$62,362	\$65,362	\$3,000	Budget Increase
3604	CAPITAL EXP. - LAND & BLDGS	\$37,590	\$27,590	-\$10,000	Budget Decrease
3154	Main Roads - Black Spot Funding (Income)	-\$48,866.00	-\$34,199	\$14,667	Budget Decrease
3234	Blackspot Program Expenditure	\$122,815	\$100,815	-\$22,000	Budget Decrease
7574	Capital Exp. - Tools & Equip.	\$0	\$9,000	\$9,000	Budget Increase
3225	Tfr From Roadworks Reserve	-\$100,000	\$0	\$100,000	Budget Decrease
3372	Road Maintenance Expense	\$962,858	\$756,348	-\$206,510	Budget Decrease
3393	Hudson Resources - Dartmoor Road	-\$60,000	-\$38,366	\$21,634	Budget Decrease
4392	External Engineering Services	\$30,000	\$25,000	-\$5,000	Budget Decrease
4532	Tools & Consumables	\$6,000	\$12,000	\$6,000	Budget Increase
7385	Building Reserve - Transfer from	\$0	-\$100,000	-\$100,000	Budget Increase
				\$0	Total

STRATEGIC IMPLICATIONS

All the above mentioned variations are consistent with Council's Plans for the Future.

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

Council adopt the 2013/2014 Statutory Budget Review, which includes all amendments as listed.

9.3

Chief Executive Officer

February 2014

Contents

9.3 AGENDA ITEMS

- 9.3.1 Annual Electors Meeting Minutes
- 9.3.2 Landcare Committee – Delegated Authority
- 9.3.3 Local Emergency Management Committee & Local Emergency Management Arrangements
- 9.3.4 Finance & Audit Committee Minutes
- 9.3.5 Disposal of Landcare Vehicle
- 9.3.6 East Bowes Road – Roads 2030 Recognition
- 9.3.7 Access to Shire Water Points
- 9.3.8 Nabawa Turf Wicket
- 9.3.9 Local Government Structural Reform
- 9.3.10 2014/2015 Bushfire Services Capital & Operating Grants
- 9.3.11 Regional Waste Management Service Contracts
- 9.3.12 Common Seal – Delegated Authority
- 9.3.13 Local Government Energy Efficiency Program
- 9.3.14 Tender – Sale Of Abandoned Vehicle

AGENDA ITEM:	9.3.1
SUBJECT:	ANNUAL ELECTORS MEETING MINUTES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	12/13-9
DATE:	19 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council held its Annual Electors meeting on 4th February 2014 and a copy of the unconfirmed minutes from the meeting have been included as **Attachment 1**.

COMMENT

This item is presented to Council at its next ordinary meeting following an Annual Electors meeting to enable its consideration of the issues raised. There being no decisions or resolutions from the Annual Electors meeting requiring Councils consideration, therefore Council only need receive the minutes. However, as a result of discussions I have included recommendations below for Council consideration

STATUTORY ENVIRONMENT

Section 5.33 of the *Local Government Act 1995* requires that:

- “(1) *All decisions made at an electors meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
- (a) *At the first ordinary council meeting after that meeting; or*
(b) *At a special meeting called for that purpose.*
- which ever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

- 1 The Minutes of the Annual Electors meeting dated 4th February 2014 are received.
- 2 Council write directly to all landowners within the Parkfalls Estate seeking feedback on the following:
 - (a) Is there a need for Council to investigate a reduction in the speed limits within the Parkfalls Estate to improve pedestrian safety?
 - (b) Is there a need for Council to convert the existing Bridle Trails, initially designed for equestrian traffic, to gravel pathways to improve pedestrian safety?



Shire of
Chapman Valley
Love the Rural Life

UNCONFIRMED MINUTES

ANNUAL GENERAL MEETING OF ELECTORS
TUESDAY 4TH FEBRUARY 2014
COUNCIL CHAMBERS NABAWA
6.00PM

DISCLAIMER



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

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

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

WRITTEN CONFIRMATION

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



Maurice Battilana
CHIEF EXECUTIVE OFFICER



**UNCONFIRMED MINUTES OF ANNUAL GENERAL MEETING OF
ELECTORS HELD IN THE COUNCIL CHAMBERS NABAWA ON
TUESDAY 4 FEBRUARY 2014 AT 6.07PM**

Order of Business:

1.0 Declaration of Opening / Announcements of Visitors

The Chairman, Cr Collingwood declared the meeting open at 6.07pm.

2.0 Record of Attendance

2.1 Present

a. Councillors

Member	Ward
Cr John Collingwood (President)	North East Ward
Cr Anthony Farrell (Deputy President)	North East Ward
Cr Pauline Forrester	North East Ward
Cr Trevor Royce	North East Ward
Cr Kirilee Warr	North East Ward
Cr Peter Humphrey	South West Ward
Cr Veronica Wood	South West Ward
Cr Ian Maluish	South West Ward

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Mr Simon Lancaster	Manager of Planning
Mrs Karen McKay	Executive Assistant (Minute Taker)

c. Visitors

Name	Name
Mrs Sue Collingwood	Mr Daniel Pendlebury
Ms Linda Saunders	Mrs Tina Pendlebury
Mr Tom Davies	Mrs Brooke Bennett
Mrs Tana Davies	

2.2 Apologies

Name	Name
Mr Maurice Webb	Mrs Dezi Webb

3.0 Confirmation of Minutes of previous Annual Electors Meeting held on Wednesday 6 February 2013.

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

That the Minutes of the Annual General Meeting of Electors held on Wednesday 6 February 2013 be confirmed as a true and accurate record.

CARRIED

Voting 8/0

Minute Reference AEM 02/14 - 1

4.0 Receiving of Annual Report 2012/2013

Mr. Tom Davies questioned the financial viability of the Shire, given the Long Term Financial Plan has revealed the Shire is reliant on the continuation of the Roads to Recovery grant program to sustain the Shire road works program.

The replies from Elected Members & Staff acknowledged the Shire did have some financial challenges ahead it is thankful the Long Term Financial Plan has identified these. Council has always strived for operational efficiencies and will continue to do this with a clearer understanding of the long term financial forecast.

It was also clarified that in excess of 80% of local government authorities are in similar (or worse) positions.

The CEO referred to the Ratios listed in the Audit/Management Reports as a clear indication of the Shire's financial position and the recommendations associated with these Reports are there to assist Council.

MOVED: CR FORRESTER

SECONDED: MR DAVIES

That the 2012/2013 Annual Report including Annual Financial Statements, Audit Report, Presidents Report and Chief Executive Officer Report be received.

CARRIED

Voting 8/0

Minute Reference AEM 02/14 - 2

5.0 GENERAL BUSINESS

Brooke Bennett – Parkfalls Residents Association

An email was received from Mrs Brooke Bennett with a number of questions regarding Parkfalls Estate. Mr Battilana responded to Mrs Bennett's email prior to the Annual Electors meeting and further discussion was held during the meeting.

When will the roadworks at the David Road/Eliza Shaw end of the Estate be started?

Will be contracted out and we are currently receiving quotes from contractors to undertake this work.

I have heard the comment that it will not be started until East Bowes Rd is completed. When will this be?

Not true.

Is it really appropriate to have a safety hazard such as this corner putting lives at risk due to a lack of council resources?

The risk was assessed by our Engineers and no comment was made on this being a traffic hazard only that the alignment could be improved.

Should the council not have the resources should the work not be contracted out to someone who does?

As above

I make the point that should there be an accident there in the meantime; the council could be considered culpable in the sense that they have been made aware of a safety issue but have not taken steps to fix it. There have been many more incidents at this corner since my last letter to you requesting it be attended to and it is only a matter of time until someone gets hurt.

I suppose if it is a real concern to all residents we can place 30KM/H speed restriction signs here. However, I reiterate, the engineers have not listed this as a safety issue.

What being done about the shipping containers and people illegally squatting in their sheds etc. on the Estate? (There is a perception in the Estate that some people have been required to follow the rules and do the right thing, others are being allowed flout the rules and do whatever they want. The main grumble I suspect is this inequality and not the visual problems caused by this).

Council staff continues to try and enforce the Council Sea Container Policy. Though, as I am sure you will understand, enforcement is not always easy and is an expensive exercise. We will continue to work with those not complying.

When will the weed spraying program commence in the estate? Do we even have any actual program to keep on top of it or is it only done in response to complaints?

There is an ongoing weed spraying process yet no specific policy as there are no declared weeds in the Shire which require attention (legally). However, Council does focus on specific weeds and the Parkfalls verge areas have had as much attention (if not more) as other areas within the Shire.

Despite queries back in December, we are yet to be notified when the Weed Spraying will commence for Walkaway Burr etc. in the Estate. I have had many complaints from residents that the Burr is taking over and spreading onto their properties. The only answer I have had was 13/12/13 from Maurice which was a copy of an Email from Earl "Parkfalls. Plans are to spray this once more in the near future as soon as heat and wind permit" Anything more specific I can take back to the members?

Walkaway Burr is not a declared plant and therefore there is no obligation upon Council to control this plant. However, Council does allocate resources to this. We cannot do this in isolation and (as you will know) this particular plant is prevalent throughout the Estate on private land as well as Shire controlled land.

Finally:

Does the Council plan on dealing with the Association in a respectful manner and recognise that we pay rates and have a right to ask questions and make requests?

I suppose this works both ways Brooke. I cannot recall any disrespectful emails coming from my office or staff during my time here. Perhaps you can provide me with such evidence and I will follow-up on these.

Linda Saunders - 311 Eliza Shaw Drive, White Peak, 6532

Correspondence was received from Linda Saunders 4 February 2014 and Linda read this to the meeting with the following questions included:

Is the Council aware of the safety issues arising and the changing needs that have occurred in Parkfalls through its growth and changed development?

Council thanks Mrs Saunders for her question and the Shire will review this issue, which could include the Shire surveying all landowners within the Parkfalls Estate inviting comment upon the potential reduction of the speed limit in the area.

Is there an opportunity to modify the horse trails to include paths?

The Shire will review this issue, which could include consideration of graveling of selected bridle paths.

Are Council ready to rectify poor safety planning and decision making from the past?

Council does not share the opinion that there has been poor safety planning and decision making from the past.

Will there be funding allocated in 2014 to complete the 2009 plan and road side verges?

The formulation of the draft budget for the 2014/2015 year will commence in the coming months, and it is intended that the road network in the Parkfalls Estate will be viewed as part of Council's annual road inspection that comprises the budget preparatory process. A final decision on which items will be funded in the 2014/2015 budget cannot understandably be provided at this time.

Will the Shire allocate human resources, time and funding to renegotiate a plan for 2014/15?

The question refers to the Shire of Chapman Valley 'Local Bicycle Plan 2011-2015' and it would be reasonable to expect that review of this document will take place in the 2014/2015 year.

What reason was there for the exclusion of our estate?

The 'Local Bicycle Plan 2011-2015' makes a number of recommendations, particularly where school children are crossing and in proximity to heavy vehicle alignments within residential townsites. It is reasonable that these items should be addressed as a matter of priority in the initial period. With the completion of these actions a review of the document can assess other potential safety issues.

Will the shire investigate the need for bike paths and submit a plan that includes our estates?

The previous questions have been concerned with the provision of paths in the Parkfalls Estate in providing a 'safe community'; this is not a level of service that is evident in other rural-residential communities within the region. It should be noted that the provision of services that exceed those normally associated with a rural residential community will require additional funding, and may require the introduction of a special area rate to enable such additional levels of service to be funded.

Tina Pendlebury - Parkfalls

Mrs Tina Pendlebury asked in an email is there a bike plan for the Parkfalls area?

At this stage there is no Bike/Footpath Plan for the Parkfalls area, nor were there any such requirements in the initial subdivision application and subsequent approval and development.

The Parkfalls Estate was developed along the equestrian theme with areas linked via Bridle Paths, not verge paths.

Finally, similar estates to Parkfalls (e.g. Eastlyn, Deepdale, and Waggrakine) do not have bike/footpaths as this was also the nature of these types of subdivisions.

6.0 CLOSURE

The Presiding Member thanked members, ratepayers, visitors and staff for attending and declared the electors meeting closed at 7.25pm

AGENDA ITEM:	9.3.2
SUBJECT:	LANDCARE COMMITTEE – DELEGATED AUTHORITY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	403.08
PREVIOUS REFERENCE:	Min Ref: 10/13-1
DATE:	19th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the Ordinary Council Meeting held on the 21st September 2011 the following was resolved:

That Council:

1. That Council **delegate authority** to its Landcare and Environmental Committee to apply for funding from third party sources to finance projects within the Shire of Chapman Valley.
2. That Council consider the development of "Terms of Reference" for the operation of the Committee, and its functions into the future.

CARRIED
Voting 6/2
Minute Reference 9/11-4

At the Special Meeting of Council held on the 21st October 2013 to swear in Elected Members, Elect President & Deputy President and elect Committee Member the following was resolved:

- 1 ***That the abovementioned Committees and Representatives as listed be endorsed.***
- 2 *Council endorse changing the name of the Parkfalls Park Management Committee to the Bill Hemsley Park Committee subject to final approval from the Department of Lands.*

CARRIED 8/0
Minute Ref: 10/13-1

COMMENT

Relevant to the abovementioned resolution at the Special Meeting of Council on the 21st October 2013 was the election of members to and endorsement of the purpose of the Landcare and Environment Committee i.e.

Landcare and Environmental Committee

Purpose: The objective of the Committee is to advise Council on matters within the scope of the Committee's duties and responsibilities and, where powers have been delegated to the Committee, make decisions about such matters.

Current Members:

*Cr John Collingwood
Cr Trevor Royce
Cr Anthony Farrell*

Chief Executive Officer (observer)
NRMO Officer (observer)
Landcare & Environment Consultant (observer)

Delegated Authorities: Yes

The duties and responsibilities of the Committee are:

1. Landcare and Environment

- a. Provide advice and recommendations to Council and Chief Executive Officer on matters pertaining to Landcare and the Environment.
- b. Strategic direction on Landcare and Environment matters.
- c. Regional Landcare initiatives and partnerships.
- d. Other matters that may be referred by the Chairman of the Committee or Chief Executive Officer.

2. Finance

- a. **Delegated Authority to apply for grant funding from third party sources to finance projects within the Shire of Chapman Valley. (ref Council Item 10.4.14 21 September 2011)**
- b. Provide advice and assistance to the CEO and Shire staff in the managing of the Landcare Grant funds.
- c. Provide recommendations to Council on any Landcare Contracts and Consultancy agreements.
- d. Provide a Draft Annual Budget for Landcare to Council for consideration as part of the Annual Budget process.

3. Human Resources

- a. Provide a forum to assist the CEO for the advertising, selection and recruitment of the Natural Resource Management Officer (NRMO) position.

The purpose of the Report is to seek Council's consideration to reword the purpose of this Committee by removing the wording "**Delegated Authority**" as the legislation is explicit and prescriptive on how Committee with delegated authority are to function (see *Statutory Environment* section below).

I was obviously not part of the discussions regarding the establishment of the purpose of the Landcare & Environment Committee; however, after reading clause 2(a) of the Committees duties and responsibilities I am not sure the intent was to authorise this Committee to commit Council to grants and projects without Council endorsement i.e.

*"Delegated Authority to **apply** for grant funding from third party sources to finance projects within the Shire of Chapman Valley."*

The feeling I get from the wording is the Committee was able to **apply** for grants only without seeking prior endorsement of Council, yet not actually commit Council to any funding or resources without prior Council approval. If this was the intention of the Council resolution then the wording "**Delegated Authority**" is incorrect and triggers the legislative requirements listed below.

If the intention of Council's decision was to allow the Landcare & Environment Committee to identify appropriate grants to fund projects relevant to the district and then apply for these grants subject to

Council endorsement if the grant/project required Council committing resources then the wording of clause 2(a) needs to be changed.

If the intention was for the Landcare & Environment Committee to be able to commit Council to resources (within approved budget parameters) then the wording in clause 2(a) is correct and the legislative requirements must be adhered to.

STATUTORY ENVIRONMENT

5.8. Establishment of committees

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

** Absolute majority required.*

5.9. Committees, types of

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

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

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

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

(3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —*

- (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
- (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*

(4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

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

(1) *A local government can delegate —*

- (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except —*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*

- (ii) any other power or duty that is prescribed; and
- (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. Register of delegations to committees

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

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.**
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,
 where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and

(h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Section 5.23(b) of the Local Government Act dictates Committee Meetings where a delegated authority is bestowed upon that Committee need to follow the same procedures as a Council meeting (e.g. advertising, Agendas, Minutes, etc.).

POLICY IMPLICATIONS

No existing Policy or Procedure affected.

FINANCIAL IMPLICATIONS

There is a cost associated with conducting Committee Meeting where the Committee has delegated authority (e.g. local public notice advertisements) though this minimal.

STRATEGIC IMPLICATIONS

Landcare and Natural Resource Management remains an important aspect of Council's Corporate Business Plan i.e.

Objective	Strategy	Actions
Sustainability and protection of our farm land is important to the future of the area	Provide support to increase innovative farming practices in the area	Work with State Government and industry to encourage innovation and resilience
	Ensure we adequately protect and manage the land across the Shire, including weed eradication, mining developments and fire management services	Provide Landcare and environment-related services
		Provide Ranger services including animal control and bushfire control
		Weed management services

VOTING REQUIREMENTS

Absolute Majority -

Section 5.16 (3) (b)

"...any decision to amend or revoke a delegation under this section is to be by an **absolute majority**."

STAFF RECOMMENDATION

Council revokes the current delegated authority bestowed upon the Landcare and Environment Committee and rewords Section 2 regarding the duties and responsibilities of the Committee as follows:

To apply for grant funding from third party sources to finance appropriate projects within the Shire of Chapman Valley:

- a) Delegate authority to the Chief Executive Officer to endorse grant applications/projects if funding resources are available within the Council's adopted budget;
- b) If funding resources are not available within the adopted Council Budget for specific grant applications/projects, present the application to Council for endorsement, if possible, prior

to the closure dates for the grant funding programs. Otherwise retrospective Council endorsement to commit funding resources will be required.

All applications submitted, which require Council endorsement for additional funding resources, will be subject Council endorsement (i.e. the Committee does not have delegated authority to commit Council funding resources).”

- c) Provide advice and assistance to the Chief Executive Officer and Shire staff in the managing of the Landcare Grant funds.
- d) Provide recommendations to Council on any Landcare Contracts and Consultancy agreements.
- e) Provide a Draft Annual Budget for Landcare to Council for consideration as part of the Annual Budget process.

AGENDA ITEM:	9.3.3
SUBJECT:	LOCAL EMERGENCY MANAGEMENT COMMITTEE & LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS
PROPONENT:	LOCAL EMERGENCY MANAGEMENT COMMITTEE
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	403.09
PREVIOUS REFERENCE:	NA
DATE:	19th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Local Emergency Management Committee (LEMC) met on the 4th December 2013. Minutes reflecting recommendations from this Committee Meeting are attached to this report.

COMMENT

Items discussed at the LEMC meeting included:

- Draft Local Emergency Management Arrangements (LEMA)

In regards to the LEMA the LEMC where advised a local government needed a separate Local Recovery Plan. I dispute this interpretation as the Emergency Management Act states the local government is to have a LEMA, which is “**..to include a recovery plan and the nomination of a local recovery coordinator**”, which the current draft does include. It does stipulate there must be a separate Local Recovery Plan.

It has also been confirmed the current Draft LEMA the Shire has (copy attached) is the latest template. All said and done, as long as Council complies with the legislation, which it appears we do, there really is no need to have the latest template if the information within the existing LEMA complies. However, once Council has endorsed the LEMA this will need to then go to the District Emergency Management Committee (DEMC) for review and comment before then going to the State Emergency Management Committee (SEMC) for final approval. It is at either of these stages the LEMA may be rejects and returned to Council as they may consider though the LEMA appeases the requirements of the Act is it considered “**best practice**”. I believe Council should simply endorse the LEMA in its current/present format and advise the DEMC & SEMC it their LEMA and it complies with the Act, irrespective of what they consider is “**best practice**”.

- LEMC Exercise

Council's Community Development Officer is investigating funding opportunities under the SEMC's All West Australians Reducing Emergencies (AWARE) funding program to undertake a live emergency exercise. The concept mentioned recently by Councillor Royce of the emergency evacuation of Coronation Beach Nature Reserve in the event of a fire was considered an appropriate exercise to focus the AWARE application on.

- Regional Emergency Management Committee

This concept was discussed at length with no real consensus forthcoming. However, Helen Kent, the Acting Community Emergency Management Officer for the Mid-West & Gascoyne did state:

“....an application would need to be made to develop combined Emergency Management services with adjoining Councils would need to be made the State Emergency Management Committee. This joint application would need to prove

inability of the individual local governments to comply with the legislative requirements on their own.

Such proof may be difficult and I do not recall this being the integral aspect of the combined north midlands shire's regional grouping.

Ms. Kent also advised the District Emergency Management Committee (DEMC) will be submitting a funding application under the AWARE funding program for the establishment of a Midwest Emergency Management Network, which will work along the lines of the South West Local Government Emergency Management Alliance (SWLGEMA), which incorporates local governments within the south west region. This group is utilised as a forum for conferences, training, and information sharing/mentoring. Therefore the concept of establishing a Regional Emergency Management Committee on the basis of cost savings may be circumvented by this proposal.

STATUTORY ENVIRONMENT

Emergency Management Act - Division 2— Emergency management arrangements for local governments

Section 41 - Emergency management arrangements in local government district

- (1) *A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government's district are prepared.*
- (2) *The local emergency management arrangements are to set out —*
 - (a) *the local government's policies for emergency management;*
 - (b) *the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;*
 - (c) *provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);*
 - (d) *a description of emergencies that are likely to occur in the local government district;*
 - (e) *strategies and priorities for emergency management in the local government district;*
 - (f) *other matters about emergency management in the local government district prescribed by the regulations; and*
 - (g) *other matters about emergency management in the local government district the local government considers appropriate.*
- (3) *Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
- (4) ***Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery co-ordinator.***
- (5) *A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.*

POLICY IMPLICATIONS

The LEMA will become a legal Policy of Council if adopted and will be reviewed annually by the LEMC.

FINANCIAL IMPLICATIONS

No significant cost associated with the LEMC recommendations; however, in the event of a Regional Emergency Management Committee or a Midwest Emergency Management Network being developed there may be some minor administrative cost savings recognised.

STRATEGIC IMPLICATIONS

Council is required to comply with the requirements of the Emergency Management Act.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

1. Receive the Minutes of the Shire of Chapman Valley Local Emergency Management Committee held on the 4th December 2013.
2. Adopts the *Shire of Chapman Valley Draft Local Emergency Management Arrangements* as presented.
3. Awaits the outcome of the State Emergency Management Committee's All West Australians Reducing Emergencies (AWARE) application for the establishment of a Midwest Emergency Management Network before continuing with investigating into the concept of a Regional Emergency Management Committee with its neighbouring Shire(s);
4. Endorse the All West Australians Reducing Emergencies (AWARE) application submitted for a desk-top exercise for the emergency evacuation of Coronation Beach Nature Reserve in the event of a fire.



**UNCONFIRMED MINUTES OF THE LOCAL EMERGENCY
MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY 4
DECEMBER 2013 AT 3.00PM IN THE COUNCIL CHAMBERS
NABAWA**

1. OPENING – Cr John Collingwood (Chairman)

The Chairman welcomed all those present and opened the meeting at 3.10pm.

2. PRESENT / APOLOGIES

Present

Member	
Cr John Collingwood	President – Shire of Chapman Valley
Cr Peter Humphrey	Councillor – Shire of Chapman Valley
Mr Maurice Battilana	CEO – Shire of Chapman Valley
Mr Esky Kelly	Works Supervisor – Shire of Chapman Valley
Mr Earl O'Donnell	Senior Ranger – Shire of Chapman Valley
Ms Helen Kent	State Emergency Management Committee Secretariat
Mrs Sue Collingwood	CWA
Mrs Karen McKay	Executive Assistant – Minute Taker

Apologies

Councillor	Ward
Cr Pauline Forrester	Councillor – Shire of Chapman Valley
Sgt Stuart Gerreyn	Northampton Police
Mrs Dezi Webb	
Mr Keith Shaw	Department of Child Protection
Ms Kerry Montgomery	Principal Chapman Valley Primary School
Natasha Forrester	Yuna Primary School

3. MINUTES FROM PREVIOUS MEETING – 20th February 2012

3.1 Confirmation of Minutes

MOVED: EARL O'DONNELL

SECONDED: ESKY KELLY

That the minutes of the 20 February 2012 Local Emergency Management Committee meeting be confirmed as a true and accurate record.

CARRIED

3.2 Business Arising from Minutes

Generator for administration office – Discussion was held relating to the generator for the office with the CEO to investigate where grant funding is available.

Ms Kent advised that AWARE funding not appropriate for this type of grant.

Mr Battilana to investigate linking generator to one power source to run radios in case of emergency.

4. REPORTS

4.1 Helen Kent – Acting Community Emergency Management Officer, (Midwest-Gascoyne) State Emergency Management Committee Secretariat.

Incoming correspondence (copy on website)

A number of West Plans and Policies have been approved for Local Government comments. Ms Kent advised committee members to look at Policy 2.5 in regards to Local Government where this advises LEMC's to hold four (4) meetings per year.

Ms Kent advised the committee to have a look at this policy and suggested the Shire write advising they would prefer to have only two (2) LEMC meetings per year.

The Shire of Chapman Valley currently has two (2) meetings with the Bushfire Advisory Committee each year. Ms Kent questioned if the Bushfire Brigades Group Management Advisory Committee (Pre-summer brief) and LEMC meetings could be combined.

Ms Kent advised that Mr Konrad Siedl is currently representing local governments in the Midwest Gascoyne area on the District Emergency Management Committee.

5. REVIEWS

5.1 Draft Local Emergency Management Arrangements

MOVED: EARL O'DONNELL SECONDED: CR HUMPHREY

Subject to Statutory compliance and the latest format being used the Shire of Chapman Valley Draft Local Emergency Management Arrangements to be presented to Council for endorsement.

CARRIED

6. GENERAL BUSINESS

6.1 LEMC Exercise

- Last exercise held? 17 October 2011.
- Date to hold next exercise? To be held annually possibly March 2014.
- Nature of next exercise? Ms Kent suggested that we hold a desktop exercise to sign off for compliance. Cr Humphrey suggested that we run a field event.

6.2 Regional Emergency Management Committee – Discussion was held and Cr Humphrey advised the intention is to work regional with neighbouring local governments to improve efficiencies and compliance level as required under the Emergency Management legislation.

Ms Kent advised an application would need to be made to develop combined Emergency Management services with adjoining Councils would need to be made the State Emergency Management Committee. This joint application would need to prove inability of the individual local governments to comply with the legislative requirements on their own.

Ms Kent advised that the District Emergency Management Committee (DEMC) will be submitting a funding application for the All West Australians Reducing Emergencies funding. This submission will outline the concept of establishing the Midwest Emergency Management Network which will work along the lines of the South West Local Government Emergency Management Alliance (SWLGEMA) which incorporates local governments within the south west region. This group is utilised as a forum for conferences, training, information sharing and mentoring.

Ms Kent also advised there would still need to be a separate Recovery Plan produced for each local government in the event of combing the LEMC's.

Individual local recovery plans are required as Emergency Management Act 2005 states that local government has responsibility to manage recovery. Additionally, recovery involves the development of community-specific strategies and activities.

Ms Kent mentioned that Northampton has two LEMC Committees (one in the town and one in Kalbarri) the Shire of Chapman Valley to investigate only joining with the town LEMC.

Ms Kent and the CEO to investigate the concept of a Regional Emergency Management Committee and the CEO to report back to Council on this.

6.3 Other

Ms Kent advised State Government funding is available through the AWARE Application Guidelines i.e. A field exercise or desktop exercise and how to facilitate the exercise effectively.

7. NEXT MEETING DATE

7.1 Regularity of Meetings - Quarterly

Next meeting to be held on 26 March 2014.

8. CLOSURE

The Chairman thanked the members for their attendance and closed the meeting at 4.50pm.

Shire of Chapman Valley



LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

DRAFT

2013 Version V03

Local Emergency Management Arrangements

**SHIRE OF CHAPMAN VALLEY
LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS**

These arrangements have been produced and issued under the authority of s. 41(1) of the EM Act 2005, endorsed by the Shire of Chapman Valley Local Emergency Management Committee (LEMC), and has been to be tabled with the District Emergency Management Committee (DEMC) and an electronic copy will be forwarded to the Secretary of the State Emergency Management Committee (SEMC) by the Regional Community Emergency Management Officer (CEMO).

.....
Chairperson
Chapman Valley LEMC

.....
Date

.....
Endorsed by Council
Shire President

.....
Date

Local Emergency Management Arrangements

Table of Contents

DISTRIBUTION LIST.....	6
RECORD OF AMENDMENTS.....	7
GLOSSARY OF TERMS	8
GENERAL ACRONYMS USED IN THESE ARRANGEMENTS	12
Part 1: INTRODUCTION	13
1.1 AUTHORITY FOR PREPARATION	13
1.2 COMMUNITY CONSULTATION	13
1.3 DOCUMENTATION AVAILABILITY.....	13
1.4 PHYSICAL AND SOCIAL GEOGRAPHY.....	13
1.5 PURPOSE OF THE ARRANGEMENTS	14
1.6 SCOPE OF THE ARRANGEMENTS.....	14
1.7 RELATED DOCUMENTS AND ARRANGEMENTS	15
1.7.1 Formal Local Emergency Management Policies	15
1.7.2 Existing Plans and Arrangements	15
1.7.3 Agreements, Understandings & Commitments	15
1.8 SPECIAL CONSIDERATIONS	15
1.9 AVAILABILITY OF RESOURCES	15
1.10 ROLES AND RESPONSIBILITIES	15
1.10.1 Local Emergency Coordinator	15
1.10.2 Chairperson Local Emergency Management Committee	16
1.10.3 LEMC Executive Officer	17
1.10.4 Local Emergency Management Committee	17
1.10.5 The Function of the LEMC	18
1.10.6 Local Government	18
1.10.7 Controlling Agency	18
1.10.8 Hazard Management Agency	18
1.10.9 Combat Agencies	19
1.10.10 Support Organisation	19
1.10.11 Public Authorities and Others	19
Part 2: PLANNING	20
2.1 PLANNING (LEMC ADMINISTRATION)	20
2.2 LEMC MEMBERSHIP	20
2.3 MEETING SCHEDULE.....	20
2.4 LEMC CONSTITUTION AND PROCEDURES	20
2.4.1 Every Meeting:	20
2.4.2 First Calendar Quarter:	21
2.4.3 Second Calendar Quarter:	21
2.4.4 Third Calendar Quarter:	21

Local Emergency Management Arrangements

2.4.5	Fourth Calendar Quarter:	21
2.5	LEMC ANNUAL REPORT	21
2.6	ANNUAL BUSINESS PLAN	22
2.7	EMERGENCY RISK MANAGEMENT	22
Part 3: SUPPORT TO RESPONSE.....		23
3.1	RISKS – EMERGENCIES LIKELY TO OCCUR	23
3.2	INCIDENT SUPPORT GROUP (ISG).....	24
3.2.1	Role of the ISG	24
3.2.2	Triggers for the Activation of an ISG	24
3.2.3	Membership of an ISG	24
3.2.4	Frequency of ISG Meetings	25
3.2.5	Locations for ISG Meetings	25
3.5	MEDIA MANAGEMENT AND PUBLIC INFORMATION	26
3.6	CRITICAL INFRASTRUCTURE	26
Part 4: EVACUATION		27
4.1	EVACUATION	27
4.2	EVACUATION PLANNING PRINCIPLES	27
4.3	EVACUATION MANAGEMENT.....	28
4.4	SPECIAL NEEDS GROUPS.....	28
4.5	EVACUATION / WELFARE CENTRES.....	28
4.6	REFUGE SITES	28
4.7	ROUTES AND MAPS.....	28
Part 5: WELFARE		30
5.1	WELFARE MANAGEMENT	30
5.2	LOCAL WELFARE COORDINATOR.....	30
5.3	LOCAL WELFARE LIAISON OFFICER	30
5.4	STATE AND NATIONAL REGISTRATION AND ENQUIRY	30
5.5	ANIMALS (INCLUDING ASSISTANCE ANIMALS).....	31
5.6	EVACUATION / WELFARE CENTRES.....	31
Part 6: RECOVERY.....		32
6.1	THE RECOVERY PROCESS	32
6.2	AIM OF RECOVERY	33
6.3	PRINCIPLES OF RECOVERY	33
6.4	RECOVERY CONCEPTS	33
6.5	TRANSITION FROM RESPONSE TO RECOVERY	34
6.6	LOCAL RECOVERY COORDINATOR.....	34
6.9	COMPOSITION OF THE RECOVERY COMMITTEE	36
6.10	ROLE AND RESPONSIBILITIES OF THE RECOVERY COMMITTEE	36
6.11	PRIORITIES FOR RECOVERY	37
6.12	FINANCIAL MANAGEMENT IN RECOVERY	37
Part 7: EXERCISING AND REVIEWING		38

Local Emergency Management Arrangements

7.1 THE AIM OF EXERCISING	38
7.2 FREQUENCY OF EXERCISES.....	38
7.3 TYPES OF EXERCISES	38
7.4 REPORTING OF EXERCISES	38
7.5 REVIEW OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS	38
7.6 REVIEW OF LOCAL EMERGENCY MANAGEMENT COMMITTEE POSITIONS	39
7.7 REVIEW OF RESOURCES REGISTER	39
Appendix 1.	40
RESOURCE REGISTER.....	40
Appendix 2.	41
RISK REGISTER SCHEDULE.....	41
Appendix 3.	42
EVACUATION / WELFARE CENTRE INFORMATION	42
Appendix 4.	57
CRITICAL INFRASTRUCTURE	ERROR! BOOKMARK NOT DEFINED.
Appendix 5.	58
SPECIAL NEED GROUPS.....	58
Appendix 6.	59
LOCAL DISTRICT MAPS	59
Appendix 7.	Error! Bookmark not defined.
PASTORAL STATIONS.....	ERROR! BOOKMARK NOT DEFINED.
Appendix 8.	60
LEMC MEMBERSHIP AND CONTACT DETAILS	60

Local Emergency Management Arrangements

DISTRIBUTION LIST

<u>Organisation</u>	<u>Location/Officer</u>	<u>No of Copies</u>
SHIRE OF CHAPMAN VALLEY		
Shire of Chapman Valley	CEO	1
Shire of Chapman Valley	Manager of Planning	1
Shire of Chapman Valley	Works Supervisor	1
Shire of Chapman Valley	Ranger	1
LOCAL EMERGENCY MANAGEMENT COMMITTEE		
LEMC	Chairperson	1
WA Police	Northampton Police Station	1
Dept. Child Protection	Geraldton	1
Water Corporation		1
St John Ambulance	Nabawa Valley Volunteers	1
Bush Fire Services	Nabawa Valley Volunteers	1
Chapman Valley Primary School	Chapman Valley	1
Yuna Primary School	Yuna	1
CWA	Nabawa	1
FESA Regional Office	Geraldton	1
Adjoining Shires		
City of Greater Geraldton	LEMC	1
Shire of Northampton	LEMC	1

The distribution list is included to enable amendments to be distributed at later dates.

Contact addresses at Appendix 7.

Local Emergency Management Arrangements

RECORD OF AMENDMENTS

Suggestions and comments from the community and stakeholders can help improve these arrangements and subsequent amendments.

Feedback can include:

- What you do and / or don't like about the arrangements;
- Unclear or incorrect expression;
- Out of date information or practices;
- Inadequacies; and
- Errors, omissions or suggested improvements.

To forward feedback, copy the relevant section, mark the proposed changes and forward to:

Chairperson
Local Emergency Management Committee
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

The Chairperson will refer any correspondence to the LEMC for consideration and/or approval.

Amendments promulgated are to be certified in the following table, when updated.

<u>Amendment</u>		<u>Details of Amendment</u>	<u>Amended by</u>
<u>No.</u>	<u>Date</u>		<u>*Initial/Date</u>

NOTE - *The person receiving the amendments should be responsible for replacing the pages as appropriate and also for completing the amendment record.

Local Emergency Management Arrangements

GLOSSARY OF TERMS

For additional information in regards to the Glossary of Terms, refer to the current Emergency Management Western Australia Glossary.

AUSTRALASIAN INTERSERVICE INCIDENT MANAGEMENT SYSTEM (AIIMS) – A nationally adopted structure to formalize a coordinated approach to emergency incident management.

AIIMS STRUCTURE – The combination of facilities, equipment, personnel, procedures and communications operating within a common organizational structure with responsibility for the management of allocated resources to effectively accomplish stated objectives relating to an incident (AIIMS)

COMBAT - take steps to eliminate or reduce the effects of a hazard on the community.

COMBAT AGENCY – A combat agency prescribed under subsection (1) of the Emergency Management Act 2005 is to be a public authority or other person who or which, because of the agency's functions under any written law or specialized knowledge, expertise and resources, is responsible for performing an emergency management activity prescribed by the regulations in relation to that agency.

COMMUNITY EMERGENCY RISK MANAGEMENT – See **RISK MANAGEMENT**.

COMPREHENSIVE APPROACH – The development of emergency and disaster arrangements to embrace the aspects of prevention, preparedness, response, and recovery (PPRR). PPRR are aspects of emergency management, not sequential phases. Syn. 'disaster cycle', 'disaster phases' and 'PPRR'

COMMAND – The direction of members and resources of an organisation in the performance of the organisation's role and tasks. Authority to command is established in legislation or by agreement with an organisation. Command relates to organisations and operates vertically within an organisation. See also **COMMAND** and **COORDINATION**.

CONTROL – The overall direction of emergency management activities in an emergency situation. Authority for control is established in legislation or in an emergency plan, and carries with it the responsibility for tasking and coordinating other organisations in accordance with the needs of the situation. Control relates to situations and operates horizontally across organisations. See also **COMMAND** and **COORDINATION**.

CONTROLLING AGENCY – An agency nominated to control the response activities to a specified type of emergency.

COORDINATION – The bringing together of organisations and elements to ensure an effective response, primarily concerned with the systematic acquisition and application of resources (organisation, manpower and equipment) in accordance with the requirements imposed by the threat or impact of an emergency. Coordination relates primarily to resources, and operates, vertically, within an organisation, as a function of the authority to command, and horizontally, across organisations, as a function of the authority to control. See also **CONTROL** and **COMMAND**.

DISTRICT – means the municipality of the Shire of Chapman Valley.

EMERGENCY – An event, actual or imminent, which endangers or threatens to endanger life, property or the environment, and which requires a significant and coordinated response.

EMERGENCY MANAGEMENT – The management of the adverse effects of an emergency including:

Prevention – the mitigation or prevention of the probability of the occurrence of and the potential adverse effects of an emergency.

Preparedness – preparation for response to an emergency

Local Emergency Management Arrangements

Response – the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage and help to speed recovery and

Recovery – the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing.

EMERGENCY MANAGEMENT AGENCY – A hazard management agency (HMA), a combat agency or a support organisation.

EMERGENCY RISK MANAGEMENT – A systematic process that produces a range of measures which contribute to the well-being of communities and the environment.

SES –State Emergency Service.

VFRS –Volunteer Fire & Rescue Service.

VMR –Volunteer Marine Rescue.

FESA – Fire & Emergency Services Authority of WA.

BFB – Bush Fire Brigade – established by a local government under the Bush Fires Act 1954.

HAZARD

- (a) a cyclone, earthquake, flood, storm, tsunami or other natural event
- (b) a fire
- (c) a road, rail or air crash
- (d) a plague or an epidemic
- (e) a terrorist act as defined in The Criminal Code section 100.1 set out in the Schedule to the Criminal Code Act 1995 of the Commonwealth
- (f) any other event, situation or condition that is capable or causing or resulting in
 - (i) loss of life, prejudice to the safety or harm to the health of persons or animals or
 - (ii) destruction of or damage to property or any part of the environment and is prescribed by the regulations

HAZARD MANAGEMENT AGENCY (HMA) – A public authority or other person, prescribed by regulations because of that agency's functions under any written law or because of its specialized knowledge, expertise and resources, to be responsible for the emergency management or an aspect of emergency management of a hazard for a part or the whole of the State.

INCIDENT – An event, accidentally or deliberately caused, which requires a response from one or more of the statutory emergency response agencies.

A sudden event which, but for mitigating circumstances, could have resulted in an accident.

An emergency event or series of events which requires a response from one or more of the statutory response agencies. See also **ACCIDENT**, **EMERGENCY** and **DISASTER**.

INCIDENT AREA (IA) – The area defined by the Incident Controller for which they have responsibility for the overall management and control of an incident.

INCIDENT CONTROLLER – The person appointed by the Hazard Management Agency for the overall management of an incident within a designated incident area

INCIDENT MANAGER – See **INCIDENT CONTROLLER**

Local Emergency Management Arrangements

INCIDENT MANAGEMENT TEAM (IMT) – A group of incident management personnel comprising the incident controller, and the personnel he or she appoints to be responsible for the functions of operations, planning and logistics. The team headed by the incident manager which is responsible for the overall control of the incident.

INCIDENT SUPPORT GROUP (ISG) – A group of agency/organisation liaison officers convened and chaired by the Incident Controller to provide agency specific expert advice and support in relation to operational response to the incident.

LG – Local Government meaning the Shire of Chapman Valley.

LIFELINES – The public facilities and systems that provide basic life support services such as water, energy, sanitation, communications and transportation. Systems or networks that provide services on which the well-being of the community depends.

LOCAL EMERGENCY COORDINATOR (LEC) - That person designated by the Commissioner of Police to be the Local Emergency Coordinator with responsibility for ensuring that the roles and functions of the respective Local Emergency Management Committee are performed, and assisting the Hazard Management Agency in the provision of a coordinated multi-agency response during Incidents and Operations.

LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) – Based on either local government boundaries or emergency management sub-districts. Chaired by the Shire President (or a delegated person) with the Local Emergency Coordinator, whose jurisdiction covers the local government area concerned, as the Deputy Chair, Executive support should be provided by the local government.

MUNICIPALITY – Means the district of the Shire of Chapman Valley.

OPERATIONS – The direction, supervision and implementation of tactics in accordance with the Incident Action Plan. See also **EMERGENCY OPERATION**.

OPERATIONAL AREA (OA) – The area defined by the Operational Area Manager for which they have overall responsibility for the strategic management of an emergency. This area may include one or more Incident Areas.

PREVENTION – Regulatory and physical measures to ensure that emergencies are prevented, or their effects mitigated. Measures to eliminate or reduce the incidence or severity of emergencies. See also **COMPREHENSIVE APPROACH**.

PREPAREDNESS – Arrangements to ensure that, should an emergency occur, all those resources and services which are needed to cope with the effects can be efficiently mobilised and deployed. Measures to ensure that, should an emergency occur, communities, resources and services are capable of coping with the effects. See also **COMPREHENSIVE APPROACH**.

RESPONSE – Actions taken in anticipation of, during, and immediately after an emergency to ensure that its effects are minimised and that people affected are given immediate relief and support. Measures taken in anticipation of, during and immediately after an emergency to ensure its effects are minimised. See also **COMPREHENSIVE APPROACH**.

RECOVERY – The coordinated process of supporting emergency-affected communities in reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical well-being.

RISK – A concept used to describe the likelihood of harmful consequences arising from the interaction of hazards, communities and the environment.

The chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood.

Local Emergency Management Arrangements

A measure of harm, taking into account the consequences of an event and its likelihood. For example, it may be expressed as the likelihood of death to an exposed individual over a given period.

Expected losses (of lives, persons injured, property damaged, and economic activity disrupted) due to a particular hazard for a given area and reference period. Based on mathematical calculations, risk is the product of hazard and vulnerability

RISK MANAGEMENT – The systematic application of management policies, procedures and practices to the tasks of identifying, analysing, evaluating, treating and monitoring risk.

RISK REGISTER – A register of the risks within the local government, identified through the Community Emergency Risk Management process.

RISK STATEMENT – A statement identifying the hazard, element at risk and source of risk.

SUPPORT ORGANISATION – A public authority or other person who or which, because of the agency's functions under any written law or specialized knowledge, expertise and resources is responsible for providing support functions in relation to that agency.

TELECOMMUNICATIONS – The transmission of information by electrical or electromagnetic means including, but not restricted to, fixed telephones, mobile phones, satellite phones, e-mail and radio.

TREATMENT OPTIONS – A range of options identified through the emergency risk management process, to select appropriate strategies' which minimize the potential harm to the community.

VULNERABILITY – The degree of susceptibility and resilience of the community and environment to hazards. *The degree of loss to a given element at risk or set of such elements resulting from the occurrence of a phenomenon of a given magnitude and expressed on a scale of 0 (no damage) to 1 (total loss).

WELFARE CENTRE – Location where temporary accommodation is actually available for emergency affected persons containing the usual amenities necessary for living and other welfare services as appropriate.

Local Emergency Management Arrangements

GENERAL ACRONYMS USED IN THESE ARRANGEMENTS

BFS	Bush Fire Service
CEO	Chief Executive Officer
DCP	Department for Child Protection
DEC	Department of Environment and Conservation
DEMC	District Emergency Management Committee
ECC	Emergency Coordination Centre
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
HMA	Hazard Management Agency
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SOP	Standard Operating Procedures

Local Emergency Management Arrangements

Part 1: INTRODUCTION

1.1 Authority for Preparation

These arrangements have been prepared in accordance with the *Emergency Management Act 2005* and endorsed by the Chapman Valley Local Emergency Management Committee and approved by the Shire of Chapman Valley.

1.2 Community Consultation

The community has been consulted through other forums and through the LEMC committee members.

1.3 Documentation Availability

Copies of these Arrangements shall be distributed to the following and shall be free of charge during office hours:

- Shire's Administration Office
3270 Chapman Valley Road
NABAWA WA 6532
- Shire's Website in PDF format
- Stakeholder and LEMC agencies and organisations
- Related committees
- FESA Regional Office
- District Emergency Management Committee
- State Emergency Management Committee (Secretary) – electronic format

1.4 Physical and Social Geography

The Shire of Chapman Valley is a Local Government Area located in the Mid-West region of Western Australia, approximately thirty minutes northeast of Geraldton and about 440kms north of Perth. The Shire covers an area of approximately 4,007 sq/kms. The economy is reliant on a range of agricultural pursuits including intensive farming, grain production and wool growing.

Established as the Upper Chapman Road Board in 1901, it was not until 1960 (as a result of the Local Government Act) that the Board became known as the Shire of Chapman Valley. Over the past years the Shire of Chapman Valley has developed townscape plans for Nanson and Yuna in order to improve social, environmental and economic benefits to our communities.

Improvements to our communities have included the development of sporting and recreation venues, such as a public oval and playground at Yuna, and the Nanson playground. The upgrade of Coronation Beach has also been an award winning success, enabling the successful integration of recreation users and environmental protection.

Developments such as these have become popular with our local communities and visitors alike and we are consistently working towards continued improvements within the Shire to meet the unique needs of our rural communities.

Local Emergency Management Arrangements

The Council consists of eight elected members who bring with them knowledge from each section of the rural community, from Parkfalls, near the coast to 'God's Own Country' outback, Yuna. Parkfalls is located in the south west corner of the Shire, is the fastest growing area within the Shire, offering people the opportunity to live a semi-rural lifestyle close to the ocean and city facilities.

The picturesque Chapman Valley extends from the coasts at Coronation Beach, eastward to the Greenough River, north to the Rabbit Proof Fence and south to the East Chapman River. The Valley is renowned for its magnificent flat-topped Moresby Ranges, its pristine coastline and beautiful array of wildflowers from July through to October each year.

1.5 Purpose of the Arrangements

The purpose of this document is to detail:

- The Shire of Chapman Valley's policies for emergency management;
- The roles and responsibilities of public authorities and other persons involved in emergency management in the district;
- Procedures for the coordination of emergency management operations and activities;
- A description of emergencies that could occur in the Shire of Chapman Valley;
- Strategies and priorities for emergency management in the Shire of Chapman Valley;
- Other matters about emergency management in the Shire of Chapman Valley prescribed by the regulations; and
- Other matters about emergency management in the Shire of Chapman Valley the local government considers appropriate. [s. 41(2) of the EM Act 2005]

1.6 Scope of the Arrangements

These arrangements are to ensure there are suitable plans in place to deal with the identified emergencies should they arise. It is not the intent of this document to detail the procedures for Hazard Management Agencies (HMA's) in dealing with an emergency. These should be detailed in the HMA's individual plan.

Furthermore:

- a. This document applies to the local government district of the Shire of Chapman Valley;
- b. This document covers areas where the Shire of Chapman Valley provides support to HMA's in the event of an incident;
- c. This document details the Shire of Chapman Valley's capacity to provide resources in support of an emergency, while still maintaining business continuity; and
- d. The Shire of Chapman Valley's responsibility in relation to recovery management.

Local Emergency Management Arrangements

1.7 Related Documents and Arrangements

1.7.1 Formal Local Emergency Management Policies

The Shire of Chapman Valley currently does not have any policies specifically relating to emergency management unique to this local government area.

1.7.2 Existing Plans and Arrangements

Local Plans

Document	Owner	Location	Date

Table 1.7.2

1.7.3 Agreements, Understandings & Commitments

Currently there are no formal agreements or MOUs between the Shire of Chapman Valley and other local governments, organisations or industries in relation to the provision of assistance during times of need are in place.

Parties to the Agreement	Summary of the Agreement	Special Considerations

Table 1.7.3

1.8 Special Considerations

Are there any specific factors that need to be documented such as;

- Major influxes of tourists
- Large public events
- Seasonal conditions eh Bushfires, cyclones

1.9 Availability of Resources

The Hazard Management Agency (HMA) is responsible for the determination of resources required to combat the hazards for which they have responsibility. The Shire of Chapman Valley has conducted a broad analysis of resources available within the Shire of Chapman Valley including the pastoral properties and collated these in the Shire of Chapman Valley Emergency Resources Register at [Appendix 1](#).

1.10 Roles and Responsibilities

1.10.1 Local Emergency Coordinator

The Local Emergency Coordinator (LEC) for a local government district is appointed by the State Emergency Coordinator (Commissioner of Police) and has the following functions [s. 37(4) of the EM Act 2005]:

Local Emergency Management Arrangements

- to provide advice and support to the LEMC for the district in the development and maintenance of emergency management arrangements for the district;
- to assist hazard management agencies in the provision of a coordinated response during an emergency in the district; and
- to carry out other emergency management activities in accordance with the directions of the State Emergency Coordinator.

1.10.2 Chairperson Local Emergency Management Committee

The Chairperson of the LEMC is appointed by the local government (s. 38 of the EM Act 2005). Refer to **Appendix 7**, for details.

The Chairperson of the LEMC has the following roles in relation to the operation of the meeting:

- Chair the Local Emergency Management Committee;
- Manage the development and maintenance of the Local Emergency Management Arrangement within the district;
- Ensure the development of the committees reporting requirements in accordance with legislative and policy requirements; and
- Ensure the effective operation of the committee in accordance with legislation.

The Chairperson is responsible for the **process** of the meeting and usually works closely with the Executive Officer (XO) on the organisation of the agenda and contents of the notes.

The Chairperson ensures that the meeting is running smoothly and invites the participation of the participants.

The Chairperson undertakes the following tasks:

- Oversees the preparation of the agenda in consultation with the XO;
- Opens the meeting;
- Welcomes and introduces members and guests;
- Keeps individuals focused on the topics being discussed;
- Makes sure that members are aware of decisions that are made;
- Keeps track of the time; and
- Closes the meeting.

The Deputy Chairperson of the LEMC has the following roles:

- Acts as Chairperson to the committee in the absence of the Chairperson;
- Provides such assistance and advice as requested by the Chairperson;
- Undertake the role of Chairperson to committee working groups, as required;
- Facilitate the provision of relevant emergency management advice to the Chairperson and committee, as required;
- Provide support and direction to the XO, as required; and
- Understudy the roles and responsibilities of the Chairperson.

Local Emergency Management Arrangements

1.10.3 LEMC Executive Officer

The LEMC Executive Officer (XO) is responsible for taking notes and writing the record of the meeting, and works closely with the Chairperson. The XO may delegate the taking of notes and record meeting details to a support officer. The XO focuses on the **content** of the meeting while the Chairperson is concerned with the **process**.

The XO also takes responsibility for communicating with members outside meetings through the distribution of the agenda and the circulation of the meeting notes. At times there may be out-of-session matters that have to be addressed, and the XO contacts members in such instances.

The Executive Officer typically undertakes the following tasks:

- Calls for agenda items prior to the meeting allowing sufficient time for members to respond;
- Prepares and writes the agenda, a joint responsibility with the Chairperson;
- Distributes the agenda and papers prior to the meeting allowing adequate time for members to read them;
- Organises catering arrangements and acts on instructions about equipment that may be required for the meeting;
- Takes notes at the meeting;
- Prepares draft Minutes from the notes taken;
- Finalises the Minutes in consultation with the Chairperson;
- Circulates the Minutes;
- Keeps a complete record of meetings and documentation; and
- Develops a system of archiving notes and documents.

1.10.4 Local Emergency Management Committee

The Shire of Chapman Valley has established a Local Emergency Management Committee (LEMC) to oversee, plan and test the local emergency management arrangements (s. 39 of the EM Act 2005).

The LEMC includes representatives from agencies, organisations and community groups that are relevant to the identified risks and emergency management arrangements for the community.

The LEMC is not an operational committee but rather the organisation established by the local government to ensure that local emergency management arrangements are written and placed into effect for its district.

The LEMC membership must include at least one local government representative and the identified Local Emergency Coordinator (LEC). Relevant government agencies and other statutory authorities will nominate their representatives to be members of the LEMC.

The term of appointment of LEMC members shall be determined by the local government in consultation with the parent organisation of the members.

Local Emergency Management Arrangements

1.10.5 The Function of the LEMC

It is the function of the LEMC to (s. 39 of the EM Act 2005):

- to advise and assist the local government in establishing local emergency managements for the district;
- to liaise with public authorities and other persons in the development, review and testing of the local emergency management arrangements; and
- to carry out other emergency management activities as directed by SEMC or prescribed by regulations.

Various State Emergency Management Plans (WESTPLANS) and State Emergency Management Policies (SEMP) place responsibilities on LEMC's. The below identified functions relate to areas not covered in other areas of these arrangements:

- The LEMC should provide advice and assistance to communities that can be isolated due to hazards such as cyclone or flood to develop a local plan to manage the ordering, receiving and distributing of essential supplies. (WESTPLAN - *Freight Subsidy Plan*)
- The LEMC may provide advice and assistance to the SES and FESA to develop a Local Tropical Cyclone Emergency Plan. (WESTPLANS – *Cyclone, Flood and Tsunami*)

1.10.6 Local Government

It is a function of a local government —

- subject to the Emergency Management Act is to ensure that effective local emergency management arrangements are prepared and maintained for its district;
- to manage recovery following an emergency affecting the community in its district; and
- to perform other functions given to the local government under the Emergency Management Act.

1.10.7 Controlling Agency

A Controlling Agency is an agency nominated to control the response activities to a specified type of emergency.

The function of a Controlling Agency is to:

- to undertake all responsibilities as prescribed in Agency specific legislation for Prevention and Preparedness;
- to control all aspects of the response to an incident; and
- during Recovery the Controlling Agency will ensure effective transition to Recovery by Local Government.

1.10.8 Hazard Management Agency

A Hazard Management Agency (HMA) is 'to be a public authority or other person who or which, because of that agency's functions under any written law or specialised

Local Emergency Management Arrangements

knowledge, expertise and resources, is responsible for emergency management, or the prescribed emergency management aspect, in the area prescribed of the hazard for which it is prescribed.' (s. 4 of the EM Act 2005]

The HMA's are prescribed in the *Emergency Management Regulations 2006*.

The functions of the HMAs are to:

- Undertake responsibilities where prescribed in the *Emergency Management Regulations 2006* for these aspects.
- Appointment of Hazard Management Officers (s.55 of the EM Act 2005)
- Declare / Revoke Emergency Situation (s.50 and 53 of the EM Act 2005)
- Coordinate the development of the WESTPLAN for that hazard SEMP No 2.2 *Development and Review of State Emergency Management Plans*
- Ensure effective transition to recovery by Local Government

1.10.9 Combat Agencies

A combat agency is 'to be a public authority or other person who or which, because of that agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for performing an emergency management activity by the regulations in relation to that agency.' (EMWA Glossary)

1.10.10 Support Organisation

A support organisation is 'to be a public authority or other person who or which, because of that agency's functions under any written law or specialised knowledge, expertise and resources, is responsible for providing support functions in relations to that agency.' (EMWA Glossary) An example may be the Salvation Army providing meals to welfare centre.

1.10.11 Public Authorities and Others

The roles and responsibilities of public authorities and other persons involved in emergency management in the local government district' [EM Act 2005 s 41(2)(b)].

The allocation of roles and responsibilities to Public Authorities should, as far as possible, follow the State Emergency Management Arrangements.

As the Department for Child Protection (DCP), who do not have a permanent presence in the town, therefore in the case of an emergency incident, where welfare is required, the Shire of Chapman Valley will provide the welfare role until DCP arrives.

Local Emergency Management Arrangements

Part 2: PLANNING

The Shire of Chapman Valley, under s. 38 of the *Emergency Management Act 2005*, has established a Local Emergency Management Committee (LEMC) to plan, manage and exercise the local emergency arrangements. Membership of the LEMC is a representative of agencies, community groups, non-government organisations and expertise relevant to the identification of community hazards and emergency management arrangements.

2.1 Planning (LEMC Administration)

This section outlines the minimum administration and planning requirements of the LEMC under the *Emergency Management Act 2005* and policies.

2.2 LEMC Membership

The Shire of Chapman Valley LEMC is comprised of and is reflective of the community:

- A Chairperson, as appointed by the Shire of Chapman Valley
- The Local Emergency Coordinator (LEC), as appointed by the State Emergency Coordinator (SEC) – OIC Northampton Police Station
- Local Recovery Coordinator
- At least one local government representative
- Representatives from local emergency management agencies located in the Shire of Chapman Valley
- Welfare support agencies
- State Government agencies
- Local Industry representatives
- Local Indigenous or CALD representatives
- Special needs Group representatives
- Any other representatives as determined by the Shire of Chapman Valley (e.g. community champions)
- Secretarial and administration support will be provided by the Shire of Chapman Valley.

A comprehensive list of LEMC Members and contact details, can be found at [Appendix 7](#).

2.3 Meeting Schedule

The LEMC shall meet every three (3) months and as required (SEMP No 2.5 para 21).

2.4 LEMC Constitution and Procedures

At each meeting of the LEMC should consider, but not be restricted to, the following matters, as appropriate:

2.4.1 Every Meeting:

- Confirmation of LEMA Contact Details and Key Stakeholders;
- Review any of Post-Incident Reports and Post Exercise Reports generated since last meeting;
- Progress of ERM process;
- Progress of Treatment Strategies arising from ERM process;

Local Emergency Management Arrangements

- Progress of development or review of LEMA; and
- Other matters as determined by the Local Government.

2.4.2 First Calendar Quarter:

- Development and approval of next financial year LEMC exercise schedule (to be forwarded to relevant DEMC);
- Begin developing annual business plan.

2.4.3 Second Calendar Quarter:

- Preparation of LEMC annual report (to be forwarded to relevant DEMC for inclusion in the SEMC annual report);
- Finalisation and approval of annual business plan.

2.4.4 Third Calendar Quarter:

- Identify emergency management projects for possible grant funding.

2.4.5 Fourth Calendar Quarter:

- National and State funding nominations.

The LEMC shall determine other procedures as it considers necessary.

2.5 LEMC Annual Report

A signed hard copy of the Annual Report for the Shire of Chapman Valley' LEMC shall be completed and submitted to the Executive Officer of the Midwest-Gascoyne DEMC within (2) weeks of the end of the financial year for which the annual report is prepared.

The LEMC Annual Report is to contain, for the reporting period:

- a description of the area covered by the LEMC,
- a description of activities undertaken by it, including:
 - the number of LEMC meetings and the number of meetings each member, or their deputy, attended,
 - a description of emergencies within the area covered by the LEMC involving the activation of an Incident Support Group (ISG),
 - a description of exercises that exercised the local emergency management arrangements for the area covered by the LEMC,
 - the level of development of the local emergency management arrangements for the area covered by the LEMC (e.g. draft, approved 2007, under review, last reviewed 2007),
 - the level of development of the local recovery plan for the area covered by the LEMC,
 - the progress of establishing a risk register for the area covered by the LEMC, and
 - a description of major achievements against the LEMC Annual Business Plan.
 - the text of any direction given to it by:

Local Emergency Management Arrangements

- the local government that established it.
- the major objectives of the Annual Business Plan of the LEMC for the next financial year

2.6 Annual Business Plan

State Emergency Management Policy 2.5 'Annual Reporting' states that each LEMC will complete and submit to the DEMC, an annual report at the end of each financial year. One of the requirements of the Annual Report is to have a Business Plan. [SEMP 2.6 s25 (b)(vii) & s25(d)]

From time to time the SEMC will establish a template for the Annual Business Plan that can be used by LEMC's.

2.7 Emergency Risk Management

The Emergency Risk Management (ERM) process forms the foundation of local emergency management arrangements. The ERM process supports the negotiation and development of shared responsibilities necessary for the establishment of effective arrangements within local government.

Emergencies cause great damage to property and cause even greater economic loss through damage to infrastructure, crops and livestock. ERM is an essential part of a community's ability to identify what risks exist within the community and how these risks should be dealt with to minimise future harm to the community.

As part of the ERM process it is essential that community stakeholders are consulted when developing measures that reflect the ERM project being conducted. Through the development of related mitigation initiatives the community is then able to work towards reducing the likelihood and/or consequence of further emergencies order to develop a more sustainable community.

One of the ERM outputs should be to identify critical infrastructure in the community and it's vulnerability to hazards.

For details of the Risk Register refer to **Appendix 2.**

Local Emergency Management Arrangements

Part 3: SUPPORT TO RESPONSE

3.1 Risks – Emergencies Likely to Occur

The following is a table of emergencies that are likely to occur within the Local Government area which have been derived through the Emergency Risk Management process:

Hazard	Controlling Agency	HMA	Local Combat Role	Local Support Role	WESTPLAN	Local Plan Date
Air Transport Emergencies		WA Police	Northampton Police		Air crash (2009)	
Animal and Plant Biosecurity		Department of Agriculture			Animal and Plant Biosecurity (2009)	
Bushfire (LG)		LG/FESA	BFB's	Western Power	Bushfire (2011)	
Bushfire (DEC Lands)		DEC	DEC and BFB's		Bushfire (2011)	
Earthquake		FESA	Geraldton-Greenough SES	Western Power Water Corp	Earthquake (2011)	
Fire Urban		FESA	Geraldton FRS	Western Power	Urban Fire (2000)	
Flood		FESA	Geraldton-Greenough SES	Western Power Water Corp	Flood (2010)	
Hazardous Materials Incident		FESA	Geraldton FRS		HAZMAT (2010)	
Human Epidemic		Department of Health			Human Epidemic (2010)	
Land Search		WA Police	Northampton Police, Geraldton-Greenough SES		Land SAR (2007)	
Road Transport Emergency		WA Police	Northampton Police		Road Crash (2010)	
Storm/Tempest		FESA	Geraldton-Greenough SES	Western Power	Storm (2004)	

Table 3.1

Local Emergency Management Arrangements

These arrangements are based on the premise that the HMA responsible for the above risks will develop, test and review appropriate emergency management plans for their hazard.

It is recognised that the HMA's and Combat agencies may require Shire of Chapman Valley resources and assistance in emergency management. The Shire of Chapman Valley is committed to providing assistance/support if the required resources are available through the Incident Support Group when and if formed.

3.2 Incident Support Group (ISG)

The ISG is convened by the HMA or the Local Emergency Coordinator, in consultation with the HMA, to assist in the overall coordination of services and information during a major incident. Coordination is achieved through clear identification of priorities by agencies sharing information and resources.

3.2.1 Role of the ISG

The role of the ISG is to provide support to the incident management team. The ISG is a group of people represented by the different agencies who may have involvement in the incident.

3.2.2 Triggers for the Activation of an ISG

The activation of an ISG should be considered when the incident escalates to an operational Level 2 which is when one or more of the following occur:

- Requires multi-agency response;
- Protracted duration;
- Requires coordination multi-agency resources;
- Resources required from outside the local area;
- Some impact on critical infrastructure;
- Has a medium level of complexity;
- Has a medium impact on the routine functioning of the community;
- Has potential to be declaration of an "Emergency Situation"; and/or
- Consists of multiple hazard.

3.2.3 Membership of an ISG

The ISG is made up of agencies/representatives that provide support to the HMA. As a general rule, the Local Recovery Coordinator (LRC) should be a member of the ISG from the onset, to ensure consistency of information flow and transition into recovery.

The representation on this group may change regularly depending upon the nature of the incident, agencies involved and the consequences caused by the emergency.

Agencies supplying staff for the ISG must ensure that the representative(s) have the authority to commit resources and/or direct tasks.

Local Emergency Management Arrangements

3.2.4 Frequency of ISG Meetings

Frequency of meetings will be determined by the Incident Controller and will generally depend on the nature and complexity of the incident. As a minimum, there should be at least one meeting per incident. Coordination is achieved through clear identification of priorities by agencies sharing information and resources.

3.2.5 Locations for ISG Meetings

The Incident Support Group meets during an emergency and provides a focal point for a coordinated approach of all available resources to an emergency. The following table identifies suitable locations and contact details for opening where the ISG can meet within the Local Government District.

Location One: Shire of Chapman Valley
Address: 3270 Chapman Valley Road.
Nabawa

	Name	Phone	Mobile Phone
1 st Contact	CEO	9920 5011	0429 205 011
2 nd Contact	Manager of Planning	9920 5011	0429 085 028

Location Two: Yuna Memorial Hall
Address: Yuna – Tenindewa Road
Yuna

	Name	Phone	Mobile Phone
1 st Contact	CEO	9920 5011	0429 205 011
2 nd Contact	Manager of Planning	9920 5011	0429 085 028

Location Three: Transportable Building – Showgrounds
Address: Chapman Valley Road
Nanson

	Name	Phone	Mobile Phone
1 st Contact	CEO	9920 5011	0429 205 011
2 nd Contact	Manager of Planning	9920 5011	0429 085 028

Local Emergency Management Arrangements

3.5 Media Management and Public Information

Communities threatened or impacted by emergencies have an urgent and vital need for information and direction. Such communities require adequate, timely information and instructions in order to be aware of the emergency and to take appropriate actions to safeguard life and property. The provision of this information is the responsibility of the HMA however at the time of handover, the responsibility of sign-off of communication material is handed over to the Local Recovery Coordinator.

3.6 Critical Infrastructure

During the emergency risk management assessment process, local government will identify critical infrastructure within the local government area that if affected by a hazard would have a negative and prolonged impact on the community. Refer to [Appendix 4](#) for details.

Part 4: EVACUATION

4.1 Evacuation

Evacuation is a risk management strategy which may need to be implemented, particularly in regards to cyclones, flooding and bush fires. The decision to evacuate will be based on an assessment of the nature and extent of the hazard, the anticipated speed of onset, the number and category of people to be evacuated, evacuation priorities and the availability of resources.

These considerations should focus on providing all the needs of those being evacuated to ensure their safety and on-going welfare.

The HMA will make decisions on evacuation and ensure that community members have appropriate information to make an informed decision as to whether to stay or go during an emergency.

4.2 Evacuation Planning Principles

The decision to evacuate will only be made by a HMA or an authorised officer when the members of the community at risk do not have the capability to make an informed decision or when it is evident that loss of life or injury is imminent.

Under the *Emergency Management Act 2005* (S 67), a hazard management officer or authorised officer during an emergency situation or state of emergency may do all or any of the following:

- Direct or by direction prohibit the movement of persons, animals and vehicles within, into, out of or around an emergency area or any part of the emergency area;
- Direct the evacuation and removal of persons or animals from the emergency area or any part of the emergency area;
- Close any road, access route or area of water in, or leading to the emergency area.

The evacuation plan will rely heavily on effective communication with the community. It will be essential to involve community representatives in the planning process so they are aware of and are informed about what they might face during an evacuation.

Community members should have an understanding of the local community's evacuation principles and procedures. Community awareness and education are critical to the successful implementation of an evacuation plan.

Depending on the risk, the need for long or short-term evacuation and immediate or planned evacuation may be necessary. The general policy of the State's emergency management organisation is that:

- Community members should be involved in the decision to stay or evacuate when threatened by an emergency, as much as practicable; and
- The decision to evacuate will only be made by a HMA or an authorised officer when the members of the community at risk do not have the capability to make an informed decision or when it is evident that loss of life or injury is imminent

Local Emergency Management Arrangements

- In consultation with the community and the DCP, the HMA is responsible for ensuring arrangements are in place for the care of evacuees until such time as they can return.

State Emergency Management Policy No. 4.7 – Community Evacuation should be consulted when planning evacuation.

4.3 Evacuation Management

The responsibility for managing evacuation rests with the HMA. The HMA is responsible for planning, communicating and effecting the evacuation and ensuring the welfare of the evacuees is maintained. The HMA is also responsible for ensuring the safe return of evacuees. These aspects also incorporate the financial costs associated with the evacuation unless prior arrangements have been made.

Schools, hospitals, nursing homes, child care facilities etc. should each have separate emergency evacuation plans, which show where their populations will assemble for transportation. It is important that this information is captured for an overall understanding of where people will be congregating in an emergency.

In most cases the WA Police may be the 'combat agency' for carrying out the evacuation and they may use the assistance of other agencies such as the SES.

Whenever evacuation is being considered the Department for Child Protection (DCP) must be consulted during the planning stages. This is because DCP have responsibility under state arrangements to maintain the welfare of evacuees under WESTPLAN - *Welfare*.

4.4 Special Needs Groups

This section lists 'at risk' groups within the community and the purpose behind this is so that a Controlling Agency planning for an evacuation will be able to identify locations that require special attention or resources.

For details of Special Need Groups refer to [Appendix 5](#).

4.5 Evacuation / Welfare Centres

For a detailed list of evacuation / welfare centres refer to [Appendix 3](#).

4.6 Refuge Sites

A refuge site may be identified in advance for specific hazards (such as fire which are fast moving) in areas the community identify as high risk. This may be due to single access etc.

4.7 Routes and Maps

The main routes through the Shire of Chapman Valley are as follows:

- North West Coastal Highway
- Chapman Valley Road – direct access from Geraldton to Nabawa
- Yuna – Tenindewa Road – access from Mt Magnet-Geraldton Road to Yuna and then onto Nabawa
- Northampton – Nabawa Road – access from Northampton/NWCH to Nabawa

Local Emergency Management Arrangements

- Nanson – Howatharra Road – access from Nanson to NWCH through Howatharra
- Coronation beach Road – access into Coronation Beach from NWCH
- Morrell Road – access from Mt Magnet-Geraldton Road via Moonyoonooka
- Chapman Road – East – access east off Morrell Road into the Chapman Valley
- Valentine Road (formed gravel road) – access north/south off Mt Magnet-Geraldton Road into Chapman Valley
- Nabawa Road – East (formed gravel road) – access east off Chapman Valley Road to Yuna and into the Chapman Valley

Refer to [Appendix 6](#). This section provides a map of the locality and identifies any issues and local land marks.

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Local Emergency Management Arrangements

Part 5: WELFARE

5.1 Welfare Management

In emergency management terminology, Welfare is defined as providing immediate and ongoing supportive services to alleviate as far as practicable the effects on persons affected by an emergency.

The role of managing welfare function during an emergency has been delegated to the Department for Child Protection (DCP). DCP will develop a Local Welfare Emergency Support Management Plan that will be used to coordinate the management of the welfare centre(s) for the Chapman Valley LEMC.

5.2 Local Welfare Coordinator

The Local Welfare Coordinator is appointed by the DCP District Director to

- establish, chair and manage the activities of the Local Welfare Emergency Committee (LWEC), where determined appropriate by the DCP District Director;
- prepare, promulgate, test and maintain the Local Welfare Plans;
- represent the department and the emergency welfare function on the LEMC and the Local Recovery Committee;
- establish and maintain the Local Welfare Emergency Coordination Centre;
- ensure personnel and organisations are trained and exercised in their welfare responsibilities;
- coordinate the provision of emergency welfare services during response and recovery phases of an emergency; and
- represent the department on the Incident Management Group when required

Nominated in Contacts Register, refer to [Appendix 7](#).

5.3 Local Welfare Liaison Officer

Local Government shall appoint a Local Welfare Liaison Officer who has the role to provide support and assistance to the Local Evacuation / Welfare Centre, including the management of emergency evacuation centres such as building opening, closing, security and maintenance.

It is important to identify the initial arrangements for welfare to occur, particularly in remote areas, where it may take some time for DCP to arrive.

Nominated in Contacts Register, refer to [Appendix 7](#).

5.4 State and National Registration and Enquiry

When a large scale emergency occurs and people are evacuated or become displaced, one of the areas the Department for Child Protection (DCP) has responsibility for is recording who has been displaced and placing the information onto a State or National Register. This primarily allows friends or relatives to locate each other but also has many further applications. Because of the nature of the work involved DCP have reciprocal arrangements with the Red Cross to assist with the registration process.

Local Emergency Management Arrangements

5.5 Animals (including assistance animals)

The Shire Ranger(s) will arrange appropriate animal welfare through local resources and relevant organizations.

5.6 Evacuation / Welfare Centres

For a detail list of evacuation / welfare centres refer to **Appendix 3.**

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Part 6: RECOVERY

6.1 The Recovery Process

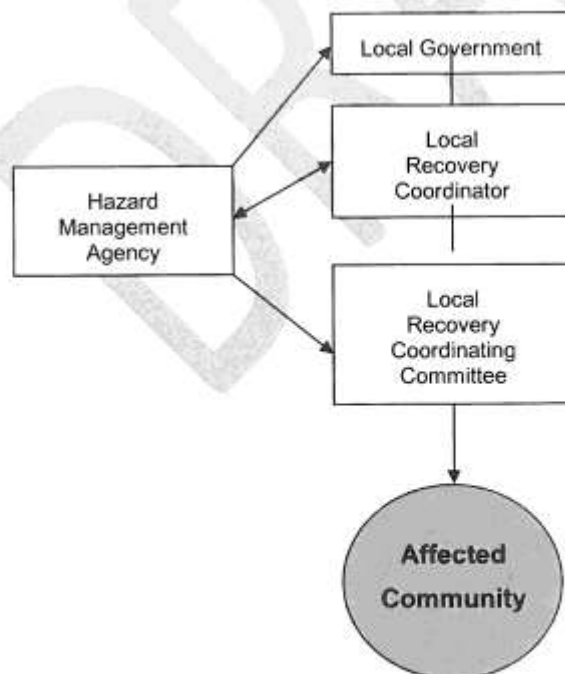
Recovery is defined as the coordinated support given to emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing.

The recovery process will be detailed in the Shire of Chapman Valley Local Recovery Plan which will be in support of this document.

The purpose of this plan is to ensure recovery is managed and planned for in a structured manner. For the plan to be effective, members of the LEMC, the Local Recovery Coordinating Committee (LRCC), relevant Shire staff and the community require an understanding of the recovery process. LEMC members, LRCC members and Shire staff who participate in recovery training, familiarize themselves with the relevant SEMC Policies and read the EMA's Recovery Manual No. 10, will benefit highly with their overall contribution to the recovery process. This will ultimately result in a higher level of awareness and knowledge in the community

However, recovery is more than simply replacing what has been destroyed and the rehabilitation of those affected. It is a complex, dynamic and potentially protracted process rather than just a remedial process. The manner in which recovery processes are undertaken is critical to their success.

Recovery is best achieved when the affected community is able to exercise a high degree of self-determination.



Local Emergency Management Arrangements

6.2 Aim of Recovery

The aim of providing recovery services is to assist the affected community towards management of its own recovery. It is recognised that where a community experiences a significant emergency there is a need to supplement the personal, family and community structures which have been disrupted.

6.3 Principles of Recovery

Recovery from emergencies is most effective when:

- Recovery from an emergency is an enabling and supportive process, which allows individuals, families and communities to attain a proper level of functioning through the provision of information, specialist services and resources.
- Agreed plans and management arrangements, which are accepted and understood by recovery agencies, combat agencies and the community, have been established.
- Recovery arrangements recognise the complex, dynamic and protracted nature of recovery processes and the changing needs of affected individuals, families and groups within the community over time.
- Human service agencies play a major role in all levels of key decision-making which may influence the well-being and recovery of the affected community.
- The recovery process begins from the moment the emergency impacts.
- Planning and management arrangements are supported by training programs and exercises which ensure that recovery agencies and personnel are properly prepared for their role.

Recovery management arrangements provide a comprehensive and integrated framework for managing all potential emergencies and disasters and where assistance measures are provided in a timely, fair and equitable manner and are sufficiently flexible to respond to a diversity of community needs.

6.4 Recovery Concepts

Recovery management principles are supported by the following concepts which provide a basis for effective recovery management.

- Community Involvement: Recovery processes are most effective when affected communities actively participate in their own recovery.
- Local Level Management: Recovery services should be managed to the extent possible at the local level.
- Affected Community: The identification of the affected community needs to include all those who are affected in any significant way whether defined by geographical location or as a dispersed population.
- Differing Effects: The ability of individuals, families and communities to recover depends upon capacity, specific circumstances of the event and its effects.

Local Emergency Management Arrangements

- **Empowerment:** Recovery services should empower communities to manage their own recovery through support and maintenance of identity, dignity and autonomy.
- **Resourcefulness:** Recognition needs to be given to the level of resourcefulness evident within an affected community and self-help should be encouraged
- **Responsiveness, Flexibility, Adaptability and Accountability:** Recovery services need to be responsive, flexible and adaptable to meet the rapidly changing environment, as well as being accountable
- **Integrated Services:** Integration of recovery service agencies, as well as with response agencies, is essential to avoid overlapping services and resource wastage.
- **Coordination:** Recovery services are most effective when coordinated by a single agency.
- **Planned Withdrawal:** Planned and managed withdrawal of external services is essential to avoid gaps in service delivery and the prevention of leaving before the task has been completed.

6.5 Transition from Response to Recovery

Response and recovery activities will overlap and may compete for the same limited resources. Such instances should normally be resolved through negotiation between the Hazard Management Agency's Incident Manager (IM), Local Recovery Coordinator (LRC) and the Local Emergency Coordinator (LEC). However, where an agreement cannot be achieved, preference is to be given to the response requirements.

The decision to announce that emergency response is over is just as important as determining whether an issue or incident constitutes an emergency in the first place. The decision to formally announce that the emergency is over will send an important message to all stakeholders and will trigger the commencement of recovery operations by government, community and private sector business.

The effect of prematurely announcing that an emergency is over may create the perception among stakeholders that the Shire of Chapman Valley is being insensitive to, or is unaware of the broader issues, which may reflect poorly on the Shire. The LRC and the Shire of Chapman Valley CEO should jointly determine when the emergency response is over in consultation with Emergency Services and field response operations.

6.6 Local Recovery Coordinator

Nominated in Contacts Register, refer to **Appendix 7**.

6.7 Local Recovery Coordinator Roles and Responsibilities

The responsibilities of the LRC(s) may include any or all of the following:

- Prepare, maintain and test the Local Recovery Plan;
- Assess the community recovery requirements for each event, in consultation with the HMA, LEC and other responsible agencies, for;

Local Emergency Management Arrangements

- Advice to the Shire President/CEO on the requirement to activate the plan and convene the LRCC; and
- Initial advice to the LRCC, if convened.

Undertake the functions of the Executive Officer (XO) to the LRCC;

- Assess the LRCC requirements for the restoration of services and facilities with the assistance of the responsible agencies where appropriate, including determination of the resources required for the recovery process in consultation with the HMA during the initial stages of recovery implementation;
- Coordinate local recovery activities for a particular event, in accordance with plans, strategies and policies determined by the LRCC;
- Monitor the progress of recovery and provide periodic reports to the LRCC;
- Liaise with the Chair of the State Recovery Coordinating Committee (SRCC) or the State Recovery Coordinator, where appointed, on issues where State level support is required or where there are problems with services from government agencies locally;
- Ensure that regular reports are made to the SRCC on the progress of recovery; and
- Arrange for the conduct of a debriefing of all participating agencies and organizations as soon as possible after stand down.

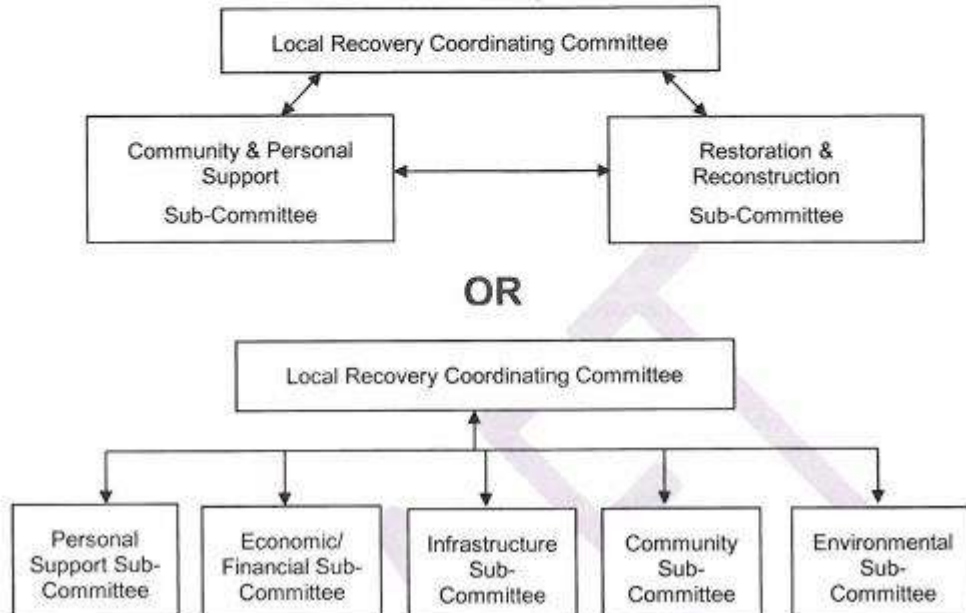
6.8 Recovery Committee

The Local Recovery Coordinating Committee (LRCC) can expand or contract as the emergency management process requires. When forming the LRCC, the LRC will organise the team based on the nature, location and severity of the event as well as considering the availability of designated members. The LRC will also ensure that the LRCC has the technical expertise and operational knowledge required to respond to the situation.

Local Emergency Management Arrangements

Recovery Committee Structures

Following handover from HMA to LRC (depending upon community impact and complexity of event)



6.9 Composition of the Recovery Committee

Position	Suggested Representative
Chairperson	Shire of Chapman Valley President, Deputy or Councilor
Local Recovery Coordinator	CEO Shire of Chapman Valley
Secretary/Executive Officer	Shire of Chapman Valley
Committee Members	Technical and operational expertise knowledge required to respond to the situation from Local Government and relevant State Government Departments

Table 6.9

6.10 Role and Responsibilities of the Recovery Committee

The LRCC has the role to coordinate and support the local management of the recovery processes within the community subsequent to a major emergency in accordance with SEMC Policies, local plans and arrangements.

The LRCC responsibilities may include any or all of the following:

- Appointment of key positions within the committee and, when established, the sub-committees;

Local Emergency Management Arrangements

- Establishing sub-committees, as required and appointing appropriate chairpersons for those sub-committees;
- Assessing the requirements for recovery activities with the assistance of the responsible agencies, where appropriate;
- Develop strategic plans for the coordination of recovery processes;
- Activation and coordination of the ECC, if required;
- Negotiating the most effective use of available resources;
- Ensuring a coordinated multi-agency approach to community recovery; and
- Making appropriate recommendations, based on lessons learned, the LEMC to improve the community's recovery preparedness.

6.11 Priorities for Recovery

The priorities for the LRCC during the period of recovery management are:

1. Health and safety of individuals and the Community
2. Social recovery
3. Economic recovery
4. Physical recovery

6.12 Financial Management in Recovery

Funding is not available for Recovery planning, however there are funding arrangements for recovery assistance following an emergency. The primary responsibility for safeguarding and restoring public and private assets affected by an emergency rests with the owner. However, government recognises that communities and individuals do not always have the resources to provide for their own recovery and financial assistance is available in some circumstances.

Relief programs include:

- Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA)
- Commonwealth Natural Disaster Relief Arrangements (NDRA)
- Centrelink
- Lord Mayor's Distress Relief Fund (LMDRF)

Information on these relief arrangements can be found in the State Emergency Management Plan for State Level Recovery Coordination (WESTPLAN – *Recovery Coordination*).

Part 7: EXERCISING AND REVIEWING

7.1 The Aim of Exercising

Testing and exercising are essential to ensure that the emergency management arrangements are workable and effective for the LEMC. The testing and exercising is also important to ensure that individuals and organisations remain appropriately aware of what is required of them during an emergency response situation.

The exercising of a HMA's response to an incident is a HMA responsibility however it could be incorporated into the LEMC exercise.

Exercising the emergency management arrangements will allow the LEMC to:

- Test the effectiveness of the local arrangements
- Bring together members of emergency management agencies and give them knowledge of, and confidence in, their roles and responsibilities
- Help educate the community about local arrangements and programs
- Allow participating agencies an opportunity to test their operational procedures and skills in simulated emergency conditions
- Test the ability of separate agencies to work together on common tasks, and to assess effectiveness of co-ordination between them.

7.2 Frequency of Exercises

The SEMC Policy No 2.5 – *Emergency Management in Local Government Districts* requires the LEMC to exercise their arrangements on an annual basis.

7.3 Types of Exercises

Some examples of exercises types include:

- Desktop/Discussion
- A phone tree recall exercise
- Opening and closing procedures for evacuation centres or any facilities that might be operating in an emergency
- Operating procedures of an Emergency Coordination Centre
- Locating and activating resources on the Emergency Resources Register

7.4 Reporting of Exercises

Exercises shall be reported to the DEMC via the LEMC Annual Report using the format as detailed in SEMC Policy No 2.6 – *Annual Reporting*.

7.5 Review of Local Emergency Management Arrangements

The Local Emergency Management Arrangements (LEMA) shall be reviewed and amended in accordance with SEMC Policy No 2.5 – *Emergency Management in Local Government Districts* and replaced whenever the local government considers it appropriate (S.42 of the EM Act).

Local Emergency Management Arrangements

According to SEMC Policy No 2.5 – *Emergency Management in Local Government Districts*, the LEMA (including recovery plans) are to be reviewed and amended as follows:

- contact lists are reviewed and updated quarterly;
- a review is conducted after training that exercises the arrangements;
- an entire review is undertaken every five (5) years, as risks might vary due to climate, environment and population changes; and
- Circumstances may require more frequent reviews.

7.6 Review of Local Emergency Management Committee Positions

The Shire of Chapman Valley in consultation with parent organisation of members shall determine the term and composition of LEMC positions.

7.7 Review of Resources Register

The Chairperson shall have the resources register checked and updated on an annual basis, however ongoing amendments may occur at any LEMC meeting.

Local Emergency Management Arrangements

**Appendix 1.
to Chapman Valley LEMA**

Resource Register

Name of Organisation Shire of Chapman Valley
Location: Chapman Valley

Plant and Equipment Resources:

Contact	Position	Phone/Mobile
Ken Barndon	Works Supervisor	0429 109 816

Item Description	Size	No of Items
6 Wheel Water Truck	9,000Lts	1
6 Wheel Side Tipper with Side Tipping Dog Trailer		1
Prime Mover with Two Side Tipping Dog Trailers		1
Prime Mover with Water Tankers	26,000Lts	
Graders – 2 with 14ft blades , 1 with 12ft blades		3
950 Cat Loader		1
L90 Loader		1
Komatsu Backhoe		1
Cat Skid Steer Loader		1
Tip Truck	2.5	1
Generators	5kva	2
Water Pumps Trailer mounted	4"	2
Portable Water Pumps	3"	2
Petrol Water Pump - Portable	2"	1

Risk Register Schedule

Insert when information is available

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Local Emergency Management Arrangements

Appendix 3.
to Chapman Valley LEMA

Evacuation / Welfare Centre Information

	Details
Establishment/Facility:	Chapman Valley Community Centre
Physical Address	Chapman Valley Road, Nabawa
General Description of the Complex	A large Community Centre with two main areas – there is the Main Hall which has a stage and doors that open out onto a grassed area at the rear. The other area is the Lessor Hall
Site Limitations	No showers in this facility however there are showers in the adjoining sports facility
Telephone No	
Fax No	
Email Address	

Contacts

Name	Position	Work Contact	A/Hrs Contact



Local Emergency Management Arrangements

Access Details

	Details
Keys	Shire Admin Building
Alarm	No
Security	No
Universal Access	Limited

Accommodation Numbers – as per Health Regulations

	Details
Sitting / Standing	Main Hall – 375 Lessor Hall - ??
Sleeping	100
Duration	Limited due lack of showers, however the changerooms in the adjoining Clubrooms could be accessed for showers

Ablution Amenities – These can be accessed from the outside as well from the Community Centre

Item	Yes/No	Notes
Male Toilets:		
Toilets	Yes	2 x standard pans
Urinal	Yes	3m SS stall
Shower	No	
Hand Basins	Yes	2 off
Female Toilets:		
Toilets	Yes	5 x standard pan 1 x sanitary bin
Shower	No	
Hand Basin	Yes	2 off
Baby Change Table	No	

Local Emergency Management Arrangements

Disabled Toilet:		
Toilet	Yes	1 x disabled pan
Hand Basin	Yes	1 off

General Amenities

Item	Yes/No	Notes
Kitchen Facilities:		
Stoves (types)	Yes	5 x burner w/oven electric semi-commercial
Refrigeration	Yes	2 x glass door commercial unit
Urn	Yes	1 off
Ceiling Fans	Yes	2 off
Servery Point	Yes	There are two servery points – one to the Main Hall and one to the Lessor Hall
Dining Facilities:		
Tables	Yes	12 x tables 4 x persons per table
Chairs	Yes	120
Cutlery and Crockery	Yes	Approx 100 settings
General Facilities:		
Rooms		
RCD Protected	Yes	
Power Points	Yes	
Generator Port	No	
Fire Equipment	Yes	
Air Conditioning (type)	No	
Heating	No	
Ceiling Fans	No	

Local Emergency Management Arrangements

Lighting (internal)	Yes	
Lighting (external)	Yes	
Telephone Lines	Yes	
Internet Access		Could be set up if required?
Water Cooler	No	
Hot Water System (type)		Electric
Bins	Yes	
Septic	Yes	
<u>Amenities Areas:</u>		
Enclosed Covered Areas	No	
Outside Children's Play Area	No	Could the Pre-School playground be accessed??
Recreation Rooms	No	
BBQs	No	
Conference Rooms	No	
Meeting Rooms	No	
Swimming Pool	No	
Oval	Yes	2 x ovals
Netball/Basketball Court	No	
Tennis Court	No	
<u>External Facilities:</u>		
Power Outlets	No	
Water	Yes	
Parking	Yes	Plenty
Area for Tents	Yes	On the ovals
Toilets	Yes	External/public access to the toilets of the facility
Caravan/Articulated Vehicles	Yes	Plenty, however power will be problem

Local Emergency Management Arrangements

Other:		
Mobile Phone Coverage	Yes	
Storage	No	
Pet friendly		Shire prerogative
Main Electrical Board Location	Yes	Located on the foyer
Water Stop Cock Location	??	
Surrounded by Bush	No	
Built on a Flood Plain	No	
Positioned on Coast	No	
Site Access	Yes	Very good
Timeframe before pump out of septic		Needs monitoring

Local Emergency Management Arrangements

	Details
Establishment/Facility:	Transportable Building – Showgrounds
Physical Address	Chapman Valley Road, Nanson
General Description of the Complex	An ex-mine site transportable dining facility
Site Limitations	Limited use as an evacuation centre as there are limited toilets and no showers. Would be suitable as a meeting facility ie Operational Centre, ISG meetings, Recovery Centre Plenty of parking
Telephone No	
Fax No	
Email Address	

Contacts

Name	Position	Work Contact	A/Hrs Contact



Transportable Building at Showgrounds at Nanson, looking from the East

Local Emergency Management Arrangements

Access Details

	Details
Keys	Shire
Alarm	No
Security	No
Universal Access	Very limited

Accommodation Numbers – as per Health Regulations

	Details
Sitting / Standing	50
Sleeping	50
Duration	24 hours

Ablution Amenities

Item	Yes/No	Notes
Male Toilets:		
Toilets	Yes	1x standard pan
Urinal	Yes	1m SS stall
Shower	No	
Hand Basins	Yes	1 off
Female Toilets:		
Toilets	Yes	1 x standard pan
Shower	No	
Hand Basin	Yes	1 off
Baby Change Table	no	

Local Emergency Management Arrangements

Disabled Toilet:		
Toilet	No	
Hand Basin	No	
Male Changeroom:		
Showers	No	

General Amenities

Item	Yes/No	Notes
Kitchen Facilities: Kitchen Servery opens to the Main area		
Stoves (types)	Yes	4 x burner domestic LPG (no gas bottles)
Refrigeration	Yes	2 x glass door commercial
Microwave	Yes	1 x domestic
HWS	Yes	3 phase instantaneous
Dining Facilities:		
Tables	Yes	8 x tables – seat 10 9 x tables – seat 6
Chairs	No	
Cutlery and Crockery	No	
General Facilities:		
Rooms		Main area, 2 x small meeting rooms (one in the north/east corner and the other in the south/east corner), an open area off the Main area to the north and the same off to the south
RCD Protected	Yes	
Power Points	Yes	
Generator Port	No	
Fire Equipment	Yes	
Air Conditioning (type)		RAC through the wall in the kitchen and a reverse cycle wall aircon in the main area – could be faulty??

Local Emergency Management Arrangements

Heating	No	
Ceiling Fans	No	
Lighting (internal)	Yes	
Lighting (external)	Yes	Limited
Telephone Lines	No	
Internet Access	No	
Water Cooler	No	
Hot Water System (type)		See kitchen
Bins	Yes	
Septic	Yes	
Amenities Areas:		
Enclosed Covered Areas	No	
Outside Children's Play Area	No	
Recreation Rooms	No	
BBQs	No	
Conference Rooms	No	
Meeting Rooms		See room details above
Swimming Pool	No	
Oval	Yes	Not in good condition
Netball/Basketball Court	No	
Tennis Court	No	
External Facilities:		
Power Outlets	No	
Water	Yes	
Parking	Yes	Plenty
Area for Tents	Yes	
Toilets	Yes	
Caravan/Articulated Vehicles	Yes	Plenty

Local Emergency Management Arrangements

Other:		
Mobile Phone Coverage	Yes	
Storage	No	
Pet friendly		Shire prerogative
Main Electrical Board Location		South/east corner of Main area
Water Stop Cock Location	??	
Surrounded by Bush	No	
Built on a Flood Plain	No	
Positioned on Coast	No	
Site Access		Very good
Timeframe before pump out of septic		Requires monitoring

Local Emergency Management Arrangements

	Details
Establishment/Facility:	Yuna Memorial Hall
Physical Address	Yuna – Tenindewa Road
General Description of the Complex	There is a small annex off to the east elevation of the building that is a small Shire Library – Yuna School do not have a key for this facility
Site Limitations	Isolated No showers – however there are limited showers in the Tennis Clubrooms, north/west of the School Asbestos – the external of the building has material containing asbestos, the wall has some cement sheeting and because of the age of the building and type of material, it would indicate that the material contains asbestos). The wall sheet is painted and the roof is not.
Telephone No	
Fax No	
Email Address	

Contacts

Name	Position	Work Contact	A/Hrs Contact



Yuna Hall Looking from the North/West

Local Emergency Management Arrangements

Access Details

	Details
Keys	Yuna Primary Scholl – access is through the kitchen at the rear Shire
Alarm	No
Security	No
Universal Access	No

Accommodation Numbers – as per Health Regulations

	Details
Sitting / Standing	200 licenced
Sleeping	120
Duration	24 to 48 hours – lack of showers

Ablution Amenities: Located external of the building, at the rear(south) and are public facilities.

Item	Yes/No	Notes
Male Toilets:		
Toilets	Yes	1 x standard pan
Urinal	Yes	1.5 SS stall
Shower	No	
Hand Basins	Yes	1 off
Female Toilets:		
Toilets	Yes	2 x standard pans
Shower	No	
Hand Basin	Yes	1 off
Baby Change Table	Yes	Small fixed shelf could be used

Local Emergency Management Arrangements

Disabled Toilet:		
Toilet	Yes	1 x disabled pan
Hand Basin	Yes	1 off
Male Changeroom:		
Showers		

General Amenities

Item	Yes/No	Notes
Kitchen Facilities:		
Stoves (types)	Yes	LPG 4 x burner w/oven semi-commercial LPG 5 x burner w/oven commercial
Refrigeration	Yes	2 x glass door commercial 310ltr domestic fridge
HWS	Yes	Electric
Urn	Yes	
Microwave	Yes	Domestic
Dining Facilities:		
Tables	Yes	15 x to seat 6
Chairs	Yes	120 off
Cutlery and Crockery	Yes	Approx 50 – 60 peoples
General Facilities:		
Rooms		Room off the Main Hall on the eastern side would be suitable for a dining room
RCD Protected	Yes	
Power Points	Yes	
Generator Port	No	
Fire Equipment	Yes	
Air Conditioning (type)	No	
Heating	No	

Local Emergency Management Arrangements

Ceiling Fans		Large wall mounted fan on west wall
Lighting (internal)	Yes	
Lighting (external)	Yes	
Telephone Lines	??	
Internet Access	??	
Water Cooler	No	
Hot Water System (type)	Yes	Electric in kitchen
Bins	Yes	
Septic	Yes	
Amenities Areas:		
Enclosed Covered Areas	No	
Outside Children's Play Area	Yes	To the west of building a small community park
Recreation Rooms	No	
BBQs	No	
Conference Rooms	No	
Meeting Rooms	No	
Swimming Pool		Community pool at the Primary School
Oval	Yes	Small oval outside the School
Netball/Basketball Court	Yes	North/East of the School
Tennis Court	Yes	North/East of the School
External Facilities:		
Power Outlets	Yes	1 x 10amp
Water	Yes	
Parking	Yes	Plenty
Area for Tents	Yes	On School Oval
Toilets	Yes	External/south of the building
Caravan/Articulated Vehicles	Yes	Plenty
Other:		
Mobile Phone Coverage	Yes	
Storage	No	

Local Emergency Management Arrangements

Pet friendly		Shire prerogative
Main Electrical Board Location		In main hall in north/west corner adjacent to "main entry"
Water Stop Cock Location	??	
Surrounded by Bush	No	
Built on a Flood Plain	No	
Positioned on Coast	No	
Site Access		Very good
Timeframe before pump out of septic		Will require monitoring

DRAFT

Local Emergency Management Arrangements

Appendix 4.
to Chapman Valley LEMA

Critical Infrastructure

The infrastructure scheduled below is those that the community considers to be critical within the Shire of Chapman Valley and therefore should be treated as such in an emergency:

INFRASTRUCTURE	AGENCY RESPONSIBLE
• Power Generation	Western Power
• Power Reticulation	Western Power
• Bitumen Roads	Main Roads
• Formed Gravel Roads	Shire
• Chapman Valley Primary School	Dept of Education
• Yuna Primary School	Dept of Education
• Water Reticulation	Water Corporation
• Communication Towers	Various providers
• Evacuation Centres	Shire/Education
• Shire Administration Centre	Shire

Local Emergency Management Arrangements

Appendix 5.
to Chapman Valley LEMA

Special Need Groups

Name	Address	Contact 1	Contact 2	No People	Have they got an evacuation plan?
Chapman Valley Primary School	3310 Chapman Valley Road, Nabawa WA 6532	Ms Kerry Montgomery Principal 9920 5032			
Yuna Primary School	25 Main Street, Yuna WA 6532	Mr Phil Hadley Principal			
Home Based Medical Support	Various	Shire/HAAC			

Local Emergency Management Arrangements

Appendix 6.
to Chapman Valley LEMA

Local District Maps



Nabawa Townsite

Local Emergency Management Arrangements

Appendix 8.

To Chapman Valley LEMA

LEMC Membership and Contact Details
(RESTRICTED)

Position	Name	Organisation	Email Address	Phone (w)	Phone (mobile)
Chairperson	Cr John Collingwood	Shire of Chapman Valley	labonita@bigpond.com.au	9923 3224	0429 108 207
Shire CEO	Stuart Billingham	Shire of Chapman Valley	ceo@chapmanvalley.wa.gov.au	9920 5011	0429 205 011
Deputy Chair/Local Emergency Coordinator		OIC Northampton Police Station			
Local Recovery Coordinator	Stuart Billingham	Shire of Chapman Valley	ceo@chapmanvalley.wa.gov.au	9920 5011	0429 205 011
Local Welfare Coordinator	TBA by DCP at time of an emergency	Department of Child Protection (DCP)			
District Emergency Services Officer	Keith Shaw	DCP - Geraldton	keith.shaw@dcp.wa.gov.au	9965 9500	0429 102 148
Local Welfare Liaison Officer		Shire of Chapman Valley			

Local Emergency Management Arrangements

Member	Tex McPherson	CEMO SEMC Secretariat	tex.mcpherson@fesa.wa.gov.au	9956 6014	0409 848 129
Member		FESA District Area Manager			
Member		Chapman Valley Nursing Post			
Member		St John Ambulance			
Member		FRS Volunteer			
Member		Chapman Valley Primary School			
Member		Yuna Primary School			
Member					
Member					
Member					

AGENDA ITEM:	9.3.4
SUBJECT:	FINANCE & AUDIT COMMITTEE MINUTES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.05
PREVIOUS REFERENCE:	NIL
DATE:	16th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Finance & Audit Committee met on the 6th February 2014 in the Council Chambers Nabawa. The Minutes of the meeting have been included as **Attachment 1**.

COMMENT

The Minutes and recommendations from the Finance & Audit Committee meeting dated 6th February 2014 are presented for Council consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995 & Local Government Audit Regulations 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Not Applicable

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the Minutes of the Finance and Audit Committee meeting held on the 6th February 2014 and the following recommendations from this Committee meeting:

- 1 The Finance and Audit Committee recommends to Council the Management Report for year ending 30 June 2013 be received and, other than monitoring the levels and trends of all ratios, there are no actions required out of the report;
- 2 The Finance and Audit Committee recommends to Council the Final Audit Report of the Chief Executive Officer the year ending 30 June 2013 be received and it be noted there are no further actions required from the report;
- 3 That the Finance and Audit Committee Recommends to Council that:
 - The 2013 Compliance Audit Return be signed by the CEO and Shire President;
 - The 2013 Compliance Audit Return be received and recorded in the minutes of Council;

- The 2013 Compliance Audit Return be submitted to the Department of Local Government.



Shire of
Chapman Valley
Love the Rural Life

UNCONFIRMED MINUTES

**FINANCE & AUDIT COMMITTEE MEETING
THURSDAY 6TH FEBRUARY 2014
COUNCIL CHAMBERS NABAWA
2.00PM**

The Finance and Audit Committee is comprised of:-

Cr John Collingwood
Cr Pauline Forrester
Cr Ian Maluish
Cr Kirrilee Warr

Chief Executive Officer	(Advisor)
Office Manager	(Advisor)
Mid-West Regional Council	(Advisor)
Executive Assistant	(Minute Taker)
Greg Godwin - UHY Haines Norton	(Auditor)

DISCLAIMER



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

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

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

WRITTEN CONFIRMATION

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

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

Maurice Battilana
CHIEF EXECUTIVE OFFICER

**UNCONFIRMED MINUTES FINANCE & AUDIT COMMITTEE MEETING HELD IN
THE COUNCIL CHAMBERS, NABAWA THURSDAY 6TH FEBRUARY 2014 AT
2.06PM**

ORDER OF BUSINESS

1.0 Election of Presiding Member and Deputy Presiding Member of Shire of Chapman Valley Finance and Audit Committee (S5.12 Local Government Act)

Mr Battilana opened the meeting and called for nominations for Presiding Member.

Cr Collingwood nominated himself and there being no further nominations was elected unopposed as Presiding Member of the Shire of Chapman Valley's Finance and Audit Committee.

Cr Collingwood took the Chair and a decision was made not to have a Deputy Presiding Member.

2.0 Declaration of Opening / Announcements of Visitors

Cr Collingwood welcomed Elected Members and staff to the Finance and Audit Committee meeting.

3.0 Record of Attendance

3.1 Present

a. Councillors

Member	Ward
Cr John Collingwood - President	North East Ward
Cr Ian Maluish	South West Ward
Cr Kirrilee Warr	North East Ward

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Mrs Karen McKay	Executive Assistant (Minute Taker)
Mrs Dianne Raymond	Office Manager

c. Visitors

Name	
Mr Greg Godwin	UHY Haines Norton – Auditor (via phone link)
Mrs Kristy Williams	Mid West Regional Council

3.2 Apologies

Member	Ward
Cr Pauline Forrester	North East Ward

4.0 Applications for Leave of Absence

Nil

5.0 Petitions / Deputations / Presentations

Nil

6.0 Confirmation of Minutes from previous meetings

Finance and Audit Committee Meeting held on Wednesday 10th July 2013

'Recommend that the minutes of the Finance and Audit Committee of the Shire of Chapman Valley held on Wednesday 10th July 2013 be confirmed as a true and accurate record of proceedings.'

COMMITTEE RECOMMENDATION

MOVED: CR WARR

SECONDED: CR MALUISH

That the minutes of the Finance and Audit Committee of the Shire of Chapman Valley held on Wednesday 10th July 2013 be confirmed as a true and accurate record of proceedings.

CARRIED

Voting 3/0

Minute Reference FAC 02/14-2

Mr Godwin joined the meeting via teleconference at 2.10pm.

Mr Godwin explained various items within the Audit & Management Reports with Committee members asking question during this presentation.

When questioned on the state of the Shire's financial and management position Mr Godwin stated the Shire is in the top half of all local governments in regards reaching a compliant position in readiness for audit to be completed. Also the Shire is about average in regards to the industry standards for Ratios linked to the financial position of local government authorities across the State.

Mr Godwin departed the meeting via teleconference at 2.50pm.

Chief Executive Officer February 2014

Contents

7.0 AGENDA ITEMS

- 7.1 Management Report 30 June 2013
- 7.2 Audit Report 30 June 2013
- 7.3 Compliance Audit Report

AGENDA ITEM:	7.1
SUBJECT:	MANAGEMENT REPORT 30 JUNE 2013
PROPONENT:	FINANCE & AUDIT COMMITTEE
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	305.05
PREVIOUS REFERENCE:	N/A
DATE:	6 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA & KRISTY WILLIAMS

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley has received the Management Report from its Auditors UHY Haines Norton. (Please refer to Management Report Letter submitted as **Attachment 2**).

The following Management Issues were raised:

- Debt Service Cover Ratio
- Operating Surplus Ratio
- Own Resource Revenue Coverage Ratio
- Revaluation of Road Infrastructure Assets

COMMENT

Below is an extract from the Management Report and Staff Comments associated with each issue raised:

- Debt Service Cover Ratio

“This ratio measures Council’s ability to service debt out of its uncommitted or general purpose funds available from its operations.

The Debt Service Cover Ratio for the year ending 30 June 2013 is 7.00 (2012: 5.744, 2011: 11,753), however, if the Debt Service Cover Ratio did not include the effect of the initial recognition of Land under the Shire’s control as required by the Local Government (Financial Management) Regulations, 1996, and the expense relating to the reduction in fair value of the Shire’s plant and equipment, the debt service cover ratio would be 1.219, below the industry benchmark of 5. In addition, we noted the Shire has budgeted to borrow an additional \$160,000 in the budget for the year ended 30 June 2014.

This may indicate debt management to be an issue and should be considered in the context of overall financial position of Council.”

- Operating Surplus Ratio

“The Operating Surplus Ratio measures Council’s financial sustainability having regard to the asset management and community’s service level needs.

The Operating Surplus Ratio for the year ended 30 June 2013 has been reported as 0.069 (2012: 0.111, 2011: 0.528), however, if Council’s operating revenue and operating expenses did not include the items mentioned above, the Operating Surplus Ratio for the year ending 30 June 2013 would be -0.373, a deterioration from prior years and below the industry benchmark of 0.000.

A negative ratio indicates the local government is experiencing an operating deficit. A sustained period of deficits will erode Council’s ability to maintain both its operating service level and asset base over the longer term, whilst a positive ratio which is consistently above

0.15 provides the Shire with greater flexibility in meeting operational service levels and asset management requirements.

Council and management should monitor this ratio and take corrective action as deemed necessary”

- Own Resource Revenue Coverage Ratio

“The Own Resource Revenue Coverage Ratio measures the Shire’s ability to cover operating expenses from its own resource revenue. The higher the ratio, the more self –reliant the Shire is.

The Own Resource Revenue Coverage Ratio for the year ended 30 June 2013 is 0.434 (2012: 0.470, 2011: 0.794), however, if Council’s operating expenses did not include the item mentioned above, the Own Resource Revenue Coverage Ratio for the year ended 30 June 2013 would be 0.506.

As the ratio is below the industry benchmark of 0.6, Council needs to examine the level of its own source revenue given current levels of operating expenses in order to maintain and/or improve the current service level of its asset base.”

“We suggest it prudent for Council and management to monitor the levels and trends of all ratios as they strive to manage the scarce resources of the Shire”

- Revaluation of Road Infrastructure Assets

“For the year ending 30 June 2013, the Shire of Chapman Valley has elected to maintain roas assets carried at a previous revalued amount.

This matter was raised in our management report for the year ending 30 June 2012 and it is acknowledges management have planned a revaluation of roads for the year ending 30 June 2015 when all infrastructure assets are planned to be valued in accordance with new regulations.

Whilst compliance with the Australian Accounting Standards would require the revaluation of the Shire’s road infrastructure to occur within 5 years of the last revaluation, given the current valuation is within materiality guidelines, this approach has been considered acceptable by us”

STATUTORY ENVIRONMENT

Part 7 *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*

POLICY IMPLICATIONS

None applicable

FINANCIAL IMPLICATIONS

The long term financial viability of the Shire is of importance for future service delivery levels provided to the Shire’s constituents.

STRATEGIC IMPLICATIONS

None applicable

VOTING REQUIREMENTS

Simple Majority

COMMITTEE / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR MALUISH

The Finance and Audit Committee recommends to Council the Management Report for year ending 30 June 2013 be received and, other than monitoring the levels and trends of all ratios, there are no actions required out of the report.

CARRIED

Voting 3/0

Minute Reference FAC 02/14 - 3

Kristy's Comments

	2013	2012	Impact on adjusting 2012	
Operating Surplus	1,258,124	1,087,560	1,087,560	
Add back Interest	25,584	32,045	32,045	
Add back Depn	1,157,518	679,984	679,984	
Less Non-Op Grants	-2,204,838	-817,797	-817,797	
			-855,000	Flood damage grant funding
			-300,000	Royalties for Regions grant funding
<i>Net</i>	236,388	981,792	-173,208	Is the expense in there or was it capitalised?
Principal	168,367	138,878	138,878	
Interest	25,584	32,045	32,045	
Total	193,951	170,923	170,923	
Debt Service Ratio	1.219	5.744	-1.013	

Benchmark 5

This ratio is well below the benchmark indicates Council's debt levels are too high when comparing to the industry. I would recommend Council re-evaluate the decision to raise a new loan for \$160,000 as budgeted.

(CEOs Comments: The only other option if a loan is not taken out is to increase rate next year and fund from Municipal Funds resources (i.e. cash) or not replace the plant until Debt Ratio is improved. The latter option will result in older plant and higher maintenance costs)

	2013	2012	Impact on adjusting 2012	
Operating Revenue	6,276,271	6,257,383	6,257,383	
Operating Expenses	-5,018,147	-5,169,823	-5,169,823	
Less specific purpose grants	-2,204,838	-817,797	-817,797	
			-855,000	Flood damage grant funding
			-300,000	Royalties for Regions grant funding
<i>Net</i>	-946,714	269,763	-885,237	Is the expense in there or was it capitalised?
Own Source Revenue	2,540,983	2,428,081	2,428,081	
Operating Surplus Ratio (Benchmark 0)	-0.373	0.111	-0.365	

The operating surplus ratio is below the benchmark. Operating expenses are however affected by depreciation which is a non-cash item.

Control measures are in place to reduce operating expenditure so I should expect to see an improvement in this ratio in 13/14.

A rate increase would also improve this ratio.

The own source revenue coverage ratio is below the benchmark. A rate increase would improve this ratio as too would a reduction in operating expenditure.

Comparison to previous year

In comparing to the previous year the most noticeable difference was that \$855,000 of flood damage funding and \$300,000 of Royalties for Regions funding was included in the operating grants. If these items are excluded from last year the ratios have not deteriorated as they currently indicate. This may or may not be a classification error; it depends where the cost was allocated for the grants – capital or operating. It is a mismatch if the revenue went in operating and the cost went in capital and will impact on the ratios.

Regardless of the answer, the ratios for 12/13 are a concern. My recommendation is that every effort needs to be made to reduce operating costs or Council will be left with no alternative than to increase rates.

4 December 2013

Cr J Collingwood
The Shire President
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532



Dear Cr Collingwood

MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2013

We advise that we have completed our audit procedures for the year ended 30 June 2013 and enclose our Audit Report.

We are required under the Local Government Audit Regulations to report certain compliance matters in our audit report. Other matters which arise during the course of our audit that we wish to bring to Council's attention are raised in this management report.

It should be appreciated that our audit procedures are designed primarily to enable us to form an opinion on the financial statements and therefore may not bring to light all weaknesses in systems and procedures which may exist. However, we aim to use our knowledge of the Shire's organisation gained during our work to make comments and suggestions which, we hope, will be useful to you.

COMMENTS ON RATIOS

Due to legislative changes, this year saw the introduction of six new ratios in the financial report. Seven of the eight reported in previous years were removed with only the current ratio remaining.

Whilst we accept it may take some time for the implication of these newer ratios to be fully understood, we thought we would take this opportunity to highlight those ratios which are currently outside industry benchmarks.

Debt Service Cover Ratio

This ratio measures Council's ability to service debt out of its uncommitted or general purpose funds available from its operations.

The Debt Service Cover Ratio for the year ended 30 June 2013 is 7.000 (2012: 5.744, 2011: 11.753), however, if the Debt Service Cover Ratio did not include the effect of the initial recognition of Land under the Shire's control as required by the Local Government (Financial Management) Regulations 1996 and the expense relating to the reduction in the fair value of the Shire's plant and equipment, the debt service cover ratio would be 1.219, below the industry benchmark of 5. In addition, we noted the Shire has budgeted to borrow an additional \$160,000 in the budget for the year ended 30 June 2014.

This may indicate debt management to be an issue and should be considered in the context of the overall financial position of Council.

Operating Surplus Ratio

The Operating Surplus Ratio measures Council's financial sustainability having regard to asset management and the community's service level needs.

COMMENTS ON RATIOS (CONTINUED)

Operating Surplus Ratio (Continued)

The Operating Surplus Ratio for the year ended 30 June 2013 has been reported as 0.069 (2012: 0.111, 2011: 0.528), however, if Council's operating revenue and operating expenses did not include the items mentioned above, the Operating Surplus Ratio for the year ended 30 June 2013 would be -0.373, a deterioration from prior years and below the industry benchmark of 0.000.

A negative ratio indicates the local government is experiencing an operating deficit. A sustained period of deficits will erode Council's ability to maintain both its operational service level and asset base over the longer term, whilst a positive ratio which is consistently above 0.15 provides the Shire with greater flexibility in meeting operational service levels and asset management requirements.

Council and management should monitor this ratio and take corrective action as deemed necessary.

Own Source Revenue Coverage Ratio

The Own Source Revenue Coverage Ratio measures the Shire's ability to cover operating expenses from its own source revenue. The higher the ratio, the more self-reliant the Shire is.

The Own Source Revenue Coverage Ratio for the year ended 30 June 2013 is 0.434 (2012: 0.470, 2011: 0.794), however, if Council's operating expenses did not include the item mentioned above, the Own Source Revenue Coverage Ratio for the year ended 30 June 2013 would be 0.506.

As this ratio is below the industry benchmark of 0.6, Council needs to examine the level of its own source revenue given current levels of operating expenses in order to maintain and/or improve the current service level of its asset base.

We suggest it prudent for Council and management to monitor the levels and trends of all ratios as they strive to manage the scarce resources of the Shire.

REVALUATION OF ROAD INFRASTRUCTURE ASSETS

For the year ended 30 June 2013, the Shire of Chapman Valley has elected to maintain road assets carried at a previously revalued amount.

This matter was raised in our management report for the year ended 30 June 2012 and it is acknowledged management have planned a revaluation of roads for the year ended 30 June 2015 when all infrastructure assets are planned to be valued in accordance with new regulations.

Whilst compliance with the Australian Accounting Standards would require the revaluation of the Shire's road infrastructure to occur within 5 years of the last revaluation, given the current valuation is within materiality guidelines, this approach has been considered acceptable by us.

There were no other matters we wish to bring to your attention.

UNCORRECTED MISSTATEMENTS

We advise there were no uncorrected misstatements noted during the course of our audit.

We take this opportunity to thank the Chief Executive Officer, the manager of finance & administration and all staff for the assistance provided during the audit.

Should you wish to discuss any matter relating to the audit or any other matter, please do not hesitate to contact us.

Yours faithfully


GREG GODWIN
PARTNER

Encl.

AGENDA ITEM:	7.2
SUBJECT:	AUDIT REPORT 30 JUNE 2013
PROPONENT:	FINANCE & AUDIT COMMITTEE
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	403.05 & 305.12
PREVIOUS REFERENCE:	N/A
DATE:	6 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley has received the Final Audit Report from its Auditors UHY Haines Norton. (Please refer to Final Audit Report submitted as **Attachment 3**).

COMMENT

As the Final Audit Report didn't highlight any issues there is nothing to report on or bring to Council attention for further action.

STATUTORY ENVIRONMENT

Part 7 *Local Government Act 1995* and the Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

The Finance and Audit Committee recommends to Council the Final Audit Report of the Chief Executive Officer the year ending 30 June 2013 be received and it be noted there are no further actions required from the report.

COMMITTEE / STAFF RECOMMENDATION

MOVED: CR COLLINGWOOD

SECONDED: CR MALUISH

The Finance and Audit Committee recommends to Council the Final Audit Report of the Chief Executive Officer the year ending 30 June 2013 be received and it be noted there are no further actions required from the report.

CARRIED

Voting 3/0

Minute Reference FAC 02/14 - 4

**INDEPENDENT AUDITOR'S REPORT
TO THE ELECTORS OF THE SHIRE OF CHAPMAN VALLEY**

REPORT ON THE FINANCIAL REPORT

We have audited the accompanying financial report of the Shire of Chapman Valley, which comprises the statement of financial position as at 30 June 2013, statement of comprehensive income by nature or type, statement of comprehensive income by program, statement of changes in equity, statement of cash flows and the rate setting statement for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information and the statement by Chief Executive Officer.

MANAGEMENT'S RESPONSIBILITY FOR THE FINANCIAL REPORT

Management is responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards, the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended) and for such internal control as management determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

AUDITOR'S RESPONSIBILITY

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Shire's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Shire's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by Council, as well as evaluating the overall presentation of the financial report.

We believe the audit evidence we obtained is sufficient and appropriate to provide a basis for our audit opinion.

AUDITOR'S OPINION

In our opinion, the financial report of the Shire of Chapman Valley is in accordance with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended), including:

- a. giving a true and fair view of the Shire's financial position as at 30 June 2013 and of its performance for the year ended on that date; and
- b. complying with Australian Accounting Standards, the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996 (as amended).

**INDEPENDENT AUDITOR'S REPORT
TO THE ELECTORS OF THE SHIRE OF CHAPMAN VALLEY (CONTINUED)**

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

In accordance with the Local Government (Audit) Regulations 1996, we also report that:

- a) There are no matters that in our opinion indicate significant adverse trends in the financial position or the financial management practices of the Shire.
- b) No other matters indicating non-compliance with Part 6 of the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) or applicable financial controls of any other written law were noted during the course of our audit.
- c) In relation to the Supplementary Ratio Information presented at page 60 of this report, we have reviewed the calculations as presented and nothing has come to our attention to suggest they are not:
 - i) reasonably calculated; and
 - ii) based on verifiable information.
- d) All necessary information and explanations were obtained by us.
- e) All audit procedures were satisfactorily completed in conducting our audit.

UHY HAINES NORTON
CHARTERED ACCOUNTANTS


GREG GODWIN
PARTNER

Date: 4 December 2013
Perth, WA

AGENDA ITEM:	7.3
SUBJECT:	COMPLIANCE AUDIT RETURN (2013)
PROPONENT:	FINANCE & AUDIT COMMITTEE
SITE:	COUNCIL CHAMBERS
FILE REFERENCE:	403.05 & 305.12
PREVIOUS REFERENCE:	N/A
DATE:	6 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

REPORT PURPOSE

To present the 2013 Compliance Audit Return to the Audit Committee first then Council for adoption, and then forward a certified copy to the Department of Local Government.

BACKGROUND

Every Local Government Authority in Western Australia is required to complete the Compliance Audit Return (CAR) each year.

COMMENT

A Draft copy of the Shire of Chapman Valley 2013 Compliance Audit Return has been provided to Councillors as an **Attachment 4**.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COMMITTEE / STAFF RECOMMENDATION

MOVED: CR WARR SECONDED: CR MALUISH

That the Finance and Audit Committee Recommends to Council that:

- The 2013 Compliance Audit Return be signed by the CEO and Shire President
- The 2013 Compliance Audit Return be received and recorded in the minutes of Council
- The 2013 Compliance Audit Return be submitted to the Department of Local Government.

CARRIED

Voting 3/0

Minute Reference FAC 02/14 - 5

Department of Local Government - Compliance Audit Return



Government of Western Australia
Department of Local Government

Chapman Valley - Compliance Audit Return 2013

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2013.	N/A		Maurice Battilana
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2013.	N/A		Maurice Battilana
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2013.	N/A		Maurice Battilana
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2013.	N/A		Maurice Battilana
5	s3.59(5)	Did the Council, during 2013, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Maurice Battilana

1 of 8


Delegation of Power / Duty

No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	Yes		Maurice Battilana
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	No	No record of written delegation to Landcare Committee. Now addressed.	Maurice Battilana
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	Yes		Maurice Battilana
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	Yes		Maurice Battilana
5	s5.18	Has Council reviewed delegations to its committees in the 2012/2013 financial year.	Yes		Maurice Battilana
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Maurice Battilana
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Maurice Battilana
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Maurice Battilana
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Maurice Battilana
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Maurice Battilana
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Maurice Battilana
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2012/2013 financial year.	Yes		Maurice Battilana
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	No	No evidence of written record. Now addressed.	Maurice Battilana

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Maurice Battilana
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Maurice Battilana



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Maurice Battilana
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Maurice Battilana
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Maurice Battilana
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2013.	Yes		Maurice Battilana
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2013.	Yes		Maurice Battilana
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Maurice Battilana
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Maurice Battilana
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Maurice Battilana
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Maurice Battilana
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Maurice Battilana
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Maurice Battilana
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Maurice Battilana



No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Maurice Battilana
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Maurice Battilana

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes		Maurice Battilana
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Maurice Battilana

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Maurice Battilana

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Maurice Battilana
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Maurice Battilana
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes		Maurice Battilana
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes		Maurice Battilana
5	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Maurice Battilana



No	Reference	Question	Response	Comments	Respondent
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2013 received by the local government within 30 days of completion of the audit.	Yes		Maurice Battilana
7	s7.9(1)	Was the Auditor's report for 2012/2013 received by the local government by 31 December 2013.	Yes		Maurice Battilana
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A	No matters raised in Audit Report	Maurice Battilana
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A	No matters raised in Audit Report	Maurice Battilana
10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A	No matters raised in Audit Report	Maurice Battilana
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Maurice Battilana
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Maurice Battilana
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Maurice Battilana
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Maurice Battilana
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Maurice Battilana



Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Maurice Battilana
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	Yes		Maurice Battilana
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	Yes		Maurice Battilana
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	Yes		Maurice Battilana
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	Yes		Maurice Battilana

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A	CEO is designated Complaints Officer	Maurice Battilana
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Maurice Battilana
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Maurice Battilana
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Maurice Battilana
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Maurice Battilana
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes		Maurice Battilana

6 of 8



Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes	This was based upon expenditure within the Financial Year, not over an infinite period as is being advocated by the DLG&C Probity Auditors. Otherwise everything would need to go to tender.	Maurice Battilana
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	Yes		Maurice Battilana
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Maurice Battilana
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Maurice Battilana
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A	No variations sought.	Maurice Battilana
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Maurice Battilana
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Maurice Battilana
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes	Register included consideration of all tenders, not just the successful tender.	Maurice Battilana
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Maurice Battilana
10	F&G Reg 21 & 22	Did the local governments' advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Maurice Battilana
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Maurice Battilana



No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Maurice Battilana
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Maurice Battilana
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Maurice Battilana
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes		Maurice Battilana

8.0 Information Items

Nil

9.0 General Business

Nil

10.0 Closure

The Chairman thanked Elected Members and Staff for their attendance and closed the meeting at 3.11pm

AGENDA ITEM:	9.3.5
SUBJECT:	DISPOSAL OF LANDCARE VEHICLE
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1018.38 & 1018.62
PREVIOUS REFERENCE:	NIL
DATE:	19 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the December 2013 Ordinary Council Meeting the following was resolved:

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

That Council

- 1 *Approves the Chief Executive Officer to advertise by local public notice for at least two weeks as per sections 3.58(3) and (4) of the Local Government Act 1995 the disposal of the Works Supervisor vehicle with the proceeds from the Works Supervisor vehicle to be utilised in the purchase of a replacement vehicle;*
- 2 ***Defer disposal of NRMO Vehicle until investigation is undertaken for the suitability for use by the Shire Ranger and this item be bought back to Council for further consideration.***

*Voting 6/1
CARRIED*

Minute Reference 12/13-6

COMMENT

The Works Supervisor's vehicle replacement is proceeding and, discussions have been held with the Ranger on the suitability of the Landcare vehicle as a Rangers Vehicle with the following response:

1. As a dog vehicle, its build doesn't suit a dog cage as the weld body means you can only load from the back and this would be difficult to lift and load, especially a big dog not to mention a savage one. A table top with sides would be more suitable.
2. To be used as a spraying vehicle pulling the spraying trailer it would be lacking in power to handle the load of 900litres of water plus the fittings, tank, motor etc.
3. A single cab would allow for sufficient space on the back for a dog cage with gate opening to the side for easier loading and additionally some room to fit a small firefighting unit should that be advantageous .
4. Vehicle has approximately 74,000km of use and should be considered for disposal.

The Natural Resource Management Officer ('NRMO') vehicle is deemed to be surplus to requirements, and it was recommended it be disposed of with the proceeds to be deposited in the Plant Reserve Account for future expenditure on the acquisition of Shire Plant.

The details for the vehicle are as follows:

NRMO vehicle (CV594)

Make: Ford
Model: Ranger
Body: Ute
Year: 2010
Cylinders: 4
Kilometres: 73,071

The Western Australian Local Government Association ('WALGA') runs a plant disposal service that would cost \$544.50 (GST inclusive) per vehicle that undertakes the following:

- Document preparation;
- Advertisement (The West Australian);
- Managed open period;
- Tender Register.

It is recommended that the WALGA service be utilised in this instance as for the Shire to place an advert in the West Australian it would cost a minimum of (prices quoted at 4 for price of 3 rate):

- Wednesday edition \$7.90 line;
- Saturday edition \$10.65 line
- \$70 single column black & white photo;
- \$83.20 single column colour photo.

Section 14 of the *Local Government (Functions and General) Regulations 1996* requires tenders to be publicly invited through a state-wide public notice necessitating the use of the West Australian (with the Saturday edition whilst being the most expensive also being the most widely read) however, Council may consider it worthwhile to also run a concurrent notice locally in the Friday Geraldton Guardian to maximise its exposure to potential purchasers.

STATUTORY ENVIRONMENT

Section 3.58 - Disposing of Property of the *Local Government Act 1995* sets out the 3 methods by which a Local Government may dispose of assets:

- to the highest bidder at a public auction;
- public tender process – statewide notice;
- private treaty – local public notice.

“3.58 Disposing of Property

- (1) *In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —
(a) the highest bidder at public auction; or
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
(a) it gives local public notice of the proposed disposition —
(i) describing the property concerned; and
(ii) giving details of the proposed disposition; and
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

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

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.”*

POLICY IMPLICATIONS

Council has set the following delegation:

“Delegation 2004 – Disposal of Surplus Equipment, Materials, Tools, etc.

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc. which are no longer required, or are outmoded, or are no longer serviceable.

This delegation applies only to items not included on Council's Asset Register.”

The Shire of Chapman Valley has the following Council Policy:

“12.30 Vehicle Replacement Programme

The Chief Executive Officer, in conjunction with the Works Supervisor, shall prepare a plant replacement programme to allow economical replacement of plant and vehicles for presentation to for consideration.

The replacement programme will be evaluated and/or amended by Council annually, and be considered in conjunction with proposed Loan Programme and Reserve Funds.

*The programme will form part of Council's Operational Plan
All purchase of vehicles to come back to Council.”*

FINANCIAL IMPLICATIONS

Landcare Reserve Account 6751 holds approximately \$82,000; less the \$50,060 committed through the 2013/2014 budget for the Declared Species Group project, there will remain \$32,000 for expenditure on future NRM projects.

The Plant Reserve Account holds approximately \$102,000 with this to be reduced to approximately \$96,000 after transfers to and from the Municipal Fund this financial year in accordance with the adopted Budget.

STRATEGIC IMPLICATIONS

The disposal of the NRMO vehicle will ensure that the Shire does not hold a depreciating asset that is now surplus to requirements.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council:

- 1 Approves the Chief Executive Officer to advertise by local public notice for at least two weeks as per sections 3.58(3) and (4) of the *Local Government Act 1995* the disposal of the NRMO vehicle with the proceeds from this vehicle to be deposited in the Plant Reserve Account.
- 2 Allocates an amount for consideration in the 2014/2015 Budget for the acquisition of suitable type Rangers vehicle.

AGENDA ITEM:	9.3.6
SUBJECT:	EAST BOWES ROAD – ROADS 2030 RECOGNITION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	MID WEST REGIONAL COUNCIL
FILE REFERENCE:	1001.390
PREVIOUS REFERENCE:	Nil
DATE:	19th February 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Main Roads WA has requested applications from local government authorities within the Mid-West Regional Road Group (MWRRG) for a review of the Roads 2030 Regional Road Development Strategy (Roads 2030).

COMMENT

Submissions for the review of the Roads 2030 document were called for in late December 2013 with the closure of submission sent for the 7th March 2014. A submission (copy attached) has been lodged for consideration to include East Bowes Road as an addition road within the mid-west as it is part of a regional link across a number of local governments.

The Shire of Chapman Valley has the following roads listed as significant roads under the current approved Roads 2030 document:

- Balla Whelarra;
- Chapman Valley;
- Coronation Beach;
- Dartmoor;
- Dartmoor Lake Nerramyne;
- East Chapman;
- East Nabawa;
- Nanson Howatharra;
- Narra-tarra;
- Northampton Nabawa;
- Valentine; and
- Yuna Tenindewa

In accordance with the MWRRG funding policies, procedures and guidelines only roads listed in the approved Roads 2030 document are eligible for funding through the MWRRG's allocated pool of funds. The amount of funds and the priority of where the funds are allocated are subject to a very stringent multi criteria assessment scoring process. Therefore funding is not guaranteed just because a road is list in the Roads 2030 document.

To date the East Bowes road has been upgraded through the following funding contributions:

Activity	CLGF	Chapman Valley	CV Roads to Recovery	MWIP	Total
<u>2011/12 to 2013/14</u> Construct and gravel sheet 0.0 to 12.2kms	\$1,169,730	\$576,091	\$474,179		\$2,220,000
<u>2013/2014 (Grant Reliant)</u> Final Construction and 2 coat bitumen seal 0.0 to 12.2kms				\$600,000	\$600,000
Total	\$1,169,730	\$576,091	\$474,179	\$600,000	\$2,820,000

(Note: The 2013/2013 portion of this funding is yet to be confirmed by DRD)

(Note: This funding application has been submitted to DRD with no outcome known as yet)

In the event the CLGF and/or MWIP funds are not successful Council would only be able to apply for funds under the MWRRG program if the East Bowes road was recognised in the Roads 2030 document. Even if this does occur the next possible opportunity for funding to complete the East Bowes road project (if the other funding sources are not forthcoming) through the MWRRG would be in the 2015/2016 financial year.

STATUTORY ENVIRONMENT

Mid-West Regional Road Group funding policies, procedures and guidelines

POLICY IMPLICATIONS

Council currently has a Road Hierarchy (copy attached) which lists East Bowes as a Category B – Main Feeder Road. Only those roads recognised as significant roads under the MWRRG's Roads 2030 Regional Road Development Strategy are listed as Category A – Main Arterial Roads under Council's Road Hierarchy.

In the event Council's application to the MWRRG to recognise East Bowes road under the Roads 2030 document is successful then this road will also be elevated in Council's Road Hierarchy.

FINANCIAL IMPLICATIONS

Only those roads listed under the MWRRG Roads 2030 Regional Road Development Strategy have the ability to attract funding from the MWRRG funding program.

STRATEGIC IMPLICATIONS

The attached submission identifies the strategic value of the East Bowes road to the region and Shire.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

- 1 Council endorses the Chief Executive Officers action in lodging a submission as part of the Mid West Regional Road Group's review of the Roads 2030 Regional Road Development Strategy to recognise East Bowes Rd as a significant road within this Strategy;
- 2 In the event the submission is successful, Council amends its internal Road Hierarchy accordingly.

**MID WEST REGION REGIONAL ROAD GROUP
ROADS 2030–Road Justification and Development Strategy Submission/Amendment
Assessment Form**

Technical Committee Determination Accepted Rejected
Office Use Only

Local Government Authority Name & No: CHAPMAN VALLEY

LGA No: 516

Road Description and Location

Include as much information as possible in all areas to allow the TWG to assess each submission on its full merits

Road / Route Name:	EAST BOWES				
Road Name	Road Number	Start SLK	Finish SLK	Length (km)	Is this road currently in the Roads 2030 document
EAST BOWES	5160012	0.00	12.20	12.20	No

Road Justification

Road Function: Include road hierarchy category, RAV Network No (if applicable) and a comment on how the road makes a positive contribution to the economic and/or social wellbeing of the region and WA as a whole. **Traffic count data must be included** – average daily vehicles over a two week period and % of heavy vehicles using the road.

East Bowes is a highly utilised road for the Yuna district that travel to Northampton weekly for sporting activities, as well as child care and health services. During the Winter months, East Bowes road becomes slippery and dangerous due to drainage issues, undulating rises with windy and slippery gravel surface. This is a high risk for tourists and towing caravans from inland parts of the Midwest to the coast and north, which is a frequent occurrence from southern travellers. During the harvest season, heavy haulage trucks also add to the pressure and safety issues of the road.

The agricultural industry also requires this upgrade to improve the road services to CBH receival sites and transport lime sand, fertilizer and stock. Binu, Yuna and Northampton CBH receival sites collectively receive 230 000 tonne of grain per year. This road also has significant tonnes of lime sand in addition to fertilizer transported across it annually.

The traffic data as submitted by Greenfields Technical Services in their submission to list East Bowes Road as a Road of Regional Significance with the Midwest Regional Road Group (dated March 2011 – see Appendix C) is:

~ Off-Peak	Ave Daily Traffic 38-75	ESA's 16-32
~ Peak	Ave Daily Traffic 75-110	ESA's 35-50
~ Forecast	Ave Daily Traffic ave 60	ESA's ave 45

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Therefore the current peak traffic data warrants a 7.0m seal as per the current Midwest Regional Road Group multi-criteria analysis.

Main Roads WA Restricted Access Vehicle (RAV) Network Class 3 with restrictions and the Road Hierarchy is currently listed as an Access Road with this application seeking the status to be elevated to a Local Distributor Road.

East Bowes Road is currently listed under the Shire of Chapman Valley's Road Hierarchy (See Appendix B) as a *Main Feeder Road* with this application seeking status elevation to a *Main Arterial Road*, which is reserved for Shire roads recognised under Roads 2030 as a Significant Road.

Criteria for Roads of Regional Significance

In accordance with the Mid West Regional Road Group Policy & Procedure Manual the following information supports this application:

- 1.1 *Roads connecting areas of significant population (>500)*
 - ~ Connects the communities of Mullewa - Yuna -Northampton-Horrocks .
- 1.4 *A Road which forms part of an inter-regional route Inter-Regional or region Route*
 - ~ Yuna-Tenindewa Rd to Chapman Valley Rd to Nabawa-Northampton Rd to NWCH
- 1.9 *Haul Road to Rail Head*
 - ~ Grain haulage to Northampton Grain Receiving Point. Though not actually a Rail Head, off-rail CBH grain receiving points need same recognition as rail receiving points.
- 2.2 *Roads which form part of a State or regionally significant tourist drive*
 - ~ Part of Midwest Wildflower route
- 2.4 *Roads which connect the region with a significant tourist destination and give travel time and distance savings*
 - ~ The East Bowes Rd will improve access to the Northampton (Heritage Townsite), Batavia Coasts (e.g. Horrocks, Port Gregory), Kalbarri.

In addition to the above the existing Road Type is well below MWRRG Road Type Warrant. The current peak traffic data warrants a 7.0m seal per MWRRG MCA.

Road Development Need: Provide details of the road's future use

The East Bowes Road is a main route to travel east/west in the Northampton and Chapman Valley Shires. This route is travelled extensively by both tourists and locals.

The East Bowes Road:

- Connects the population areas of Mullewa, Yuna , Northampton and Horrocks;
- Links the regional routes of the Yuna-Tenindewa Road to Chapman Valley Road to Nabawa-Northampton Road to North West Coastal Highway;
- Is listed in the Mid-West Development Commission's Regional Investment Plan as a High Priority project to upgrade this road to a 7m sealed standard and link into other regional arterial link roads;

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- Is a part of the Midwest Wildflower route and will improve access to the Batavia Coast;
- Is a local grain cartage route for farmers in the immediate area. Grain growers in the east of the Shire of Chapman Valley generally deliver to the Yuna CBH facility. The Northampton CBH facility is a "priority grain receival point" and is therefore open 7 days per week during harvest. When the Yuna receival point is closed on a Sunday, growers from Yuna use the East Bowes Road to access the Northampton wheat bins.

Beyond the annual reduction in annual maintenance costs to the Shire of Chapman Valley the broader economic and financial implications and outcomes of sealing the East Bowes Road is to improve accessibility to infrastructure, services and commercial activities in Northampton. Other than the general commercial businesses including transportation agricultural commodities, farm suppliers, supermarkets and clothing outlets, the following infrastructure exists in Northampton that is not duplicated in Chapman Valley:

- Health services, including infant health clinic, hospital and doctor;
- Recreational facilities including bowling greens, netball courts and squash courts;
- Child Care

The cost to both the State and the Shire of Chapman Valley of duplicating these is extensive. At the current rate of growth it would not be feasible.

The current cost to maintain this highly utilised gravel road is extremely high. The average costs to maintain gravel surfaces roads are estimated at approximately \$41,480 per annum in comparison to the average of \$24,985 per annum for maintaining a sealed road surface. To increase visitor numbers and connect our Midwest towns, a gravel surface would not be an economic benefit as tourist tend to bypass unsealed roads.

Table 1 - Annual Average Maintenance – Gravel Road Surface

Road	Road Length	Annual Mntce & Grading (average of three grades per annum @ an average of \$200/km	Resheeting		Average Annual Mtce Cost (3 x Mntce Grading & Resheeting)
			(Based on an average life of 15 Years@ an average of \$42,000/km)		
			Total Estimated Cost every 15 Years	Averaged over 15 Years	
East Bowes	12.2	\$7,320	\$512,400	\$34,160	\$41,480

Table 2 - Annual Average Maintenance – Sealed Road Surface

Road	Road Length	Annual Mntce (road furnishing, potholes, shoulders etc.)	Resealing		Average Annual Mtce Cost (3 x Mntce, Grading & Resheeting)
			(Based on an average life of 20 Years@ an average of \$38,500/km @ 7m seal width)		
			Total Estimated Cost every 20 Years	Averaged over 20 Years	
East Bowes	12.2	\$1,500	\$469,700	\$23,485	\$24,985

Road Development Strategy: Provide a brief high level summary for the future development of the road including proposed funding sources (i.e. Road Project Grant, Black Spot)

The Shire of Chapman Valley has utilised other Grant sources and its own resources to upgrade the road to a high quality gravel surface, with an application currently in place with the Department of Regional Development (DRD) to complete the upgrade of this road to a two-coat sealed standard.

The investment history into all three stages of the East Bowes Road upgrade is as follows:

Activity	CLGF	Chapman Valley	CV Roads to Recovery	MWIP	Total
2011/12 to 2013/14 Construct and gravel sheet 0.0 to 12.2kms	\$1,169,730	\$576,091	\$474,179		\$2,220,000
2013/2014 (Grant Reliant) Final Construction and 2 coat bitumen seal 0.0 to 12.2kms				\$600,000	\$600,000
Total	\$1,169,730	\$576,091	\$474,179	\$600,000	\$2,820,000

If the DRD funding application is successful then the East Bowes Road reconstruction project will be fully completed and immediate future upgrades will not be required. The only anticipated works, once two-coat seal has been completed, will be shoulder maintenance, patching as required and eventually reseal works which it anticipated will not be required for approximately 20 years.

In the event the DRD funding application is unsuccessful the immediate future development requirement for this road will be the installation of a two-coat seal.

**East Bowes Road Component
Aerial Map**



East Bowes Road location map



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15.200 ROAD HIERARCHY

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

ROAD NO. ROAD NAME

A - MAIN ARTERIAL ROADS

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

B - MAIN FEEDER ROADS

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

ROAD NO. ROAD NAME ROAD NO. ROAD NAME

C - MINOR FEEDER ROADS

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

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APPENDIX C

MetroCount Traffic Executive Class Bin Chart

ClassBin-140 -- English (ENU)

Datasets:

Site: [EAST BOWES] EAST BOWES ROAD SLK 4.00

Direction: 8 - East bound A>B, West bound B>A. Lane: 0

Survey Duration: 7:58 Tuesday, November 16, 2010 => 13:35 Wednesday, March 16, 2011

Zone:

File: EAST BOWES16Mar2011.EC0 (Plus)

Identifier: E699PEA7 MC56-L5 [MC55] (c)Microcom 19Oct04

Algorithm:Factory default (v3.21 - 15275)

Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 7:59 Tuesday, November 16, 2010 => 13:35 Wednesday, March 16, 2011

Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Speed range: 10 - 160 km/h.

Direction: North, East, South, West (bound)

Separation: All - (Headway)

Name: Default Profile

Scheme: Vehicle classification (AustRoads94)

Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)

In profile: Vehicles = 2645 / 2653 (99.70%)

Class Bins

Class 1 - 1861 (70.36%)

Class 2 - 108 (4.08%)

Class 3 - 396 (14.97%)

Class 4 - 68 (2.57%)

Class 5 - 1 (0.04%)

Class 6 - 18 (0.68%)

Class 7 - 28 (1.06%)

Class 8 - 29 (1.10%)

Class 9 - 43 (1.63%)

Class 10 - 13 (0.49%)

Class 11 - 80 (3.02%)

Class 12 - 0 (0.00%)

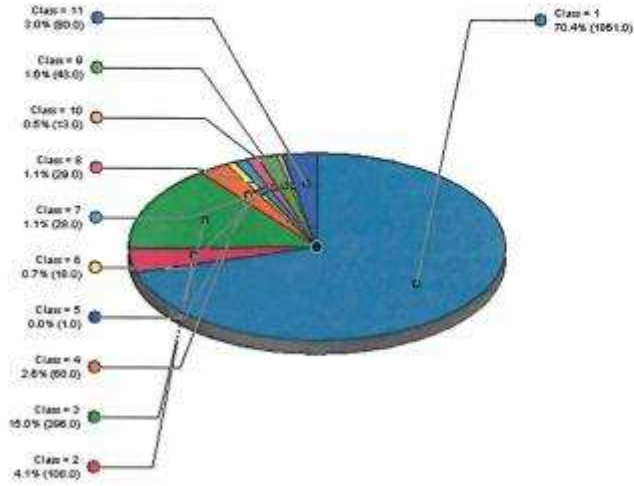
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G:\040 Governance\411 Council Documents\Agendas\Ordinary Meetings of Council\2014\2 - February 2014\CEO Items\6a Attach ROADS 2030Road Justification and Development Strategy Submission Assessment Form.docx

Class Bin Chart

ClassBin: 139 (Metro) Site EAST ROWES 0.0EW
Description: EAST ROWES ROAD SLK 4.00
Filter time: 7:59 Tuesday, November 16, 2010 => 13:35 Wednesday, March 16, 2011
Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dis(NESW) Sp(10,150) Headway(10)
Scheme: Vehicle classification (AusRoads04)
Total: 2045



AGENDA ITEM:	9.3.7
SUBJECT:	ACCESS TO SHIRE WATER POINTS
PROPONENT:	NOT APPLICABLE
SITE:	VARIOUS
FILE REFERENCE:	704.00
PREVIOUS REFERENCE:	NOT APPLICABLE
DATE:	19 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At a Forum Session in late 2013 Council requested an investigation be undertaken into the public's access to the Shire owned/controlled water points.

COMMENT

Council has established the following water points for road construction and firefighting purposes:

- Site 1 – White Peak Quarry (GWL 153918)
 - ~ Soak
 - ~ Area 2037 m²
 - ~ Depth 0.50
 - ~ Allocation – 5,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use - Firefighting

- Site 2 – Parsons Dam (GWL 153918)
 - ~ Soak
 - ~ Area 600 m²
 - ~ Depth 2.50
 - ~ Allocation – 15,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting, limited stock supply

- Site 3 – Tom Jackson Bore (GWL 172351)
 - ~ Bore
 - ~ Depth 30m
 - ~ Allocation – 50,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting, irrigation, stock, domestic

- Site 4 – Atrazine Trial Site (GWL 153918)
 - ~ Bores (5)
 - ~ Depth 13.4m
 - ~ Allocation – 20,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting, irrigation, stock, domestic

- Site 5 – Western Meander (GWL 153918)
 - ~ Bores (4)
 - ~ Depth 12 - 20m
 - ~ Allocation – 25,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Scheme water supply (Nabawa &/or Nanson), irrigation.
 - ~ Secondary Use – Road construction, general construction, firefighting, stock, domestic.

- Site 6 – Nabawa Townsite Bore (GWL 153918)
 - ~ Bore
 - ~ Depth 43m
 - ~ Allocation – 5,600kL/yr to be drawn through the year as required.
 - ~ Primary Use – Irrigation, maintaining public infrastructure.
 - ~ Secondary Use – Firefighting, stock

- Site 7 – Hoskings Soak (GWL 166862)
 - ~ Soak
 - ~ Area 2,140 m²
 - ~ Depth 2.0m
 - ~ Allocation – 6,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting, stock

- Site 8 – Whelarra Dam (GWL 166760)
 - ~ Soak
 - ~ Area 8,900 m²
 - ~ Depth 2.2m
 - ~ Allocation – 10,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting

- Site 9 – Rockwell Bore (GWL 172351)
 - ~ Bore
 - ~ Depth 35.5m
 - ~ Allocation – 20,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Irrigation.
 - ~ Secondary Use – Firefighting

- Site 10 – Roly Flavel Bore & Dam (GWL 166760)
 - ~ Bore - Depth 117.84m
 - ~ Dam – Depth 2.5m/Area 700m²
 - ~ Allocation – 5,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting, stock

- Site 11 – Murray Brooks Bore & Dam (GWL 166760)
 - ~ Bore - Depth 200m
 - ~ Dam – Depth 6m/Area 5,400m²
 - ~ Allocation – 5,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting, stock

- Site 12 – Kingstream Bore (TP1) (GWL 166760)
 - ~ Bore
 - ~ Depth 200m
 - ~ Allocation – 10,000kL/yr to be drawn through the year as required.
 - ~ Primary Use – Road construction, dust suppression, general construction.
 - ~ Secondary Use – Firefighting

I am assuming the discussion regarding public access was revolved around access to specific bores (rather than soaks) with the comments being made there is an advantage to having the submersible pumps activated as often as possible to avoid operational issues supposedly occurring due to a lack of use. Upon discussion with staff I am not fully convinced this is actually an issue; however, will be guided by those far more experienced in the use of bores than me to clarify if this the case or simply a reason used to convince others the water should be made available to the public.

It appears the public use is actually referring to broad-acre farmers using the water for their operational needs, rather than general public use, which would minimal, if at all.

STATUTORY ENVIRONMENT

Council has a Statutory obligation with the Department of Water to comply with the many (and some quite onerous) requirements of the *Licence to Take Water* from all the above-mentioned water points. I am not sure Council is fully complying with all the licence requirements and will be investigating this further.

The licences are quite specific in what the water can be used for and none of the Primary or Secondary Uses stipulated in the *Water Use Operations Plan* allows Council to on-sell, or allow allocation to, the water for broad-acre agricultural use. Therefore I do believe Council is able to allow use of the water it has under licence with the Department of Water for any purpose other than what is stipulated.

FINANCIAL IMPLICATIONS

The use of water by broad acre farmers appears to have been carried out without Council recouping any of the costs. This has no doubt occurred because Council has not always been aware when the water has been extracted and by whom.

STRATEGIC IMPLICATIONS

I believe Council has done very well to establish the number of water points throughout the Shire and the *Water Use Operations Plan* place Council in a terrific position for access to water, specifically for road construction and maintenance.

It is important Council attempts to fully comply with the *Licence to Take Water* it has with the Department of Water to ensure the retention of the existing water points and possible expansion of these in the future.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council does not allow access to any water points it has under its control for any purpose other than that specified in the *Licence to Take Water* it has with the Department of Water.

AGENDA ITEM:	9.3.8
SUBJECT:	NABAWA TURF WICKET
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NABAWA RECREATION CENTRE
FILE REFERENCE:	803.05
PREVIOUS REFERENCE:	Minute Ref: 12/13-17
DATE:	19 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the December 2013 Ordinary Council Meeting the following was resolved:

Council:

- 1 Commences negotiation with the Geraldton Regional Cricket Board on future Formal Instrument of Agreements for the maintenance of the Nabawa turf wicket and bring this back to Council for consideration;
- 2 The following key stakeholders be invited to participate in these negotiations:
 - ~ President & Deputy President as Shire of Chapman Valley Elected Members representatives;
 - ~ Chief Executive Officer;
 - ~ Chapman Valley/Northampton Cricket Club – two (2) representatives;
 - ~ Geraldton Regional Cricket Board one (1) representative;

Voting 7/0
CARRIED
Minute Reference 12/13-17

COMMENT

The President, Deputy President and Chief Executive Officer met on the 22nd January 2014 with the following representatives:

- Helen Day – Geraldton Regional Cricket Board (GRCB)
- John McKay – Chapman Valley/Northampton Cricket Club & GRCB;
- Dave Sorgiovanni - Chapman Valley/Northampton Cricket Club.

The Chapman Valley/Northampton Cricket Club presented a very positive outlook on the Club at its current emphasis on the Junior Cricket (i.e. Under 17 & Under 14) which will hopefully feed into strengthening the Senior Teams (A Grade & B Grade) into the future.

The Club also emphasised the family aspect they are promoting with fixtures at Nabawa, with an example being the *Ladies Day Fixture* resulting in the Nabawa Tavern providing 57 meals on the day.

The Club stressed the importance of retaining the turf wicket as a distinct incentive to attract players and fixtures to the Club and Nabawa. The removal of the turf wicket may jeopardize the retention of the A Grade fixture and, at least, would result in these fixtures being shared with Northampton. Northampton currently does not have a turf wicket, hence all the CV/NR A Grade fixtures are held at Nabawa.

The 2013/2014 season fixtures at Nabawa are as follows:

- Six (6) A Grade; and
- Five (5) B Grade

The 2013/2014 season fixtures at Northampton are as follows:

- Zero(0) A Grade; and
- Three (3) B Grade

Discussion took place on the GRCB's current arrangements with the City of Greater Geraldton (CGG) with the meeting being advised:

- Annual payment made by CGG to the GRCB to maintain 4 turf wickets is \$45,000 (i.e. \$11,250 per turf wicket);
- CGG is about to call tendered for the maintenance and curator requirements of their 4 turf wickets;
- The CGG tender outcome could have an adverse effect upon the GRCB's current employment of a curator.

The comment was made at the meeting regarding the concept of the Shire of Chapman Valley working with the CGG to establish a contract (or employee) to look after all five turf wickets and maybe the gardening requirements within the Western Regions of the Shire of Chapman Valley, a concept which has been loosely mentioned on a number of occasions. This concept may also fit into the Tender Council has only just advertised for the Western Regions Mowing, Slashing and Maintenance works as a variation to the contract.

The meeting recommended opening discussions with the CGG to determine if the two local governments can work collaboratively to meet the needs of the five turf wickets and any other possible parks & garden requirements.

STATUTORY ENVIRONMENT

The *Formal Instrument of Agreement* is a legally binding document, signed by Council and the GRCB to maintain the Nabawa turf wicket. This is an annual Agreement with the current expiry date being April 2014.

POLICY IMPLICATIONS

No existing policy affected.

FINANCIAL IMPLICATIONS

The Shire current spend an average of approximately \$8,000 per annum. This is predominantly comprised of payment to the GRCB for the curator to maintain the turf wicket (i.e. \$7,360 pa) with the balance being materials, chemicals, etc.

The cost estimate to install a synthetic cricket wicket is in the vicinity of \$20,000 (i.e. concrete slab & synthetic turf material) with the annual maintenance requirements needing to include:

- Acquisition, placement & removal of rubberized mat to cover slab during football season;
- Light sanding around slab & mat for football season. This will eventually result in a build up of grass growth at the edges of the mat, which will require periodical cutting & leveling.

The Cricket Club currently pays an annual fee of \$1,250 to the Shire of Chapman Valley to use the recreational facilities at Nabawa. This is in comparison to:

- Football Club - \$1,525; and
- Basketball Club - \$1,100

STRATEGIC IMPLICATIONS

The issue of retaining events and sporting activities within the Shire is something Council need to take into consideration when determining value for resources allocated to specific areas and perhaps the annual cost to maintain the turf wicket is worth retaining the turf cricket here.

The feeling of the meeting was the annual cost of approximately \$8,000 per annum was worthwhile as it would ensure the cricket fixtures are retained at Nabawa and bring people to the Shire/Town.

The Council representatives may wish to expand upon this.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

- 1 Commence discussions with the City of Greater Geraldton to investigate a possible collaborative approach to cater for the maintenance and curator requirements of all five turf wickets (i.e. four in City of Greater Geraldton and one in the Shire of Chapman Valley);
- 2 Include in discussions with the City of Greater Geraldton other possible parks and garden resource requirements (e.g. Shire of Chapman Valley Western Regions);
- 3 After completion of discussions with the City of Greater Geraldton bring this item back to Council for further consideration;
- 4 Continue with the existing annually reviewed *Formal Instrument of Agreement* at the current annual payment made to the Geraldton Regional Cricket Board until the outcome of discussions with the City of Greater Geraldton are known;

FORMAL INSTRUMENT OF AGREEMENT

THIS AGREEMENT

made this _____ day of _____ 2014

BETWEEN Geraldton Regional Cricket Board Inc
(hereafter referred to as 'The Contractor')
Of PO Box 460
GERALDTON WA 6531
Tel: 0412 649 888
Fax:
Email: helenlday@westnet.com.au
ACN:
ABN: 549 851 161 28

AND SHIRE OF CHAPMAN VALLEY
(hereafter referred to as 'The Shire')
Of Lot 7 Chapman Valley Road
NABAWA WA 6532
Tel: (08) 9920 5011
Fax: (08) 9920 5155
Email: admin@chapmanvalley.wa.gov.au

IT IS AGREED that this Formal Instrument of Agreement shall **CONSTITUTE THE CONTRACT** between the parties.

WITNESS that:

1. The Contractor has submitted a proposal for a contract curator for the contract schedule amounts as per the price schedule attached in this document:

Seven Thousand Three Hundred and Sixty Dollars

\$7,360

and that the:

- Commencement date of the contract is: 1 September 2013
- For a period of 8 months ending on: 30 April 2014

2. Payments of the full contract amount will be payable under the following schedule
 - Eight equal monthly payments of \$920 payable at the end of each month. Payments to commence on 30 September 2013 with final payment on 30th April 2014. Payments to be deposited directly into the Geraldton Regional Cricket Board nominated bank account:
 - Geraldton Regional Cricket Board Inc
Bendigo Bank
BSB: 633 000
Acc No: 150626950

3. The Shire has accepted the Contractor's **OFFER** at the proposed rates submitted subject to the conditions specified in this Agreement to the fair spirit, intent and meaning of the contract.
4. The Contractor agrees to undertake all necessary work as a contract curator responsible for turf wickets located at Nabawa Oval for the Shire on Shire purchase orders issued to the Contractor during the period of the contract, in conformity with the detailed requirements and the conditions described herein.
5. The Shire covenants with the Contractor that it will pay in accordance with conditions of contract for services supplied by the Contractor where such services are acceptable to the Shire and of the quality described in the documents.
6. The Contractor agrees to render the following services under this contract:
 - a) Maintain and prepare wickets between the months of September to April of the contract year and this includes mowing, top dressing, watering, rolling, fertilising, spraying, grassing etc.
 - b) Provide a log book of hours, tasks and location (park).
 - c) Provide daily service (maintenance, fuel and oil for machinery).
7. The Shire covenants with the contractor that for the period of the contract, it will provide the following goods and services: Barrenness
 - a) Supply soil, fertiliser, chemicals, hoses, machinery and equipment.
 - b) Service machinery.
 - c) Mow as required between the periods of June to July of the contract year.
8. Fertiliser and chemicals to be supplied by the Shire:
 - 1) Nitrofoska Perfek Fertiliser Granules (2 Bags @ 20KG per bag)
 - 2) Fungonil – Fungicide 6 litres
 - 3) Spinflo – Fungicide 6 litres
 - 4) Roural GT – Fungicide 6 litres
 - 5) Sulphur of Amonia (1 Bag @ 20 kg per bag)
 - 6) Lorsban – Insecticide 3 litres
 - 7) Flat White Water Based Paint – 10 litres
 - 8) Soaker Hoses – 2 hoses @ 15 metres each
 - 9) Timer to be fitted to tap near pitch for soaker hoses.

EXECUTED BY THE PARTIES

SIGNED BY:

GERALDTON REGIONAL CRICKET
BOARD 'CONTRACTOR'

PRINTED NAME

IN THE PRESENCE OF:

WITNESS

PRINTED NAME

or

The Company **COMMON SEAL** was affixed in accordance with its Articles of Association pursuant to a resolution of the Board of Directors in the presence of

DIRECTOR

PRINTED NAME

DIRECTOR / SECRETARY

PRINTED NAME

AND BY THE SHIRE OF CHAPMAN VALLEY:

CHIEF EXECUTIVE OFFICER

PRINTED NAME

PRESIDENT

PRINTED NAME

AGENDA ITEM:	9.3.9
SUBJECT:	LOCAL GOVERNMENT STRUCTURAL REFORM
PROPONENT:	CHIEF EXECUTIVE OFFICE
SITE:	WA LOCAL GOVERNMENT
FILE REFERENCE:	404.20
PREVIOUS REFERENCE:	NIL
DATE:	19th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Local Government Metropolitan Structural Reform process has created significant dialogue amongst many and varied local government authorities, both metropolitan and non-metropolitan, over the past few months. This issue has been presented to Council to consider a request by the Shire of Wagin for local governments to support their position on the need for legislative change in regards to poll provisions associated with the boundary change concept of structural reform

COMMENT

Councillors will have received a number of emails, correspondence, etc., over the past few months on local government structural reform for information. I have attached a copy of the correspondence received from the Shire of Wagin seeking Council's support for a Motion they intend putting to their WALGA Zone. My enquiries with the Zone Executive Office of the Northern Country Zone (NCZ) indicated no such Motion had been presented to him for inclusion into the next NCZ meeting scheduled for the 24th February 2014.

Below are comments I received from the CEO at the Shire of Carnamah whom has indicated he will recommend his Shire support the position being suggested by the Shire of Chapman Valley if an Agenda item put to the Northern Country Zone as is being recommended below. I have also received verbal advice from the Shire of Mingenew they would also be willing to support the Shire of Chapman valley's proposal:

Comment (Shire Carnamah CEO)

The uncertainty that has prevailed within local government with respect to the State Government's plans to reform the sector since 2009 has been to the detriment of local government throughout Western Australia for the last five years. The continuously shifting position of the State Government with respect to amalgamations has created ambiguity and uncertainty has had a deleterious impact on the medium and long term planning for individual Shires. This has also resulted in many Shires experiencing difficulties in recruiting staff to senior management positions due to middle managers choosing to stay in more secure positions, rather than promoting themselves to more senior positions which are more vulnerable in the event of mergers.

Investigations into possible mergers have often concluded that there would be little to be achieved through amalgamation, that there are significant transition costs involved and probable reductions in grant funding over time.

The current metropolitan review initiated by the State Government, is causing significant disquiet, especially due to the fact that it seems that communities may not be given the opportunity to exercise the poll provisions of the Local Government Act before boundaries are changed.

There is a strong prevailing view that the State Government will target country areas after the implementation of what may be effectively forced amalgamations in the metropolitan area. The impact of forced mergers in the country would arguably be more serious than those of the metropolitan area as local councils are generally major employers and hold together the social fabric of their communities. The creation of one local government to replace several separate entities will without doubt centralise activities and priorities to a main centre. Towns which previously had a seat of local government will be adversely impacted from both an economic and social perspective. The creation of "Place Managers" and a token local government presence will never adequately compensate for the retention of individual local governments with their collective long term career staff and readily accessible elected members.

The “appetite” for local government reform espoused by the State Government is curious given that the sector does not cost the State Government very much apart from some closely monitored road funds (which are very efficiently applied) and some occasional specific purpose grant funding. It can only be assumed that there is some drive by the State Government to replicate the amalgamation scenario that has occurred in the other States of Australia. Many of these amalgamations in other States have proved to be expensive and dysfunctional and many country communities have been disempowered to the extent that some are pursuing de-amalgamation in order to restore some of the economic and social capacity building and sense of local ownership that has been lost.

The dead hand of centralisation has not worked in many areas and the Western Australian State Government itself has disaggregated some services that were previously centralised and found to be hopelessly expensive, inefficient and inadequate.

With few exceptions, local governments in Western Australia exercise sound management practices and fiscal control over their operations. This third tier of government is subject to much greater public scrutiny and transparency than its State and Federal Government counterparts which perhaps accounts for its solid collective performance and the consistent delivery of community based outcomes.

Local government, like the other tiers of Government is however subject to a constantly changing environment and structural changes may be necessary from time to time. Change should however be driven from within the sector and by the communities that make up our vast and diverse State.

Kind Regards

Bill Atkinson - CEO
Shire of Carnamah
Phone: (08) 9951 7000
Fax: (08) 9951 1377

STATUTORY ENVIRONMENT

Local Government Act, 1995, Schedule 2.1, Clause 8

8. Electors may demand poll on a recommended amalgamation

- (1) Where the Advisory Board recommends to the Minister the making of an order to abolish **2** or more districts (the **districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.
- (2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).
- (3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.
- (4) This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.

The legal advice received McLeod's by the City of Subiaco stated:

“...Solicitors which makes it very clear that in their opinion, the existing poll provisions cannot be invoked by affected electors in the case that one local government is proposed to be partitioned into two or more parts to be shared amongst neighbouring local governments by way of boundary adjustments. This is the very dilemma that Cockburn now faces with the Minister's recent proposal to the LGAB to partition Cockburn into three parts to be distributed amongst the neighbouring local governments of Fremantle, Melville and Kwinana. The stark reality confronting the Cockburn community is that it cannot veto the implementation of the Minister's proposal by way of a poll should the LGAB recommend the

Minister's proposal back to the Minister and he accepts it. The community's only redress is by way of submissions to the LGAB before it makes a final recommendation to the Minister.

*A supplementary request for further legal advice has also confirmed " **...that a boundary change proposal that would absorb the whole of the City of Subiaco into the City of Perth, without abolishing the City of Perth, would fail to trigger off the poll provisions...**"*

In other words it is open to the Minister right now to propose to the LGAB a 50% reduction in the number of local governments in Western Australia by way of "boundary changes" without being exposed to the veto powers of the existing poll provisions....."

The Subiaco and Wagin proposal is to seek WALGA support for amendments to the Local Government Act to ensure any local government affected by structural reform (wholesale amalgamation or by boundary change) have the ability to put the reform to their communities for them to determine if they want to go down this path (voluntarily).

AS stated in the various dialogue associated with this issue the National Party need to questioned on their position in regards to the proposed amendments to the Local Government Act as it is predominantly in there electorates where the non-metropolitan structural reform issue will be prevalent

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC IMPLICATIONS

Structural reform has been a topical issue in Western Australian local government for a decade (or more) and the Shire of Chapman Valley has probably been embroiled in this matter more than many other non-metropolitan local government authorities over this time.

The uncertainty of structural reform has been detrimental to the local government industry and will continue to be until it is resolved, one way or the other.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council request the Northern Country Zone (NCZ) of the Western Australian Local Government Association (WALGA) approach WALGA State Council and Shane Love, MLA, Member for Moore, seeking the following commitments from both WALGA and The National Party of WA:

- a) The rejection of any moves by the State Government to force the amalgamation of local governments by any means (e.g. full district amalgamation, boundary changes merges);
- b) Pursue changes to the Local Government Act and associated Regulations to introduce poll entitlements for all community affected by any proposed boundary change structural reform;
- c) Insist all proposed amalgamations, mergers and boundary changes are encouraged only if introduced and supported by the affected Local Governments and their communities.

Good afternoon All

The Shire of Wagin is submitting the attached motion to the next Central Country Zone meeting regarding local government amalgamations.

Council believes that local government needs to make a stance regarding this matter particularly following on from the proposal to amalgamated York, Tammin, Quairading & Cunderdin not being recommended by the LG Advisory Board recently.

This Council is seeking you Councils support in having this motion listed at your next Council meeting and submitted to your zone for consideration.

A letter will be sent to your Mayor / President in the near future regarding this matter.

Should you wish to discuss this matter more fully please contact either myself or Cr Phillip Blight 0429 948 868

I look forward to your Councils support with the motion.

Regards

Peter Webster

Chief Executive Officer

Shire of Wagin

Ph 98611177

Fax 98611204

Mob 0429611493



“Disclaimer by the Shire of Wagin:

This email is private and confidential. If you are not the intended recipient, please advise us by return email immediately, and delete the email and any attachments without using or disclosing the contents in any way. The views expressed in this email are those of the author, and do not represent those of the Shire of Wagin unless this is clearly indicated.

You should scan this email and any attachments for viruses. The Shire of Wagin accepts no liability for any direct or indirect damage or loss resulting from the use of any attachments to this email.”



Shire of Wagin

Motion to Central Country Zone of WALGA

28th February 2014

COMMENT

As some of you would know, WALGA, as the representative body for Local Government in Western Australia, has held the position for some time that some structural reform is needed.

Several years ago it commissioned a report titled "The Journey" now commonly referred to as the SSS Report.

Clause 3.3 of The Scope for Change in the SSS Report introduction says:

"The SSS Panel Report was careful to emphasise that there was no demonstrated case that amalgamations of Local Governments will deliver improved outcomes. The forced amalgamation of Local Governments without existing capability and without specific regard to the ability to deliver more sustainable arrangements offers slim prospects of improvement. The extensive work of the five working parties which have generated the Plan has confirmed this conclusion."

In 2009 the then Minister for Local Government John Castrilli MLA announced a policy to reform local government in W.A. There were few guidelines and largely a lack of direction other than to say that there are too many local governments and this should be changed.

Sustainability was used as the focus and little or no regard was given for the valuable contribution that Local Government provides for a community and the social dividend of that.

Councils and staff have invested thousands of hours and millions of dollars to comply with the Minister's regulatory requests to submit business case plans and develop strategies within those plans.

Most, if not all Local Governments fulfilled these obligations in writing direct to the Minister through the Department of Local Government.

Since then the State Government has shifted its reform focus away from the country areas towards the metropolitan area. There are concerns however, that whatever happens in the metropolitan area will be repeated in the country.

The State Government has no mandate or ethical position to accuse Local Government of being poor managers of assets and finances.

Successive State Government's, have neglected to maintain essential infrastructure such as Tier 3 railways, roads, hospitals, electricity supply grids, water supplies throughout WA. Local Governments and their communities are adversely impacted by that.

In fact there is considerable pressure on Local Governments to increase the range of services that they deliver and also to manage this within already tight budgets. Cost shifting by both State and Federal Governments has been a large part of that. Rural local governments are increasingly having to fund medical services as well as provide housing for police, teachers and doctors. There has been a steady withdrawal of state services and decline in the standards of infrastructure.

If the State and Federal governments were to resume funding tasks that are not the core function of Local Government, then the relief to the Local Government budgets would, in most cases rejuvenate their sustainability.

The following motion is submitted by the Shire of Wagin for consideration and support

- a) That WALGA reject any moves by the State Government to force the amalgamation of local governments.
- b) That amalgamations, mergers and boundary changes be supported by WALGA only if introduced and supported by the effected Local Governments.
- c) That each Local Government community be entitled to hold a poll if structural change is proposed.
- d) That this resolution be submitted to the Central Country Zone of WALGA for consideration by the zone.
- e) That the Shire President circulates this resolution to ALL WA Local Governments via email and letter seeking their support and requesting that they submit this motion to their next Zone meeting for consideration.

Dear All

I thought I would bring you up to speed on developments in relation to legislative changes to the *Local Government Act* within the context of the State Government's metropolitan local government reform agenda. I do so because the City of Subiaco, like many other local governments, has a real interest in remaining as is. To that end, it must look to your Council's political support if it is to remain the same - hence this email.

As many of you would know, the State Government has dropped (at least for the time being) its legislative agenda to water down or delete the poll provisions contained in the *Local Government Act 1995* which would have effectively eliminated any community voice or say in any metropolitan amalgamation recommendation to the Minister. I understand that Liberal Party room pressure and the concerns of National Party MPs (who hold the balance of the power in the Legislative Council) played a large part in the turnaround.

Some of you may also remember my earlier email to country local government CEOs in relation to WALGA's apparent acquiescence to the State Government's intended poll provision removal/dilution agenda back in September of last year.

I have absolutely no doubt that the actions of a good number of country CEOs in heightening elected member awareness of WALGA's stance played a significant part in WALGA subsequently reversing its position. I also believe that political sensitivities in the bush were sheeted home with local MPs who responded by way of not falling in line with all of the Premier's reform agenda. As you may be aware, that reform agenda was to start in the metropolitan area and to roll on out to regional and rural local governments. However the issue has not gone away.

In late October 2013 Paul Murray from 6PR asked the following question of the Premier.

Paul Murray: *Have you resolved the position of the Dadour provisions within your own party yet? It was due to go to the party room yesterday.*

Colin Barnett: *Ah, no, what we are going to do is...we still believe the Dadour provision is not proper. I know people argue that, I don't think it's a fair provision at all but what we are going to do is to proceed with parts of the legislation that relates to the ordinary machinery of government administrative matters, particularly related to the Local Government Advisory Board. We'll probably come back to the Dadour Provision sometime next year.*

It's now next year and at the present time, the Government's legislation (as amended) has passed the Legislative Assembly and rests in the Legislative Council where it has been read for a second time. It is silent on the poll provisions but may not remain so given the Premier's stated intention. Debate on the legislation is expected to recommence in the Legislative Council when it resumes on 18 February 2014.

At the earliest, the legislation might be passed within a week of Parliament resuming - assuming that the legislation is not further amended or referred off to committee.

However the dilution or removal of the poll provisions has not gone away as an issue. If anything, the alarm bells should be ringing for all local governments who subscribe to voluntary amalgamations and that is because of identified weaknesses in the existing poll provisions.

Clause 8 of Schedule 2.1. of the Local Government Act 1995 provides that:

8. Electors may demand poll on a recommended amalgamation

- (1) Where the Advisory Board recommends to the Minister the making of an order to abolish 2 (*emphasis added*) or more districts (the *districts*) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.
- (2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).

(3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.

(4) This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.

The City of Subiaco has obtained legal advice (see attached) from McLeod's Barristers and Solicitors which makes it very clear that in their opinion, the existing poll provisions cannot be invoked by affected electors in the case that one local government is proposed to be partitioned into two or more parts to be shared amongst neighbouring local governments by way of boundary adjustments. This is the very dilemma that Cockburn now faces with the Minister's recent proposal to the LGAB to partition Cockburn into three parts to be distributed amongst the neighbouring local governments of Fremantle, Melville and Kwinana. The stark reality confronting the Cockburn community is that it cannot veto the implementation of the Minister's proposal by way of a poll should the LGAB recommend the Minister's proposal back to the Minister and he accepts it. The community's only redress is by way of submissions to the LGAB before it makes a final recommendation to the Minister.

A supplementary request for further legal advice has also confirmed " ...that a boundary change proposal that would absorb the whole of the City of Subiaco into the City of Perth, without abolishing the City of Perth, would fail to trigger off the poll provisions."

In other words it is open to the Minister right now to propose to the LGAB a 50% reduction in the number of local governments in Western Australia by way of "boundary changes" without being exposed to the veto powers of the existing poll provisions.

The natural response might be to think that surely the State Government wouldn't be so silly to bring on a political bunfight but consider these facts:-

- The Premier/State Government has flipped and flipped again on whether forced amalgamations would occur or not
- In announcing the metropolitan reforms, the Premier made it quite clear that the reform agenda would be rolled out to regional and rural areas
- On the same day that he made the announcement, the Premier refuted a statement by Brendon Grylls that a deal had been done to protect regional and rural areas from the reform agenda
- 9 out of the 11 original metropolitan amalgamation proposals could be presented as simple boundary adjustments rather than the abolition of two existing local governments (thereby avoiding the poll provisions)
- When asked why the Minister's proposal saw Bassendean being teamed up with Bayswater rather than a far happier amalgamation with Swan and Mundaring, the State's response was to the effect of "...well they (Bassendean) had to be teamed up with someone"
- The larger populations of metro local governments means that the chances of "successful" polls are certainly more remote than those of smaller country local governments. While polls are not necessarily a huge consideration for many local governments in the metro area, they are if you have the western suburbs councils specifically in mind and you are the Premier)
- The Premier has publicly said that he is prepared to revisit the retention of the poll provisions in 2014

All of the above would suggest that the Premier is operating from a position of considerable strength and knows that to be the case. His fallback position could simply be one of relying on the inadequacies of the existing poll provisions to force simple one-on-one "boundary adjustments" to effect Statewide change.

The Nationals may be aware of this fallback position. In a speech in the Legislative Assembly on Tuesday 3rd December, 2013, the Member for Moore, Shane Love, said:-

As we know, the bill is silent on the Dadour poll provisions. However, those reforms [sic] do not apply in the case of an aggressive boundary change or a one-on-one merger. They kick in only when two or more local governments are dissolved and formed into one local government. Therefore, the provisions that would trigger a Dadour poll do not necessarily exist in all forced amalgamation or reform proposals.

I believe it is time to test the State Government on whether we are all operating in an environment where the amalgamation agenda is genuinely voluntary.

Ideally it can be tested by National MPs proposing the following amendments to the *Local Government Act* which hinge on deleting the numeral 2 and substituting it with a numeral 1 in cl.8(1) of Schedule 2.1.

Other consequential changes would need to be made and our preliminary legal advice is as follows.

In cl.8(3), the word 'affected' should be inserted after the word 'districts' in the third line. Consequential changes would also need to be made to reg.9 of the Local Government (Constitution) Regulations 1998 to ensure that it refers to a district being abolished and either amalgamated with or incorporated by boundary change with another district, being put to a poll of the electors of an affected district.

Following from that, there would also need to be corresponding changes to Form 2 in the Regulations. Even the heading 'Request for a poll on a recommended amalgamation' would need to be modified, and the form would need to reflect the fact that the poll could be requested where only one district is to be abolished and either amalgamated with, or where part of the abolished district is incorporated with one or more other local governments by boundary change, and that issue being put to a poll of electors of an affected district. The form of the petition in Form 2 would also need to be modified accordingly, as it presently refers to a request that the recommended abolition and amalgamation of the districts of two or more districts be put to a poll of electors.

Other changes may need to be made - but that work should rest with the parliamentary draftsman.

Obviously the City of Subiaco cannot command the attention of the National MPs and that's where we seek yours and your Council's assistance.

More than happy to discuss on 0419 908 806 or my direct line below.

Regards

Stephen Tindale | CEO

City of Subiaco | PO Box 270 | Subiaco WA 6904

☎ 9237 9284 | 📠 9237 9200 | 📧 stephent@subiaco.wa.gov.au | 🌐 www.subiaco.wa.gov.au

🌱 Think before you print





Our Ref
Your Ref

DM:SM:SUBI-34768



Stirling Law Chambers
220-222 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

12 November 2013

PREVIOUSLY TRANSMITTED
BY EMAIL

Mr Stephen Tindale
Chief Executive Officer
City of Subiaco
241 Rokeby Road
SUBIACO WA 6008

Denis McLeod
Neil Douglas
Fiona Grigoh
David Nadebaum
Andrew Roberts
Craig Starke
Peter Wittkuhn
David Nicholson
Peter Gillett
Elisabeth Stevenson (Special Counsel)
Trudi Firth (Associate)
Tim Beckett (Associate)

Attention: Ms Kathy Bonus, Acting CEO

*By email: stephent@subiaco.wa.gov.au
cc: kathyb@subiaco.wa.gov.au*

Dear Stephen

Poll Provisions

After I received your automatic response to my email letter of 12 November, it became apparent to me that I ought to have copied the 12 November letter to the Acting CEO Ms Kathy Bonus. I am copying this letter to her, and I assume that she will refer to the 12 November letter, if she has not already done so.

I have carried out further research, and propose to provide my advice and comments in response to your 7 November email, as set out below.

Advice and comments

You have put to me some questions based on what I assume to be hypothetical examples of boundary change proposals by two neighbouring local governments. I will deal with the questions on that basis.

- 1 If the Town of Cambridge was to lodge a proposal with the Local Government Advisory Board (LGAB) that proposed the Town of Cambridge boundary be extended to include all that part of the City of Subiaco north of Aberdare Road, and if the City of Nedlands was to lodge a proposal with the LGAB that proposed that the City of Nedlands boundary be extended to include all that part of the City of Subiaco south of Aberdare Road, the combination of those two proposals would involve the abolition of the City of Subiaco. However in the way you have explained it, neither the Town of Cambridge nor the City of Nedlands would be abolished under their respective proposals, or under the combination of those proposals.
- 2 In my opinion, it would be open to the LGAB to deal with such proposals by the Town of Cambridge and the City of Nedlands as if they involved the abolition of all three local governments. If the LGAB took that view, it could make its recommendation on that basis to the Minister (see Schedule 2.1, cl.6(1)(c)), and then cl.8 would apply.

(34768-13 11.12-DM-Subiaco2)

- 3 However it would also be open to the LGAB to treat the combined proposals as involving only the abolition of the City of Subiaco. In that case cl.8 would not be engaged. That approach might be considered appropriate if the Town of Cambridge and the City of Nedlands expressed their proposals in terms which made it quite clear that they did not propose the abolition of their respective local governments, but only proposed the changing of the boundaries of their respective districts.
- 4 The way you explain the proposals in your 7 November letter suggests that the contemplated proposal by each the Town of Cambridge and the City of Nedlands would propose only that portion of the district of the City of Subiaco be incorporated within the boundaries of their respective local government districts, and neither of the proposals would necessarily have contemplated that the City of Subiaco would be abolished. I don't understand you to have suggested a joint or collaborative proposal by the other two local governments.
- 5 In the circumstances of the two proposals referred to in your letter, in my opinion the electors of the City of Subiaco would not be able to avail themselves of the poll provisions in cl.8(3) of Schedule 2.1 of the LG Act. I say that because the scope of cl.8 of Schedule 2.1 is determined by subcl.(1) which provides for cl.8 operating where the LGAB recommends to the Minister the making of an order to abolish two or more districts and to amalgamate them into one or more districts. It is only in those circumstances where the LGAB is required to give notice to affected local governments, affected electors and other electors of districts directly affected by the recommendation, about the recommendation.
- 6 I hasten to repeat the point made above, that it would perhaps be open to the LGAB, having received the contemplated proposals from the Town of Cambridge and the City of Nedlands, to deal with them as the basis for a recommendation for the abolition of all three local government districts. Cl.8(1) of Schedule 2.1 does not deal specifically with the proposals made by the local governments, but rather the recommendation the LGAB makes to the Minister arising out of the proposals.
- 7 Note that the sequence under Schedule 2.1, relevant to this matter is as follows:
 - (a) Under cl.2, a proposal is made to the LGAB by an affected local government.
 - (b) Under cl.3, the LGAB is obliged to consider the proposals, and under subcl.(4), in the case of proposals which are not trivial, the LGAB is required to formally inquire into each proposal.
 - (c) Cl.5 deals with the conduct of a formal inquiry.
 - (d) Cl.6 deals with the LGAB recommendation to the Minister arising out of a formal inquiry, and it is clear from cl.6(1)(c), that it is open to the LGAB to recommend to the Minister that a proposal be rejected, or that an order be made in accordance with the proposal, or **'if it thinks fit after complying with**

subclause (2), the making of some other order that may be made under section 2.1’.

- (e) It should be noted that cl.6(2) provides that the LGAB is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has -
- ‘(a) given notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and
 - (b) afforded adequate opportunity for submissions to be made about the intended order; and
 - (c) considered any submissions made.’

- 8 Notwithstanding the formalities required by cl.6(2) of Schedule 2.1, I confirm that it would be open to the LGAB, having conducted an inquiry into the proposals you have contemplated by the Town of Cambridge and the City of Nedlands, to make a recommendation to the Minister that all three local government districts be abolished. That would then definitely bring into operation the provisions of cl.8 of Schedule 2.1, and open the possibility of a poll of electors of the City of Subiaco.

Conclusion as to the availability of poll provisions

- 9 Having given the above explanation of the alternative possibility based on a variation of the facts, I return to my answer to the direct question which you put. In the circumstances of the proposals by the Town of Cambridge and the City of Nedlands which you have referred to in your letter, unless the LGAB was to go through the procedures in cl.6(2) and to make a recommendation different than the proposals of the two local governments in question, the electors of the City of Subiaco would not be able to avail themselves of the poll provisions in cl.8.

Origin of the ‘Dadour Amendment’

- 10 I have looked back on the provisions of s.30A of the repealed *Local Government Act 1960 (WA) (1960 LG Act)*. S.30A was indeed introduced into the 1960 LG Act in 1975, by the Amendment Act No. 36 of 1975. S.30A which was clearly the brainchild of Dr Dadour, then the representative of Subiaco in the Legislative Assembly, was very different, and more liberal than the present provisions of cl.8, 9 and 10 of Schedule 2.1 of the current LG Act. Rather than explain the many differences in detail, I am **attaching** hereto a copy of s.30A in its form as introduced into the 1960 LG Act in 1975. You will see that under the provisions of s.30A, in the scenario which you have explained in your letter of instruction, the ratepayers of the City of Subiaco would have been able to demand a poll. In fact it would have required a petition from only 50 of the ratepayers to have that effect (see s.30A(4)).

- 11 Prior to the total repeal of the 1960 LG Act, there was a very minor amendment in 1981, the effect of which was simply to provide that the returning officer was to make the preparation for the conduct of a poll as contemplated in subs.(6). There was a more substantial amendment in 1984, when the passage 'ratepayers or electors' was deleted from para.(a) of subs.(2) and the word 'electors' substituted, and in other places where the term 'ratepayers' appeared in subss.(4), (5) and (6), that word was deleted and the word 'electors' substituted. Neither of the 1981 nor the 1984 amendments affected the broad scope of s.30A.
- 12 I have obtained an extract from the Parliamentary Debates at the time of the Second Reading of the Bill for the Act No. 36 of 1975, which introduced s.30A into the 1960 LG Act. Rather than extract all of what I think to be the significant passages in the speeches by the Minister and other members at the Second Reading stage, I am **attaching** hereto a copy of the extract from pp.499-501 of Hansard for 27 March 1975 (containing Minister Rushton's Second Reading Speech introducing the Bill), and pp.1250-1266 of Hansard, which contains speeches by other MLAs, including significantly Dr Dadour.
- 13 The only passages I will refer to specifically from Hansard are the following:
- (a) You will see on p.501 of Hansard the comments of Mr Rushton, the then Minister for Local Government where he said -
- 'This Bill will make a valuable contribution to strengthening the goodwill and confidence between municipalities and the people residing within their boundaries.
- The Bill does not remove the present right of municipalities to negotiate boundary changes when desirable and to their mutual benefit. However, if agreement is not reached between the elected representatives of the ratepayers and electors, it provides the residents with the democratic right of expressing their point of view through a referendum.'
- (b) At p.1250, Dr Dadour made the following comments amongst others -
- 'This is a subject that is dear to my heart, and is something for which I have worked hard since I have been a member of Parliament. ... If the Minister does not think the proposal for a petition will be in the best interests of a local authority, he does not have to make any order. He can just ignore the petition, and so stop any erosion that may be mooted from time to time.
- ...
- I am a representative of the people and I consider the argument put forward by the honourable member has no logic whatsoever. As the

Act stands at the moment, it merely provides that the Minister has so many powers; powers to enable one local authority to be absorbed by another; powers to reduce or increase the number of local authorities at will. All the Minister is obliged to do is to have the Local Government Boundaries Commission select the right people. He can accept whatever answer he so desires. This was amply demonstrated by the action of the previous Minister in the Tonkin Government when he had the Boundaries Commission investigate the ramifications of local government. So appalling was the outcome of this inquiry that the three members of it could not understand what "community of interests" meant. ...⁷

- 14 It will be apparent if you have the time and patience to read the Parliamentary Debates, that a considerable amount was expected of s.30A.
- 15 It will also be apparent to you on reading s.30A, that it is somewhat more liberal in its scope than the existing cl.8, 9 and 10 of Schedule 2.1 of the current LG Act.
- 16 Notwithstanding the origin of the 'Dadour Amendment' provisions which still remain in a vestigial form in the current LG Act, I have difficulty in seeing how those original provisions could be used productively in any argument in the Supreme Court aiming to prevent the Minister from 'disfranchising' the electors of Subiaco, through the application of the present Schedule 2.1 provisions.

I believe that I have gone as far as you contemplated in your 7 November instruction. I have answered the question which you posed on the current provisions of cl.8 of Schedule 2.1, and have provided reference to the old s.30A and the background in Parliament to the introduction of s.30A. I am not sure that there is anything else I can do to assist you at this time.

I might perhaps mention a case with which I am sure you are very familiar, namely the *City of Subiaco v Local Government Advisory Board* [2011] WASC 322. The judgment of Edelman J in that case contains some interesting reflections on the application of the provisions of Schedule 2.1 of the current LG Act. Although there are some interesting parts in the Reasons of Edelman J, I can't see that any particular parts are of assistance to you in responding to your 7 November instructions.

Please don't hesitate to let me know if I can be of any further assistance to you in this matter.

Yours sincerely



Denis McLeod

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Encl. S.30A
Second Reading Speech extracts

AGENDA ITEM:	9.3.10
SUBJECT:	2014/2015 BUSHFIRE SERVICES CAPITAL & OPERATING GRANTS
PROPONENT:	DEPARTMENT OF FIRE & EMERGENCY SERVICES
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	601.03
PREVIOUS REFERENCE:	NIL
DATE:	19th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Annual application for Capital and Operational Grants under the Department of Fire & Emergency Services (DFES) Local Government Grants Scheme.

COMMENT

Local Government Authorities need to annually apply for grants under the DFES *Local Government Grants Scheme* for its Capital and Operational requirements for the forthcoming year.

The Capital Grants are linked the DFES *Resource to Risk* (R2R) approved program and approved capital items are fully funded from the Emergency Services levy.

The R2R program for the Shire of Chapman Valley refers to the need for a 2.4 Rural Fire Appliance (Tanker) to be located at the Howatharra Brigade. There would also be a requirement for a two bay shed to accommodate both the existing Fast Attack Light Tanker and 2.4 Broadacre Tanker firefighting units.

Apparently an application for the 2.4 Broadacre Tanker and Shed was submitted last year, yet was not successful. The submission has been re-submitted for consideration in the 2014/2015 grant process.

The DFES R2R Program also has a Fast Attack Light Tanker scheduled to replace the existing Yetna Brigade appliance in 2014/2015. The application lodged for the additional Howatharra appliance and shed does not exclude the need to also replace the Yetna appliance as planned.

In regards to the annual Operating Grant I have requested a significant increase in this due to a substantial increase in the Bushfire Insurance Premiums and higher than usual plant maintenance costs this financial year i.e.

- 2013/2104 Operating Grant \$26,400 (with actual anticipated to approx. \$42,000)
- 2014/2015 Operating Grant Requested \$42,500

I am in the process of seeking a supplementary operational grant for 2013/2014 to assist Council with the additional costs experienced this financial year.

STATUTORY ENVIRONMENT

Fire & Emergency Services Act 1998 – Section 36A – Emergency Services Levy Purposes

POLICY IMPLICATIONS

No existing Policy or Procedure affected.

FINANCIAL IMPLICATIONS

Local Governments capital and operational costs (other than depreciation and some other minor items) for the firefighting equipment, building, etc., are covered under the Emergency Services Levy, which local governments collect through the annual rating process on behalf of the State Government (DFES). These funds are then allocated to the various authorities through the

annual DFES *Local Government Grants Scheme* using historical data and the R2R criteria, amongst other guidelines set by State Emergency Services Committee.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council endorses the application submitted under the 2014/2015 Department of Fire & Emergency Services (DFES) Local Government Grants Scheme for the following additional capital items to be located at the Howatharra Brigade:

- 1 Rural Fire Appliance (2.4 Broadacre Tanker); and
- 2 Two bay shed to accommodate both the existing Fast Attack Light Tanker and proposed new Rural Fire Appliance (2.4 Broadacre Tanker) firefighting appliances.

AGENDA ITEM:	9.3.11
SUBJECT:	REGIONAL WASTE MANAGEMENT SERVICE CONTRACTS
PROponent:	CHIEF EXECUTIVE OFFICER
SITE:	MID WEST REGION
FILE REFERENCE:	201.00
PREVIOUS REFERENCE:	NA
DATE:	16th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Batavia Regional Council's Waste Management Group (BRCWMG) has been discussing the concept of establishing Regional Waste Management Service Contract(s) for the mid west area.

COMMENT

The BRWMG is comprised of the City of Greater Geraldton, and the Shires of Chapman valley, Irwin & Northampton. This is not a formal Group, rather a gathering of the local government authorities to determine how waste management services can be provided in the most efficient manner possible, which may include cross boundary collaboration & cooperation.

An example of this is the *Strategic Waste Management Plan* grant funds applied for by the Group and funded by the DEC, which is now divided into the Department of Parks and Wildlife (DPaW) and the Department of Environment Regulation (DER).

The Shire of Chapman Valley raised the concept of establishing Regional Waste Management Service Contract(s) for the mid-west area in an attempt to improve services and minimise cost. This has evolved to the point of the Group seeking the assistance of a Waste management Consultant to undertake preliminary investigations into the concept, specifically the areas of Waste site management and collection services.

The Shire of Chapman Valley's existing Waste Collection Service contract with Veolia expires on the 1st February 2015, which means if the Shire intends to continue this service in isolation the tender process will need to be commenced mid-2014. The proposal of combining this particular services on a regional basis make sense because, in reality, the smaller Shire (like the Shire of Chapman Valley) would not have the critical mass to expect a contractor, other than the one services the Greater City of Geraldton, to have a different contract supply this service. Therefore a regionally run contractual arrangement makes sense.

The issue with establishing a regional Waste Collection Services is the Shires have various end dates for their existing contracts. This is not an insurmountable problem and can be resolved by the individual local government authorities simply extending contracts or coming into the regional contract at the expiration of their existing arrangements.

The Waste Consultant being used to investigate this concept has prepared the following information to provide an update on the Regional Contract and Organic Waste Recycling Initiatives that the City of Greater Geraldton is currently considering.

Regional Contract

The table below summarises the completion dates for the various individual waste collection (and some facilities operations) of the various local governments. Some are currently missing.

LGA	Waste Services Contract Expiry
Shire of Northampton	1 st July 2015
City of Greater Geraldton	15 May 2015
Shire of Coorow	30 th June 2014
Shire of Chapman Valley	1 st Feb 2015
Shire of Three Springs	Late 2016
Shire of Irwin	rolling contract
Shire of Mingenew	To be determined
Shire of Yalgoo	To be determined

As Geraldton is the main waste generator, it is anticipate a Regional Contract should commence just before May 2015 to attract significant market attention. Then a schedule established of when other local government authorities waste will come on board for the contract so those with Contracts that don't expire until after May 2015, will be able to participate.

In relation to tasks and timeframes, the Consultant has suggested something like the following:

Task	Date
Finalise on Participants (engage other LGAs)	February - March
Workshop (discuss key matters / aspects of contract)	March
Preparation of Tender Pack	April - May
Approvals by various LGAs (potentially Councils)	June - July
Release of Tender	Mid-August
Advertisement Period	6 weeks
Close of Tender	October
Evaluation	October - November
Sign off by various Councils	December - January
Award of Contract	February
Mobilisation	Feb – May 2015
Commencement of Contract	May 2015

As it would be regional contract it will take some time to get it all documents together and approved by the various LGAs and Councils. Therefore, the Consultant has allowed a significant timeframe to get this contract together.

Regional Recovery Project

Following a meeting with the DER and Waste Authority on Regional Recycling Projects, the City of Greater Geraldton is currently considering the development of an Organic kerbside recycling system with an appropriate treatment facility to generate compost and similar projects. These works are at the early stage of the development and the Consultant anticipates that wider consultation with surrounding LGAs will happen soon.

STATUTORY ENVIRONMENT

Council has a statutory obligation to provide waste management facilities. The challenge is to establish appropriate service delivery arrangements to maximise service quality and minimise cost. I believe a regional approach to this service is considered the best opportunity to achieve this.

POLICY IMPLICATIONS

No Policy affected

FINANCIAL IMPLICATIONS

At this stage there are no financial implications. However, it is anticipated the regional concept of providing waste management services may result in cost minimization.

It is anticipated Council may be requested to contribute towards the regional tender process, which is a cost Council would have been required to cover if it was to do this tender in isolation.

STRATEGIC IMPLICATIONS

Objective	Strategy	Actions
We need good services to support our development as a Shire	Maintain existing services and facilities	Provide and maintain waste collection services and transfer stations

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

- 1 Endorses the proposal of establishing and participating in a Regional Waste Management Service Contract(s) for the mid-west area for delivery of waste management services to the Shire of Chapman Valley;
- 2 Budget accordingly for the use of Waste Management Consultancy services for the establishment of and participation in a Regional Waste Management Service for mid-west local government authorities.

AGENDA ITEM:	9.3.12
SUBJECT:	COMMON SEAL – DELEGATED AUTHORITY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	411.03
PREVIOUS REFERENCE:	NA
DATE:	19 FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Consider delegating authority to the Chief Executive Officer to use the Shire of Chapman Valley's Common Seal.

COMMENT

I have noticed the CEO may have been acting unlawfully since the introduction of the Shire of Chapman Valley's Standing Orders Local Law in August 2000 in regards to using the Shire's Common Seal the various legal documents. The Standing Orders Local Law states the following:

Part 19 - Common Seal

19.1 The Council's Common Seal

- (1) The CEO is to have charge of the common seal of the Local Government, and is responsible for the safe custody and proper use of it.*
- (2) **The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.***
- (3) The common seal of the local government is to be affixed to any local law which is made by the local government.*
- (4) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.*

It was my understanding that when this Local Law was introduced in 2000 it was accompanied by Council delegating authority to the CEO to use the Common Seal as part the "day-to-day" operations of the Shire; however, it appears this may never have been delegated, or the delegation was removed some time since the Local Laws being introduced.

The Shire of Chapman Valley has power under the Local Government Act 1995 s5.42 '*Delegation of some powers and duties to CEO*' to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act in order to facilitate and manage the "day-to-day" operations of the Shire.

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

Council undertook an extensive review of its Delegation Register in June 2004 to include all the "day-to-day" aspects of the Shire and the current Delegation Register fully complies with the guidelines identified by the Department of Local Government and Communities. This delegation simply adds to this.

Section 9.49A of the Local Government Act also states;

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.**
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

STATUTORY IMPLICATIONS / REQUIREMENTS

Section 9.49A(f) the local government act states;

9.49A. Execution of documents

- (1) A document is duly executed by a local government if —
- (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
- (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

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

Shire of Chapman Valley Standing Order Local Law 2000 – Clause 19.1

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority - Section 5.16 (3)(b)

“...any decision to amend or revoke a delegation under this section is to be by an **absolute majority.**”

STAFF RECOMMENDATION

Council delegate authority to the Chief Executive Office to use the Shire of Chapman Valley's Common Seal in accordance with the *Local Government Act, 1995* and *Clause 19.1 of the Shire of Chapman Valley's Standing Orders Local Law, 2000*;

AGENDA ITEM:	9.3.13
SUBJECT:	LOCAL GOVERNMENT ENERGY EFFICIENCY PROGRAM
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NABAWA COMMUNITY CENTRE
FILE REFERENCE:	101.00
PREVIOUS REFERENCE:	MINUTE REFERENCE 13/4-10
DATE:	19th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the Building & Disability Services Committee meeting held 27th March 2013 the following Committee Recommendation was made:

Local Government Energy Efficiency Program (LGEEP) – Solar / Heat Pump

- *Lot 23 Chapman Valley Road, Yuna*
- *Lot 27 Chapman Valley Road, Yuna*
- *Lot 31 Indialla Road, Nabawa*
- *Lot 19 Chapman Valley Road, Nabawa*
- *Shire Office 3270 Chapman Valley Road, Nabawa*

COMMITTEE DECISION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

That the Building & Disability Services Committee recommends that the Chief Executive Officer and Community Development Officer be authorised to apply for grant funding.

CARRIED
Voting 4/0

Council resolved the following at the April 2013 Ordinary Council Meeting (OCM):

That Council receives the minutes of the Building & Disability Services Committee meeting of 27 March 2013.

The Building & Disability Services Committee recommends to Council;

- 1 *That Shire housing rental amount be increased for shire non contract staff from \$50 per week to \$100 per week commencing 1 July 2013 and \$180 per week commencing 1 January 2014 with the tenants being eligible for the \$40 per week subsidy commencing 1 January 2014.*
- 2 ***That the Chief Executive Officer and Community Development Officer be authorised to apply for grant funding for the Local Government Energy Efficiency Program.***
- 3 *That the amended draft five (5) year building program be presented to Council for 2013/2014 budget consideration with the Building Committee Minutes.*
- 4 *That an extra \$1000 be allocated to the lining of the ceiling at the basketball stadium balcony taking the cost to \$4000.*
- 5 *That Shire obtains quotes for the urgent replacement of septic leach drains at Lot 19 Chapman Valley Road, Nabawa and bring back to Council.*

Voting 7/0
CARRIED
Minute Reference 13/4-10

It appears this matter was not revisited until the 2013/2014 Adopted Budget at the August 2013 OCM and even then there is no Minute reference to the specific grant or the buildings determined most appropriate for the Solar Hot Water Systems to be installed. However the text within the Adopted Budget did refer to the five buildings mentioned in the Minutes of the Building & Disability Services Committee meeting held 27th March 2013 i.e.

- Lot 23 Chapman Valley Road, Yuna
- Lot 27 Chapman Valley Road, Yuna
- Lot 31 Indialla Road, Nabawa
- Lot 19 Chapman Valley Road, Nabawa
- Shire Office 3270 Chapman Valley Road, Nabawa

COMMENT

Council has received formal advice their grant application was successful for installation of the Solar Hot Water Systems (HWS). However, the funding allocated to 31 Indialla Road would no longer be eligible due to the Shire selling the house and therefore no longer being the owner.

At the November 2013 OCM Council resolved the following:

Council endorses the following variations to the 2013/2014 Budget:

COA/Job No.	COA/Job Description	Adopted Budget \$	Revised Budget \$	Diff. \$
0232	Consultancy & Legal Exp.	8,000	5,000	-3,000
2544/H31	Lot 31 Indialla Rd – Replace fence to north boundary	7,000	0	-7,000
NEW	Elected Members Training	0	5,000	+5,000
2544/H31	Lot 31 Indialla Rd – Replace Solar Hot Water System (LGEEP Grant)	0	5,000	+5,000
2022	Landcare Expenses: Change Budget description from: “Consultant to prepare grant applications” to “Consultancy Expenses”	22,750	22,750	0
3542	RoMan Roads – User Group	14,902	4,902	-10,000
3502	Depot Maintenance	12,048	22,048	+10,000

This resolution resulted in the removal of the budgeted grant income for the Solar HWS at 31 Indialla Road, yet retained the expenditure. Resulting in Council covering the cost of the Solar HWS from Council’s own revenue as it was an agreed condition of sale of this property for the Solar HWS to be replaced.

Though the Local Government Energy Efficiency grant provider has advised 31 Indialla Road is no longer eligible for funding staff feel the opportunity remains for Council to formally request a variation to the funding agreement by nominating an alternative building to install the Solar HWS, rather than simply removing these funds from the overall project.

It is understood (yet there is no formal documentation this) the only other building considered by the Building & Disability Services Committee at the time this grant opportunity was being discussed was the kitchen area of the Nabawa Community Centre. Therefore the recommendation below seeks Council’s endorsement for this variation to the grant agreement.

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

The Funding for this project (i.e. five buildings) included:

- LGEEP Grant \$17,207.95

- Shire Chapman Valley Contribution \$ 2,860.23
Total Project Cost \$20,068.18

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council endorses a request to vary the Local Government Energy Efficiency Program grant for the installation of Solar Hot Water Systems to Council Buildings by:

- Removing 31 Indialla Road, Nabawa; and
- Adding the Nabawa Community Centre (kitchen area)

AGENDA ITEM:	9.3.14
SUBJECT:	TENDER – SALE OF ABANDONED VEHICLE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NOT APPLICABLE
FILE REFERENCE:	609.00
PREVIOUS REFERENCE:	NIL
DATE:	19th FEBRUARY 2014
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

As previously reported in the Rangers Information Bulletin (November & December 2013) staff impounded an Coromal Camper Van, which was abandoned at Mills Lookout.

COMMENT

Staff were unable to determine the owner of the abandoned vehicle and therefore, in accordance with Local Government Act, 1995, Council is now in a position where the vehicle can be advertised seeking public tender for its disposal.



I have also attached to this Report a Draft *Disposal of Abandoned Vehicles Procedure* for Council's consideration and determination on adopting this procedure, which delegate authority to the Chief Executive Officer to administer this Procedure, accept bids for abandoned vehicles and arrange for their disposal.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.40A. Abandoned vehicle wreck may be taken

(4) *If—*

- (a) *after 7 days from the removal of a vehicle under subsection (1), the owner of the vehicle has not been identified; or*
- (b) after 7 days from being given notice under subsection (2), the owner of the vehicle has not collected the vehicle,

the local government may declare that the vehicle is an abandoned vehicle wreck.

3.42. Impounded non-perishable goods

- (1) When any non-perishable goods have been removed and impounded under section 3.39 the local government is required to either —
 - (a) institute a prosecution against the alleged offender; or
 - (b) give the alleged offender notice that the goods may be collected from a place specified during such hours as are specified.

- (2) ***If after 7 days after the goods were removed, a local government has been unable to give the alleged offender a notice under subsection (1)(b) because it has been unable, after making reasonable efforts to do so, to find the alleged offender, the local government is to be taken to have given that notice.***

3.47. Confiscated or uncollected goods, disposal of

- (1) The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.
- (2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —
- (a) 2 months of a notice having been given under section 3.40(3); or
 - (b) ***7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.***
- (2a) The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —
- (a) a notice having been given under section 3.42(1)(b) or 3.44; or
 - (b) ***being impounded if the local government has been unable, after making 6reasonable efforts to do so, to give that notice to the alleged offender.***
- (2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is —
- (a) for perishable goods — 3 days;
 - (b) for animals — 7 days;
 - (ca) for prescribed non-perishable goods — one month;
 - (c) ***for other non-perishable goods — 2 months.***
- (3) Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.
- (4) Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.
- (5) Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.
- (6) Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.

PROCEDURE IMPLICATIONS

No Procedure or Procedure affected

FINANCIAL IMPLICATIONS

As per the Local Government Act (Section 3.47 (4) & (5)) Council can recoup its costs from the sale of the abandoned vehicle.

STRATEGIC IMPLICATIONS

Not applicable

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

- 1 Council endorses public tenders to be called for the sale of the abandoned Coromal Camper Van in accordance with the requirements of the Local Government Act, 1995;
- 2 Council delegate's authority to the Chief Executive Officer to accept the highest tender received for the disposal of the abandoned Coromal Camper Van;
- 3 Council adopt the *Disposal of Abandoned Vehicles Procedure* as presented and formally delegate authority to the Chief Executive Officer to administer this procedure, accept bids for abandoned vehicles and arrange for their disposal.

DISPOSAL OF ABANDONED VEHICLES
(Local Government Act (1995) section 3.40 to 3.47)

(1) BACKGROUND

Council impounds vehicles, which are abandoned in the district or are placed in positions which cause obstructions.

After all statutory processes have been followed the Council may then dispose of the vehicles in order to defray the costs of this operation.

(2) AIM OF THIS PROCEDURE

To provide guidance to officers responsible for the disposal of abandoned vehicles in the custody of Council and to delegate authority to the Chief executive Officer to undertake the disposition process on behalf of Council.

(3) PROCEDURE STATEMENT

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

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

The highest bid for any vehicle shall be accepted.

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

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

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

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

AGENDA ITEM:	10.1
SUBJECT:	REVIEW OF LOCAL PLANNING POLICIES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	12/13-5
DATE:	19 FEBRUARY 2014
AUTHORS:	CR ANTHONY FARRELL; MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER;

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the 11 December 2013 Ordinary Council Meeting ('OCM'), Agenda Item 9.1.3 dealing with the *Review of Local Planning Policies* was presented to Council for consideration by Shire staff. At the time this was being discussed a procedural motion was out to the meeting for *the question to be adjourned until the May 2014 meeting of Council*. This Procedural Motion stifled debate on the Agenda Item and was passed by Council.

COMMENT

Though at the time I considered it appropriate to adjourn this Agenda Item to allow Elected Members more time to absorb the content of the report, in hindsight I believe the deferral until May 2014 is excessive. Therefore I am presenting this Elected Members Agenda Item recommending the Procedural Motion passed at the 11 December 2013 OCM be revoked and the full report be dealt with at this meeting (i.e. the 19 February 2014 OCM).

Though this is an Elected Members Agenda Item I have requested assistance from the Chief Executive Officer to provide the report with the process involved with revoking a Council Resolution and have attached this information to my Report (see **Appendix A**).

I have also asked the Chief Executive Officer to attach the Officer Report provided to the 11 December 2013 OCM, which dealt with the *Review of Local Planning Policies* in exactly the same format and content as it was previously presented (see **Appendix B**) as it is my recommendation Council should deal with this item today.

CEO's Comments – Please note the original Agenda Item dealing with the *Review of Local Planning Policies* presented to Councillors at the 11 December 2013 OCM was accompanied by an attachment provided under separate cover. It is important Councillors bring this Attachment with them to the 19 February 2014 OCM. If another copy is required please request this from the Shire's Planning Department.

STATUTORY ENVIRONMENT

CEO's Comments – As previously mentioned I have attached (see **Appendix A**) a copy of the legislative process required to revoke a Council decision.

POLICY IMPLICATIONS

Implications are explained at the *Review of Local Planning Policies* Agenda Item (**Appendix B**)

FINANCIAL IMPLICATIONS

Implications are explained at the *Review of Local Planning Policies* Agenda Item (**Appendix B**)

STRATEGIC IMPLICATIONS

In hindsight I believe it is not strategically sound to defer the *Review of Local Planning Policies* Agenda Item until May 2014, hence the reason I have requested this Elected Members Agenda Item be presented to the 19 February 2014 OCM for consideration.

VOTING REQUIREMENTS

CEOs Comments – **Appendix A** explains the revocation process and Voting Requirements. If further clarification is required I am more than willing to assist.

The first step: Council needs a minimum of one third of Elected Members (i.e. minimum of three (3) affirmative votes) to agree to deal with the revocation motion presented below by Cr Farrell.

If the one third is obtained then Council can move to the Elected Members Recommendations No. 2.

If the one third is not obtained then Council cannot deal with the Elected Members Recommendation N. 2 and simply record this in the Minutes and move on to the next item on the Agenda for the meeting.

The Second Step: Subject the one third of Councillors agreeing (as stated above) Council then need to deal with the Elected Members Motion No.2, which actually revokes (or substantially changes) the initial revocation motion (i.e. Minute Ref: 12/13-5). This motion requires an **Absolute Majority** (i.e. minimum of five (5) affirmative votes).

ELECTED MEMBERS RECOMMENDATION

1. Council agrees to deal with a motion to revoke the decision of Council made at Minute Reference 12/13-5 regarding *Review of Local Planning Policies* question being adjourned until the May 2014 Ordinary Council Meeting.

(Note: Minimum one third required)

2. Council revoke the decision made at the 11 December 2013 Ordinary Council Meeting, Minute Reference 12/13-5, and move immediately to the Agenda Item attached at Appendix B of this Report dealing with *Review of Local Planning Policies* as its next item of business.

(Note: Absolute Majority required)

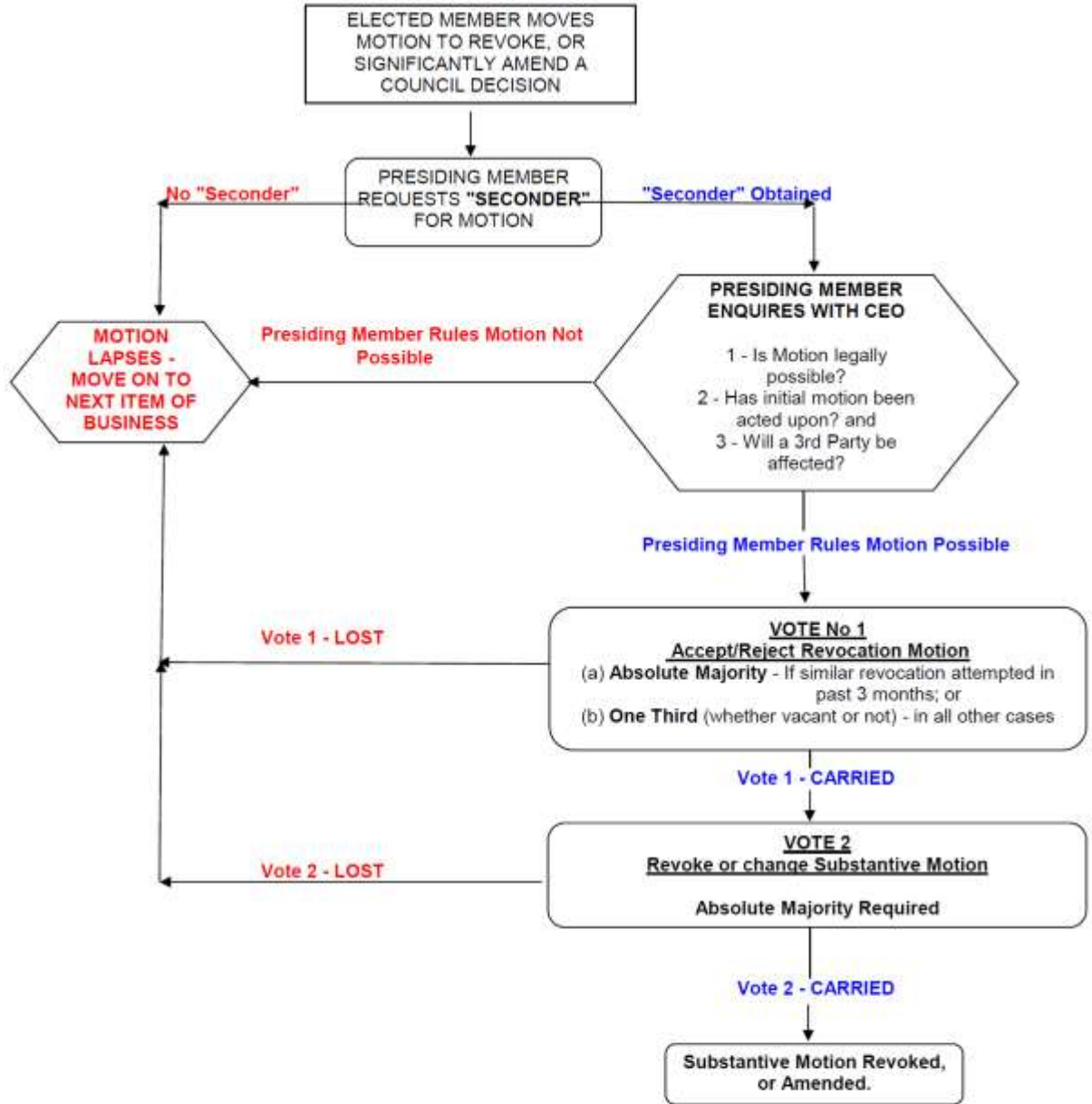
REVOCATION PROCEDURES AT COUNCIL & COMMITTEE MEETINGS (WITHOUT PRIOR NOTICE)

The following procedure is to ensure Council complies with Clause 10 of the *Local Government (Administration) Regulations 1996*, in regards to revoking, or significantly changing, previously agreed Council Resolutions:

1. Elected Member moves a motion to revoke, or significantly amend, a Council decision.
2. Presiding Member requests a "Seconder" for the motion.
3. If no "Seconder" forthcoming the motion will lapse and Council are then required to move onto the next item of business.
4. If a "Seconder" is achieved the Presiding Member will then enquire with the Chief Executive on the following:
 - 4.1 Is revocation motion legally possible?
 - 4.2 Has initial resolution been acted upon?
 - 4.3 Will any third party be adversely affected by the revocation of motion change?
5. If the Presiding Member rules the revocation motion is acceptable he/she will request TWO VOTES to occur:
 - 5.1 VOTE 1 Accept/Reject the Revocation Motion
 - (a) In the case where an attempt to revoke or change the decision had been made within the previous three months but had failed, requires an ABSOLUTE MAJORITY (i.e. 5 votes/8 positions i.e. more than 50% of number of offices whether vacant or not) if a similar attempt has been made to revoke/change the substantive motion within the past 3 months.
 - (b) In any other case requires at least 1/3 of Elected Members, whether vacant or not (i.e. 3 Votes).

(As per reg 10 *Local Government (Administration) Regulations 1996*)
If the required votes are not achieved the revocation process is discontinued and the substantive motion remains valid and Council are then required to move onto the next item of business.
If the required votes are achieved then the second vote is called for to actually revoke, or change, the substantive motion (i.e. move to point 5.2).
 - 5.2 VOTE 2 Actually Revoke, or Change, a Substantive Motion
An ABSOLUTE MAJORITY (i.e. 5 votes) is required to carry this motion.
If this revocation motion is not successful the substantive motion remains valid and Council are then required to move onto the next item of business.
If the revocation motion is successful then the substantive motion lapses, or is effectively changed in accordance with the revocation motion.
Where the substantive motion fully lapses, Council may then present alternative motion(s) on this matter for discussion.

REVOCATION PROCESS - FLOW CHART



AGENDA ITEM:	9.1.3
SUBJECT:	REVIEW OF LOCAL PLANNING POLICIES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	-
DATE:	4 DECEMBER 2013
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil

BACKGROUND

With the gazettal of Shire of Chapman Valley Local Planning Scheme No.2 (the 'Scheme') on 20 November 2013, it is now timely to undertake a full review of all Local Planning Policies. This report recommends the advertising of the revised Local Planning Policies for public comment for a period of 42 days. At the conclusion of the advertising period should no objection be received it is recommended that the Policies be adopted, however should any written, author-identified objections be received that the submissions and related Policy be returned to Council for consideration.

COMMENT

For the most part a Local Planning Policy is formulated to align with the strategic direction as set by the Council and, accordingly, used by staff to disseminate information to the community and industry on the minimum standards for development as prescribed by Council and to establish criteria for the assessment of planning applications.

It is recommended that the following Policies be amended:

- Agroforestry, Plantations & Tree Crops
- Ancillary Accommodation (name amended from 'Added Accommodation')
- Building Envelopes (name amended from 'Location of Buildings on Special Rural and Rural Residential Zoned Land Policy')
- Commercial Vehicles (name amended from 'Parking of Commercial Vehicles Policy')
- Consultation
- Cottage Industry
- Development adjacent to the proposed Oakajee to Tallering Peak and Oakajee to Narngulu Rail Corridors
- Events Application
- Extractive Industry
- Home Occupation
- Grouped Dwellings
- Intensive Agriculture
- Outbuildings
- Relocated Buildings
- Rural Industry
- Rural Tourist Development
- Sea Containers (name amended from 'Sea (Shipping) Containers')
- Signage
- Subdivision Standards (combines 'Subdivision Road Standards' & 'Bushfire Policy – Rural & Special Rural Subdivision & Residential Development')
- Temporary Workforce Accommodation (named amended from 'Temporary Accommodation Camps')

A copy of the revised Local Planning Policies have been circulated to Council as a separate attachment with the proposed changes recommended for each Policy indicated in red for ease of reference.

It is recommended that the following Policies be revoked as it is considered that the provisions of the Scheme or State Planning Policy or separate Council adopted Strategies and Plans already provide adequate guidance:

- Industrial Development
- Moresby Ranges

A copy of the Policies recommended for revocation has been circulated to Council as a separate attachment.

STATUTORY ENVIRONMENT

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

The Scheme outlines the required procedure and advertising requirements in relation to the amendment or adoption of a Local Planning Policy:

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

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

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

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

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

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

The Scheme requires Council to publish a notice of the proposed amendments to its Policies once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of the subject and nature of the amended Policies, where they may be inspected, in what form submissions may be made, and the date of the submission period (which shall not be less than 21 days). At the conclusion of the advertising period the Council is required to review the amended Policies in the light of any submissions made, and may resolve to adopt the amended Policies with or without modification, or not proceed with the amended Policy.

As advertising will be undertaken over the Christmas / New Year period it is recommended that an extended advertising period of 42 days be undertaken to ensure there is adequate opportunity for interested parties to make submission.

Section 2.5 of the Scheme states the following in relation to the revocation of a Policy:

“A Local Planning Policy may be revoked by:

- (a) the adoption by a Local Government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or*
- (b) publication of a notice of revocation by the Local Government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There is a cost for the preparation, and subsequent advertising, of Local Planning Policies which will be covered by the Councils existing Planning budget allocation.

STRATEGIC IMPLICATIONS

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

The draft updated Policies will reflect the changes that have come into place with the adoption of the Scheme and will assist to keep pace with current development trends, demands and Council expectations.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council:

- 1 Pursuant to Section 2.4 of Shire of Chapman Valley Town Planning Scheme No.2 adopt the following revised Local Planning Policies for public comment and advertise them for a period of 42 days:
 - Agroforestry, Plantations & Tree Crops
 - Ancillary Accommodation
 - Building Envelopes
 - Commercial Vehicles
 - Consultation
 - Cottage Industry
 - Development adjacent to the proposed Oakajee to Tallering Peak and Oakajee to Narngulu Rail Corridors
 - Events Application

- Extractive Industry
 - Home Occupation
 - Grouped Dwellings
 - Intensive Agriculture
 - Outbuildings
 - Relocated Buildings
 - Rural Industry
 - Rural Tourist Development
 - Sea Containers
 - Signage
 - Subdivision Standards
 - Temporary Workforce Accommodation
- 2 Pursuant to Section 2.5 of Shire of Chapman Valley Town Planning Scheme No.2 revoke the following Policies and advertise notice of their revocation in accordance with the Scheme:
- Industrial Development
 - Moresby Ranges
- 3 Should no written, author-identified objections be received during the 42 day advertising period, then adopt for final approval those Local Planning Policies listed in part (1) of this recommendation and proceed to publish a notice to this effect in the local newspaper; &
- 4 Should there be any written, author-identified objections received during the advertising period, require staff to present a further report to Council in relation to that Policy to which the objection has been received. The remaining Local Planning Policies listed in part (1) of this recommendation to which written, author-identified objections have not been received be adopted for final approval and proceed to publish notice to this effect in the local newspaper.

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 Lease Renewal – N & C Philippa – Lot 19 (3285) Chapman Valley Road Nabawa

13.2 TENDER 3-13/14 - Supply one (1) new water tanker & outright purchase of 30,000 litre tri-axle water tanker; and

TENDER 4-13/14 - Supply One (1) New Tri-Axle Heavy Duty “Doored” Side Tipper Trailer & Outright Purchase Of Tri-Axle Heavy Duty “Doored” Side Tipper Trailer

14.0 CLOSURE