



Shire of
Chapman Valley
Love the Rural Life

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 20 April 2016
at the John Batten Hall, Drummond Cove, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

APRIL 2016

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', written over a large, loopy, circular flourish.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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- 4.0 PUBLIC QUESTION TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 DISCLOSURE OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

*"a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –*

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality):

*"**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Agenda Item 9.3.7 – Rob Smallwood, Mid West Digital Economy Strategic Manager, Mid West Development Commission.

- 8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

- 8.1 Ordinary Meeting of Council – 16 March 2016
(Previously provided under separate cover)

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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Chairman, Cr Collingwood welcomed Elected Members and Staff and declared the meeting open at 9:02am.

2.0 LOYAL TOAST

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

3.1 Present

a. Councillors

Member	Ward
Cr John Collingwood (President)	North East Ward
Cr Anthony Farrell (Deputy President)	North East Ward
Cr Pauline Forrester (from start to 10:49am)	North East Ward
Cr Trevor Royce (from 9:31am to close)	North East Ward
Cr Kirrilee 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
Mrs Kathryn Jackson	Planning Officer (from start to 9:28am)
Mrs Nicole Batten	Community Development Officer (Minute Taker)
Mr Esky Kelly	Manager of Works & Services (from start to 11:15am)

c. Visitors

Name
Rob Smallwood MWDC (from start to luncheon adjournment)
Nicola Mastrangelo (from start to 9:28am)
Diana Mastrangelo (from start to 9:28am)
Gavin Hirschhausen (from 12:53 to close)
Tom Davies

3.2 Apologies

Name	
Simon Lancaster	Deputy Chief Executive Officer

3.3 Approved Leave of Absence

Name	
Nil	

4.0 PUBLIC QUESTION TIME

4.1 Questions on Notice

Nil

4.2 Questions without Notice

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

Cr Warr – Item 9.3.7 – Impartiality Interest – MWDC Board Member

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Agenda Item 9.3.7 - Rob Smallwood, Mid West Digital Economy Strategic Manager, Mid West Development Commission.

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 16 March 2016

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR WOOD

That the minutes of the Ordinary Meeting of Council held Wednesday 16 March 2016 be confirmed as a true and accurate record.

Voting 8/0

CARRIED

Minute Reference: 04/16-1

9.0 OFFICERS REPORTS

Order of Agenda

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

Council move Agenda Item 9.3.7 to be dealt with immediately after Item 9.1.1.

Voting 8/0

CARRIED

Minute Reference: 04/16-2

9.1 Manager of Planning April 2016

Contents

9.1 AGENDA ITEMS

9.1.1 Proposed Outbuilding

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	WEST STEEL SHEDS FOR T & R WHITESIDE
SITE:	74 (LOT 7) HACKETT ROAD, WAGGRAKINE
FILE REFERENCE:	A102
PREVIOUS REFERENCE:	6.5.11 (21/10/97), 7.3.10 (21/4/98) & 09/02-3
DATE:	12 APRIL 2016
AUTHOR:	SIMON LANCASTER & KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine. The application is presented to Council as the proposed location for the outbuilding is forward of the existing residence. This report recommends conditional approval of the application.

COMMENT

Lot 7 is a cleared, rectangular 2.5294ha property with a 120m frontage along its western boundary to Hackett Road. The residence, ancillary accommodation and swimming pool are clustered in the rear, north-eastern corner of Lot 7 at the highest point of the property on the 110m contour. The property slopes downwards towards Hackett Road with the south-western corner of the property at the 102m contour.

Figure 9.1.1(a) – Location Plan for 74 (Lot 7) Hackett Road, Waggrakine



The applicant is seeking to construct an outbuilding in the front, north-western corner of the property and as this would be further forward than the existing built setback line upon the property it exceeds the delegated authority of Shire staff and must be presented to Council for its deliberation.

The proposed outbuilding would be setback 20m from the front (western) property boundary, and 5m from the closest side (northern) property boundary. The proposed outbuilding would be 10m x 20m (200m²) with a wall height of 4m and a total height of 4.881m, the outbuilding would be clad in classic cream colorbond walls and pale eucalypt colorbond walls.

A copy of the submitted site and elevation plans have been included as **Attachment 9.1.1(a)**.

Figure 9.1.1(b) – Aerial Photograph of 74 (Lot 7) Hackett Road, Waggrakine



Figure 9.1.1(c) – View looking east towards proposed outbuilding location



In support of their application the landowner has submitted the following information:

*"I will try to explain our reasons for the proposed location of the shed.
We have ruled out the southern half of the block with a view to possible future sub division, the house and granny flat both being in the northeast corner.
There is not enough room either behind or to the side of the house to locate the shed.
This leaves the north side of the lane running down to the road. We have various palm trees, bushes and plants growing down this side of the block that we do not wish to cut down.
The northwest corner of the block is virtually clear, I have taken measurements and we can locate here with the loss of only one plant.
Both electric and water are easily accessible here and the lane will just need to be extended by twenty metres where it turns east, for easy access to the shed.
Also, the block on the northern side of ours has its' shed located in the northwest corner.
The intended purpose of the shed is as a work area and general storage.
As for the colour of the walls and roof, we had thought Classic Cream for the walls and Pale Eucalypt [green] for the roof, but we are open and willing to take advice on the colour.
I hope this relays our reasons for the proposed location, I think it is the most practical and convenient.*

Thank you for your attention in this matter.”

Figure 9.1.1(d) – View looking north-east towards proposed outbuilding location



In the event that Council does not consider that the application has sufficient merit, and should not be supported, then it may consider the following alternative wording appropriate in its determination on the application:

“That Council refuse planning approval for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine for the following reasons:

- 1 The development proposes to site an outbuilding forward of an existing residence which is contrary to Section 4.7 of the Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ which requires that an outbuilding be sited behind the front building line of a dwelling on lots less than 4ha.*
- 2 Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance to the requirements under Section 4.7 of the Shire of Chapman Valley Local Planning Policy ‘Outbuildings’.*

Advice Note:

- (a) If the 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.”*

STATUTORY ENVIRONMENT

74 (Lot 7) Hackett Road, Waggrakine is zoned ‘Rural Residential 2’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

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

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

Schedule 11 of the Scheme notes the following for the ‘Rural Residential 2’ zone:

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

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

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

POLICY IMPLICATIONS

The Outbuildings Local Planning Policy has the following objectives:

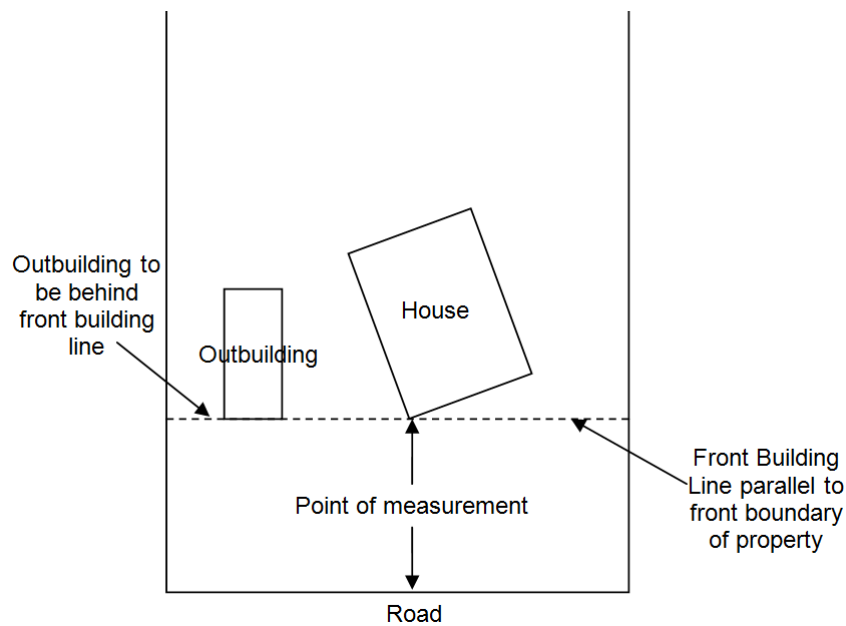
- “3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.*
- 3.2 To provide a clear definition of what constitutes an “outbuilding”.*
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling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

Section 4.7 of Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ states that:

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

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

Figure 1



The application does not comply with this policy requirement, being proposed to be sited approximately 130m forward of the existing residence upon Lot 7.

The proposed outbuilding would comply with the 200m² total outbuilding area, 4.5m wall height and 5.5m total height established for Lot by the Outbuildings Local Planning Policy.

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

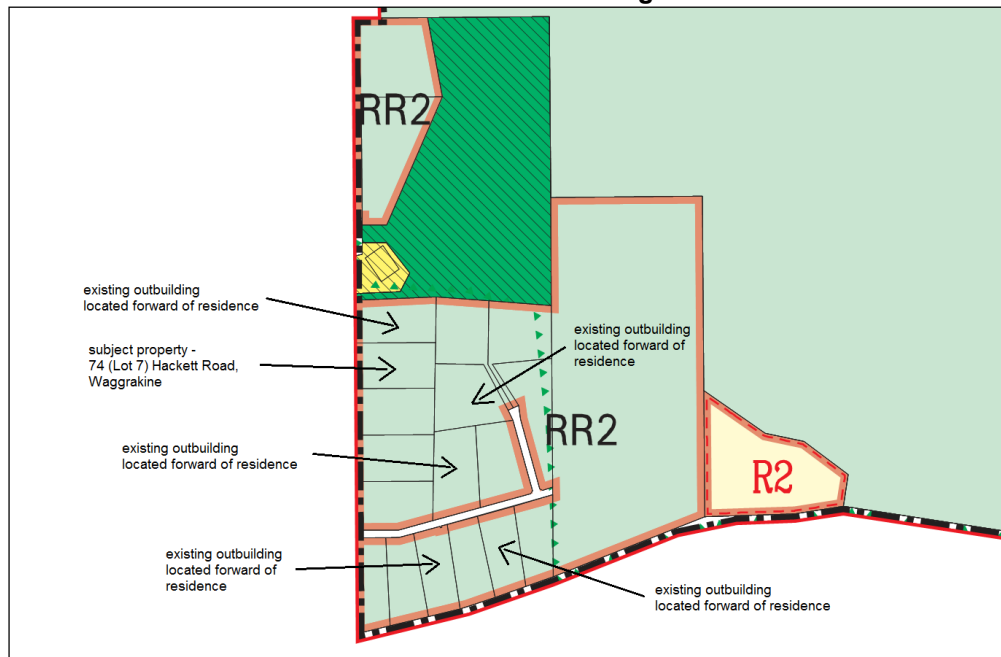
- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

It is noted that there are a number of other examples of outbuildings being sited forward of the residence within the 'Rural Residence 2' zone, which addresses the Hackett Road, Mills Place and Coffee Pot Drive portion of the Shire, and the approval of this application may not therefore be considered to set a precedent.

Figure 9.1.1(e) – Map illustrating outbuildings sited forward of residences within the ‘Rural Smallholding 2’ zone



- **Strategic Community Plan:**

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

CONSULTATION

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

Section 5.5 of the Scheme also notes that when considering an application for planning approval, where, in the opinion of the local government, the variation is likely to affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to consult with the affected parties, and have regard to any expressed views prior to making its determination.

The Shire wrote to the 6 surrounding landowners on 15 March 2016 providing details of the application and inviting comment upon the proposal prior to 5 April 2016, a sign was also erected on-site to advise of the received application and the opportunity for comment during this period.

At the conclusion of the advertising period 3 submissions had been received all in objection to the application. Copies of the received submissions have been provided as **Attachment 9.1.1(b)**.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council grant formal planning approval for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 20 April 2016 and subject to any modifications required as a consequence of any conditions 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 roof and walls of the proposed outbuilding are to be clad in coated metal sheeting (i.e. colorbond) consistent or complementary in colour with the existing residence, and to a finish, to the approval of the local government (zincalume is not permitted).
- 4 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.
- 5 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.
- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 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.

Advice 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 the 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.

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR WARR

That the proposed outbuilding be relocated to approximately 5m west of the centre of the lot to bring the outbuilding into closer proximity to existing development on the property.

That Council grant formal planning approval for an outbuilding upon 74 (Lot 7) Hackett Road, Waggrakine subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 20 April 2016 and subject to any modifications required as a consequence of any conditions 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.
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- 4 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.
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- 6 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
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Advice 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 the 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.

FORESHADOWED MOTION

MOVED: CR WOOD

SECONDED: CR MALUISH

Council stay within the conditions of its town planning policy for outbuildings.

**Substantive Motion was put
Voting 2/5
LOST
Minute Reference: 04/16-3**

The Foreshadowed Motion became the Substantive Motion i.e.

Council stay within the conditions of its town planning policy for outbuildings.

AMENDMENT:

MOVED: CR WARR

SECONDED: CR HUMPHREY

Request landowner to resubmit a new site plan in accordance with Council local planning policy and this be dealt with in accordance with existing delegations.

**Amendment was put
Voting 6/1
CARRIED
Minute Reference: 04/16-4**

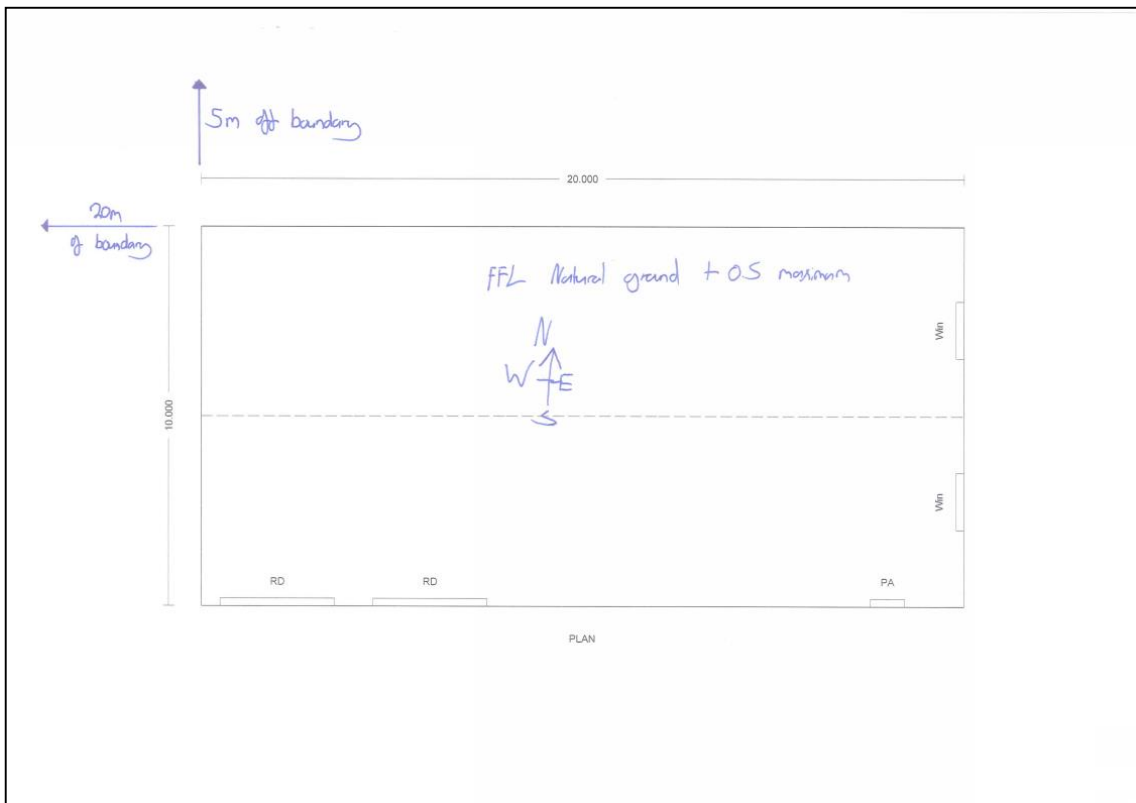
The Amended Motion became the Substantive Motion i.e.

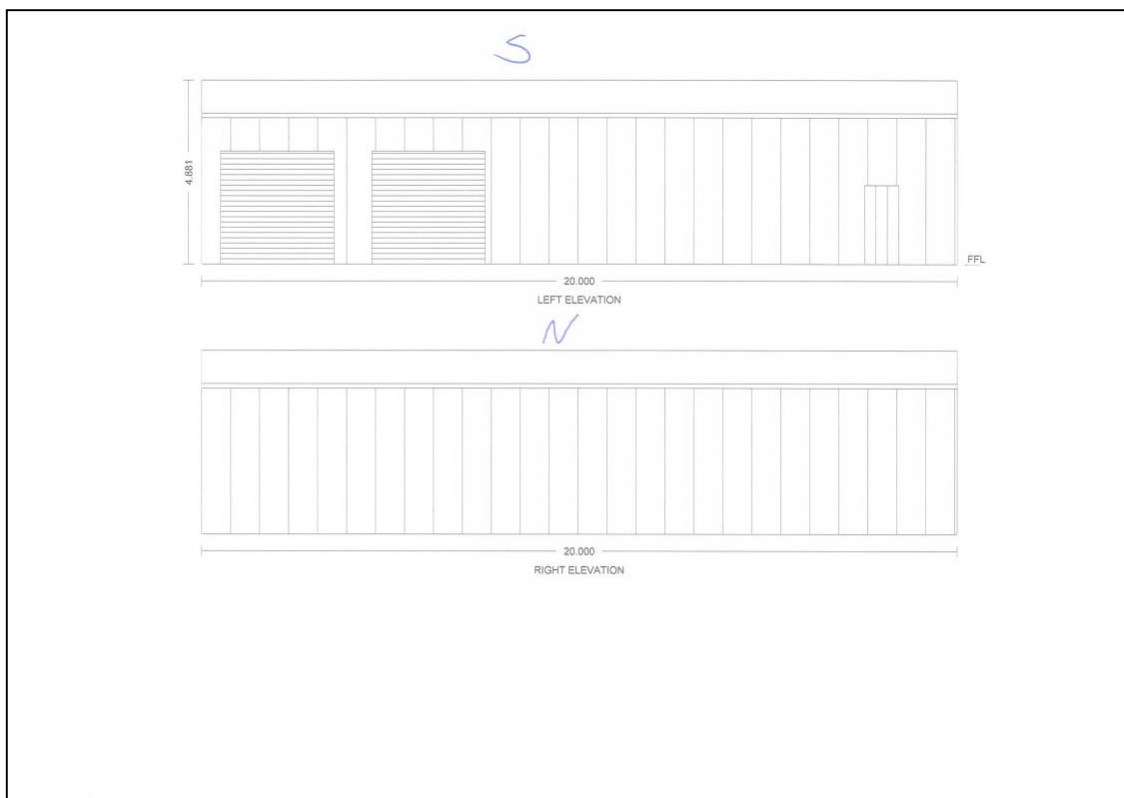
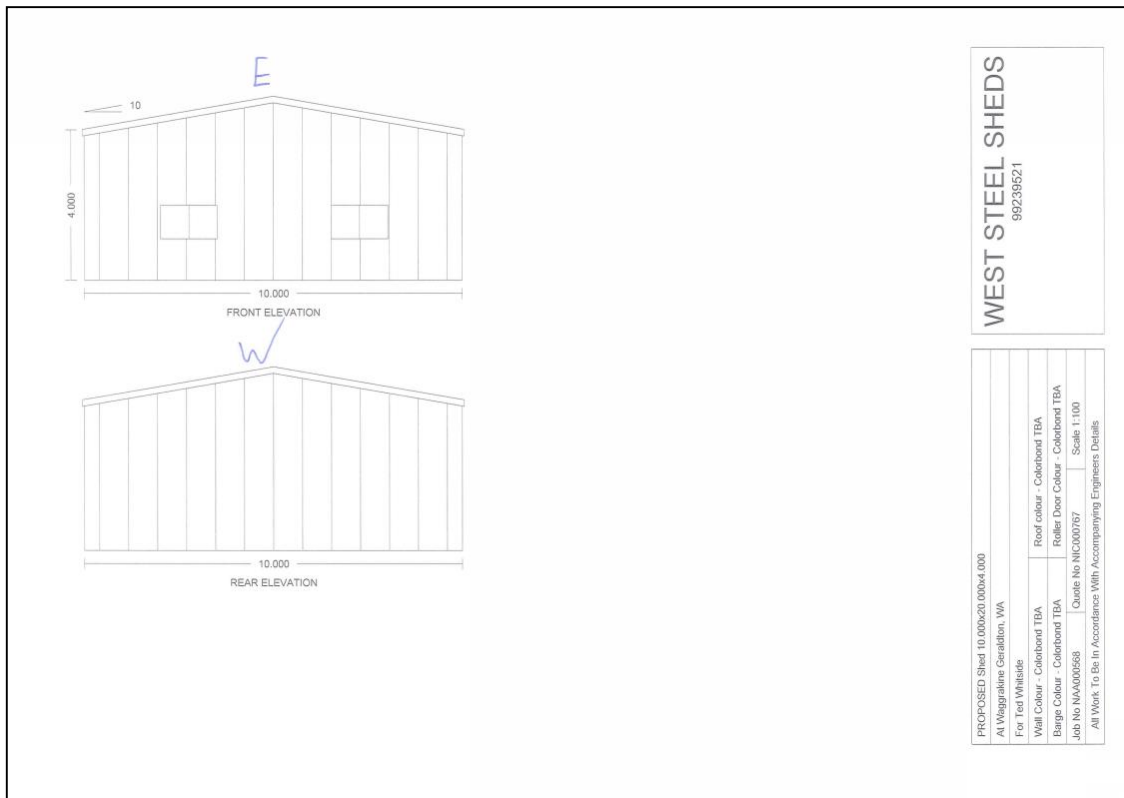
Council stay within the conditions of its town planning policy for outbuildings.

Request landowner to resubmit a new site plan in accordance with Council local planning policy and this be dealt with in accordance with existing delegations.

**Substantive Motion was put
Voting 6/1
CARRIED
Minute Reference: 04/16-5**

Reason for Deviation from Staff Recommendation: Council wants to stay within Policy guidelines & conditions for such developments.







Shire of
Chapman Valley
Love the Rural Life

Record No CR1611579

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: NICOLA & DIANE MASTRANGELO

Postal Address: 90 HACKETT RD WAGGRAKINE WA 6530

Phone Number: 0413314575

SUBMISSION:

☐

Support

☒

Object

☐

Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

PLEASE SEE ATTACHED

Signature: *Nicola & Diane Mastrangelo* Date: 29.3.2016

Please return to:

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

or

ceo@chapmanvalley.wa.gov.au

or

(fax) 9920 5155

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

Submissions Close: 4pm Tuesday 5 April 2016

Development Application Submission.

Re: Objection to Proposed Outbuilding – 74 (Lot 7) Hackett Road, Waggrakine.

I object to the proposal to develop an outbuilding in the location described in Application for Planning Approval at the above address for the following reasons;

Location of Outbuilding

The proposed location of the outbuilding will be in a direct line of sight from the front of our house. It will be clearly visible from our lounge room, bedroom and front verandah. The size of the building and proposed colour will dominate the landscape from the street and from our property and have a negative impact on the amenity of the rural setting.

I believe this alone is contrary to the objectives of your Outbuildings, Planning Policy document which states

- . 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
- . 3.4 To limit the visual impact of outbuildings.
- . 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.

The owner has attempted to use the location of a shed on our property as a precedent. He states in his submission “...the block on the northern side of ours has its’ shed located in the northwest corner”. This cannot be a consideration for council as the shed was built more than 25 years ago, I purchased the property 6 years ago, and as we don’t have any neighbours to the north of us it does not interfere with anyone’s outlook. Further, the shed is half the size of the proposed building and is nestled in amongst trees.

Stated use of Outbuilding

The owner has stated the he intends to use the outbuilding as “a work area and general storage”. I will argue that the outbuilding is going to be used as an industrial shed. The owner is a flooring contractor and has approached me for advice regarding importing procedures as I am a retired Customs Officer and have knowledge of the import process. He told me that he intends to import containers of flooring from China and store the flooring in the shed. If this is to be the case then we will have trucks delivering containers and the container will remain on site while it is being unloaded. There will also be a noise factor with sawing of flooring and timbers.

The fact that the outbuilding will be used for commercial purposes is also contrary to your planning objectives.

Owners reasons for proposed location

The owner has stated in his submission that the proposed location in the northwest corner of his block is the only option. He gives several reasons to justify his submission including future sub-division, lack of room behind his house, they don't want to cut down palm trees, proposed location is close to power and water and close to the driveway.

All his reasons essentially will cause him the least amount of inconvenience and cost and retain value in his property for future sub-division and cause very little change in their rural outlook and lifestyle. Consequently his proposal will have a major negative impact on our lifestyle and rural outlook. It will remove the sight of an ugly building from his view and place it directly in our line of sight. It will remove any noise and movement of trucks away from his house and place them directly in front of our property. If the building goes ahead it will also have a major negative effect on the value and resale potential of our property.

Summary

The owner has shown no consideration to other land owners, in particular us, as the visual impact of the shed will affect us more than other nearby land owners. The size, colour and location of the shed will have a major negative visual impact on the landscape and surrounding area.

Taking into consideration the dimensions of the building and the fact that it is to be located about 100 metres from the owners dwelling it is for all intents and purposes an industrial shed.

The owner also argues that the proposed location will be close to water and power, he has water and power and space close to his dwelling and close to the driveway leading to his house.

We purchased the property to enjoy the semi-rural lifestyle and enjoy the general amenity of the area not to look at an industrial shed. I would have purchased in the light industrial area if I wanted that outlook.

I have attempted to resolve the issue with the owner however I have been met with a negative response therefore I submit this objection for councils consideration. If council or planning officials wish to visit my property to gain a visual appreciation I am happy to receive them.

Thank you for the opportunity to lodge this objection.

Kind regards

 *D. Mastrangelo* 29/3/2016.
Nicola (Colin) Mastrangelo
Mobile; 0413314575 | email; mastrangelo@westnet.com.au
29/3/2016

Diane Mastrangelo



Shire of
Chapman Valley
Love the Rural Life

Record No CR1611599 RECEIVED
31 MAR 2016

1064

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: ROSS & HELEN WILLIAMS

Postal Address: PO BOX 3426 BLUFF POINT 6530

Phone Number: 99382271

SUBMISSION:

☐

Support

☒

Object

☐

Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

We believe all buildings on "acreage" properties should be grouped together so as to minimise disruption to the outlook of the area. We would not like to see everyone in our street erect such a large shed so close to the road and well away from the residential building.

It seems strange to us that the desired position is so far away from the house. Is there an ulterior motive such as commercial use with accompanying noise?

Furthermore, when erecting a residence on a block, people take into account existing buildings so as to maximise

Signature: _____ Date: _____

Please return to:

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

or

cso@chapmanvalley.wa.gov.au

or

(fax) 9920 5155

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

Submissions Close: 4pm Tuesday 5 April 2016



Shire of
Chapman Valley
Love the Rural Life

2084

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING – 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: ROSS & HELEN WILLIAMS

Postal Address: PO BOX 3426 BLUFF POINT 6530

Phone Number: _____

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

the view. Subsequent large sheds if allowed to be built
anywhere on a neighbours block can disrupt this.
We have marked a more appropriate position on the aerial
plan (enclosed) which would be close to the house for
convenience, close to existing plumbing and electrical
connection, minimal removal of vegetation and no disruption
to any neighbours view or the ambience of the area.
Only the configuration of the doors to the shed would have
to be changed.
Should the project be approved, we consider the colour

Signature: _____ Date: _____

Please return to: Chief Executive Officer or cso@chapmanvalley.wa.gov.au
Shire of Chapman Valley
PO Box 1 or (fax) 9920 5155
NABAWA WA 6532

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

Submissions Close: 4pm Tuesday 5 April 2016



Shire of
Chapman Valley
Love the Rural Life

3 of 4

DEVELOPMENT APPLICATION SUBMISSION FORM

Ref: A102

PROPOSED OUTBUILDING - 74 (LOT 7) HACKETT ROAD, WAGGRAKINE

Name: ROSS & HELEN WILLIAMS

Postal Address: PO BOX 3426 BLUFF POINT WA 6530

Phone Number: 99382271

SUBMISSION: ☐ Support ☒ Object ☐ Indifferent

Give in full your comments and any arguments supporting your comments (if insufficient space, please attach additional sheets) -

scheme should be totally "pale eucalypt" so as to blend
into the scenery rather than clash if "classic cream" is
used.

We are at 87 Hackett Rd and 74 is partially opposite us.
although the proposed positioning of the shed would have
minimal effect on us (possible noise excepted) we
object as a matter of principle as outlined above.

R Williams
Signature: M.J. Williams Date: 29-3-2016

Please return to: Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532
or cso@chapmanvalley.wa.gov.au
or (fax) 9920 5155

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

Submissions Close: 4pm Tuesday 5 April 2016



1st April 2016

Chief Executive Officer
Shire of Chapman Valley
PO Box 1
Nabawa, W.A. 6532

Development Application Submission Form.

Re: Proposed Outbuilding – 74 (Lot 7) Hackett Road, Waggrakine.

I object to the proposal to develop an outbuilding in the location described in Application for Planning Approval at the above address for the following reasons;

Location of Outbuilding

The proposed location of the outbuilding is sited forward of the existing residence, which is in direct contradiction to the Shire of Chapman Valley 'Outbuildings' Policy. It will also detract the landscape in this beautiful semi-rural area and it will be in a direct line of sight from the front of my house toward the foot of the Moresby Ranges. The size of the building, at that location, will impact negatively on current residences in the area.

There is sufficient room to locate this shed beside the house which negates the proposer's comments for ease of access to water and power and the need to cut down the palm trees. Also, why would a storage shed and workshop be located so far away from the house? (Is there an ulterior motive for this structure?) I note that the proposer states that the block next door has a shed on the North West corner, but that shed is rather small and it is located next to the water storage area so does not have an impact on any residences in the area.

Thank you for the opportunity to comment on this proposal.

Kind regards

Zbisek "Wog" Slawinski.
Currently from 466 Silver Hill Road, Glaziers Bay, Tas. 7109
From 23rd April 2016 address will be 65 Hackett Road, Waggrakine 6530.
Email: ozewog@yahoo.com
Phone 0417959244

K Jackson, D Mastrangelo & D Mastrangelo left the meeting at 9:28am

Cr Royce entered the meeting at 9:31am

Cr Warr declared an Impartiality Interest in Item 9.3.7 being a MWDC Board Members.

AGENDA ITEM:	9.3.7
SUBJECT:	INTERNET SERVICES – PILOT PROJECT
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	206.05
PREVIOUS REFERENCE:	NIL
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

As mentioned at the March 2016 Concept Forum Session I have recently been working with Nicole Batten, Shire Community Development Officer and the Robert Smallwood from the Mid West Development Commission (MWDC) on developing an application for funding to undertake a pilot project within the Shire of Chapman Valley to improve internet services in an area basically between Waggrakine to Nabawa.

The grant applications to the MWDC's R4R Community Chest Program closes on the 20th May 2016. Subject to Council's determination at the April 2016 OCM a grant application can be lodged by this due date.

COMMENT

The pilot project concept is to locate towers at strategic high points between Waggrakine and Nabawa. These towers will be placed to ensure line-of-sight exists as they need this to be able to communicate with each other and then back-haul to the internet via the optic fibre. This will be similar to the Fixed Wireless NBN service being offered to other areas of the State.

The towers are approximately 5 metres tall and secured to remove any shacking due to the high wind conditions experienced in the area (see **Attachment 1** for example).

The alternative to this Fixed Wireless back-haul setup is the Satellite NBN (SkyMuster) being advocated by the Commonwealth Governments as the NBN solution to remote areas of the country. The satellite NBN service is not being portrayed as satisfactory due to high costs to customer, time lags/delays, minimal capacity, capped download/upload speeds and volumes. Therefore the MWDC is looking to conduct pilot projects for the line-of-sight fixed wireless internet service with the Satellite NBN service being a back-up service only.

The MWDC was keen for the Shire's of Chapman Valley and Northampton to submit a joint application and extend the project along the Northampton Nabawa Road, which would pick up additional constituents in both Shires, therefore enhancing the catchment area and strengthening the grant application. I arranged for the Community Development Officers in both Shires to get together and discuss the options of a joint application with the MWDC. It appears the Shire of Northampton has decided not to participate; however, I am advocating Council proceed with the Waggrakine – Nabawa pilot project anyway.

The technical logistics of the project have been developed with the MWDC and an external ICT expert in this area. I have invited Robert Smallwood, Mid West Digital Economy Strategic Manager with the MWDC, to attend the April 2016 OCM to present information on the project and assist Council with any queries/question.

The intention of the Request for Quotes specifications will be to have a suitably qualified and experienced Internet Service Provider (ISP) to design, cost, construct and install infrastructure to meet the desired service delivery outcomes to the area determined within the specifications. This will remove the need for Council to undertake a more detailed investigation into the technical aspects of the service being requested and places this responsibility back onto the ISP to provide the best possible solution.

The specifications (and the grant application) can be structured in such a way as to stage the project to determine actual costs and therefore affordability before moving to the implementation stage.

Attached to the Report is:

- Attachment 1 - Example of Tower to be installed
- Attachment 2 - Copy of the Survey Monkey put out to the Community;
- Attachment 3 – Map of possible catchment area

STATUTORY ENVIRONMENT

Not applicable

POLICY/PROCEDURE IMPLICATIONS

Nil affect.

FINANCIAL IMPLICATIONS

The maximum grant under the MWDC Community Chest Fund is \$50,000 and with the estimated total project cost being in the vicinity of \$70,000 it is anticipated there will be a request for a cash contribution from Council towards the pilot project in the vicinity of \$20,000. This contribution could be budgeted for in the 2016/2017 financial year as the project is not expected to start (or be completed) in 2015/2016. This will be determined by the closure date of the grants and announcement by the MWDC on the success (or otherwise) of the application.

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

There is nothing specifically mentioned in the LTFP in regards to the improvement of internet services. However; this is part of the Strategic Community Plan and I do not see the contribution being recommended towards the pilot project by Council having a significant impact on the LTFP.

STRATEGIC IMPLICATIONS

The Shire of Chapman Valley has historically been strong on improving telecommunication services to the Shire. This is supported by the recently released MWDC Blue Print, which highlights improved telecommunications as one of the Blue Print's Pillars and a high priority.

It is understood technology will advance rapidly and what is considered state of the art today will be old technology in the near future. However; I do not believe Council and its constituents shouldn't simply wait for technology to come to them, rather we should do everything possible to implement better, improved telecommunications at every opportunity. The proposed pilot project is one of these opportunities.

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

We want to be able to spend our money locally and encourage others to do the same	Develop tourism in the Shire, including cottage industries, caravan park and events
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire
Increase mobile phone coverage and improve power, road and water services	Essential services help us to grow and prosper as a community

CONSULTATION

There has been dialogue over the past few months between the MWDC and Shire staff in regards to developing a robust grant application for the Shire to present to the MWDC seeking funding to establish a pilot project to explore an alternative option to the current NBN rollout of the SkyMuster Satellite broadband service to the more remote areas.

The consultation has also included discussions with an internet service provider to assist with the technical and cost estimate aspects of the project.

Consultation has also occurred with the Shire of Northampton. However; they have opted not to be part of the pilot project.

The grant application would need the support of constituents in the vicinity of the proposed area immediately affected by the proposed location of the towers and a Survey Monkey is being established determine an existing internet service base and seek feedback on participating or subscribing to an internet service, which should provide them with speeds and costs better than what is currently being proposed with the SkyMuster satellite service about to be rolled out. The timing of when to launch the Survey Monkey was debated at length, with the feeling being this should occur immediately and not await the April 2016 OCM determinations as such data would be worthwhile anyway. It was also thought the feedback via the Survey Monkey may assist an application put to the MWDC if this is the approved direction of Council.

RISK ASSESSMENT

The risk I see is the Shire becoming an Internet Service Provider (ISP) as the grant conditions may restrict the Shire from transferring ownership and/or responsibility of the infrastructure to a private commercial organisation for them to be the ISP and owner of the infrastructure. This is a matter I am working with the MWDC on as I do not advocate the Shire becoming an ISP, yet we may become a silent partner with a commercial ISP to provide the service. An arrangement could be structured such that the shire impose a "peppercorn lease" with the chosen service provider for a period of time, which includes provisions for the management, maintenance and necessary upgrades to assets over the course of the lease. This way, the service provider could operate and manage the asset essentially as their own and the shire would be protected from losing the asset in the event that the service provider became insolvent or didn't meet all the requirements of the service to be provided. It would then be up to the shire to determine what sort of arrangement was developed with the service provider chosen to be responsible for ongoing service costs, maintenance, and the like but would be incumbent on the shire to provide insurances, etc.

If the future ownership, operational maintenance aspects of the pilot project and the ongoing recurrent operations of the internet service becomes an issue then I would be inclined to recommend Council remove itself from the pilot project all together and simply focus on improving the internet service to its administration office at Nabawa in isolation.

VOTING REQUIREMENTS

Simple Majority

Cr Forrester left the meeting at 9:58am

Cr Forrester returned to the meeting at 10:02am

COUNCIL RESOLUTION / STAFF RECOMMENDATION

Council:

1. Endorse an application to be submitted to the Mid West Development Commission for the Shire of Chapman Valley to undertake a Pilot Project for the establishment of improved internet services in the Shire of Chapman Valley between Waggrakine and Nabawa;
2. If the grant application is successful quarantine a cash contribution of \$20,000 towards the Pilot Project in the 2016/2017 Budget;
3. If the grant application is successful establish a Working Group to steer the Pilot Project under the following conditions and guidelines:
 - a) Composition of the Working Group:
 - ~ 2 x Elected Members;
Cr Farrell and Cr Collingwood
 - ~ 1 x MWDC representative
 - ~ Chief Executive Officer
 - ~ Manager Finance & Corporate Services

- ~ Community Development Officer
- ~ 1 x community representative (preferably from within the area to be serviced)

b) Purpose and Rules of the Working Group's role and responsibilities:

- ~ Establish Specifications to undertake a "*Request for Quotes*" process seeking suitably qualified and capable Internet Service Provider(s) to design, construct and install the infrastructure to achieve the desired outcomes of the Pilot Project.

The Chief Executive Officer can appoint the successful respondent under the existing Purchasing Policy and Delegated Authority;

- ~ Develop a Draft Agreement between the preferred Internet Service Provider and the Shire of Chapman Valley for areas such as (yet not limited to) the ongoing ownership, maintenance, operational costs, capital upgrades/replacement of the infrastructure, and the ongoing established internet service arrangement to constituents covered by the pilot project area, etc.;
- ~ Assist with steering the project to achieve the desired outcomes, yet not direct staff, contractors, service provider, etc. as this is the role of the Chief Executive Officer;
- ~ The Group will have no delegated authority and cannot commit the Shire of Chapman Valley in any way whatsoever. All decisions not provided to the Chief Executive Officer under delegation must be made by Council;
- ~ The Chief Executive Officer will determine if any variations to the scope of works for the Pilot Project are minor or major. Minor variations, which do not affect the overall budget allocation to the project and do not breach funding agreement conditions, can be dealt with by the Chief Executive Officer.

Any variation considered as being major by the Chief Executive Officer, whether there is an effect on the budget allocated to project and/or breach funding agreement conditions or not, is to be brought back to Council for determination;

**Voting 8/0
CARRIED**

Minute Reference: 04/16-6

Example of type of tower to be installed

ATTACHMENT 1



BETTER INTERNET FOR CHAPMAN VALLEY QUESTIONNAIRE.

1. **How do you currently access the internet?**
 - a. ADSL or ADSL2+
 - b. Dial up connection
 - c. Through my mobile data dongle or modem
 - d. On my smart phone through mobile tower

2. **How would you rate the adequacy of your internet service?**
 - a. Excellent – exceeds what I need it to do
 - b. Inadequate – limited capabilities
 - c. Moderate – it does what I need it to do
 - d. Hopeless – don't even bother

3. **How much do you pay per month for your internet? (both access charge and service)**
 - a. Less than \$50
 - b. \$50 - \$100
 - c. \$100 - \$150
 - d. \$150 - \$200
 - e. \$200 - \$250
 - f. \$250 - \$300
 - g. \$300 - \$350
 - h. \$350+

4. **What is the typical download and upload speed of your internet connection? (If you don't, you can go to www.speedtest.net. And find out.)**
 - a. Less than 1 Mbps
 - b. 1 – 2 Mbps
 - c. 2 – 5 Mbps
 - d. 5 – 10 Mbps
 - e. 10+ Mbps

5. **How would you rate the value for money of your current internet service?**
5 = Excellent, 1 = Terrible

6. **If your connection or speed could be improved, how much time would this save per week?**
 - a. 0 – 2 hours
 - b. 2 – 5 hours
 - c. 5 – 7 hours
 - d. 7 – 10 hours
 - e. 10+ hours

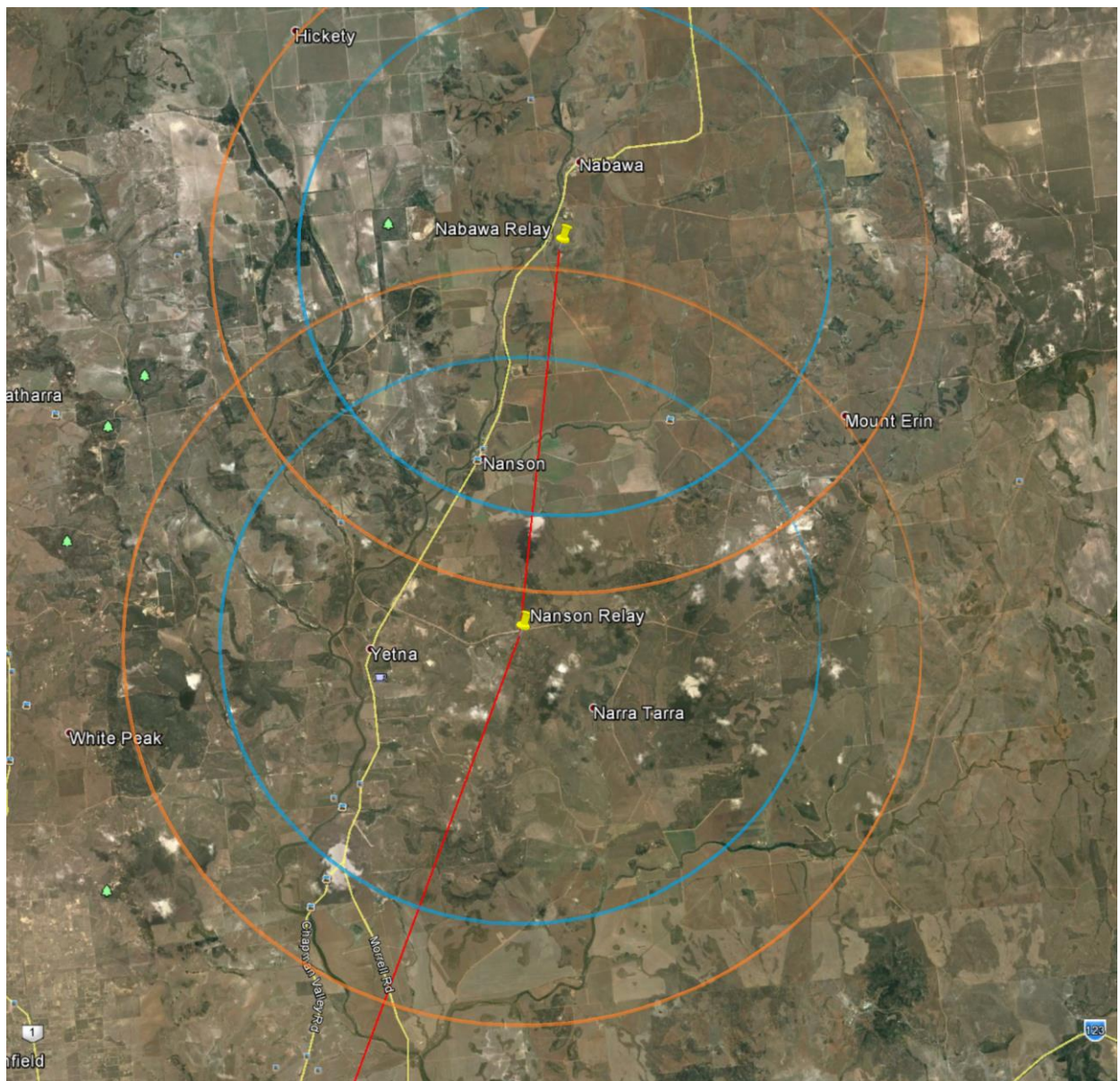
7. **If you could put a dollar figure on the inability, or prolonged time taken, to carry out certain internet activities, what value would you put on this per week?**
 - a. Less than \$100
 - b. \$100 - \$300
 - c. \$300 - \$500
 - d. \$500 - \$700
 - e. \$700 - \$1000
 - f. \$1000+

8. **If new infrastructure was to be piloted in Chapman Valley (as per emailed brief) for the costs described, would you be willing to commit to purchasing this equipment?**
 - a. Yes, bring it on!

- b. No, I don't need better internet as what we have is good enough for the next 10 years or so.
- c. I'll just wait for the nbn satellite and make do with that.
- d. I'm interested, but the cost of the equipment is more than I can afford right now.
- e. Other_____

9. In which Chapman Valley location are you when you mostly access the internet?

- | | | |
|----------------|---------------|----------------|
| a. Buller | b. Dartmoor | c. Dindiloa |
| d. Durawah | e. East Bowes | f. East Nabawa |
| g. East Yuna | h. Eradu | i. Hickety |
| j. Howatharra | k. Marrah | l. Mount Erin |
| m. Nabawa | n. Nanson | o. Naraling |
| p. Narra Tarra | q. Nolba | r. Rockwell |
| s. South Yuna | t. Valentine | u. Waggrakine |
| v. Wandana | w. White Peak | x. Yetna |
| y. Yuna | | |



The above maps is indicative only and individual properties would receive a standard of service subject to their individual locations and line of sight to the towers. However; it is anticipated the properties within the blue circle would receive a good service. Those on the area between the blue & orange circle are should receive a service yet may need larger antennas on their properties.

If there is no line of sight to the transmitter locations, the resident/land holder would need to install a relay of their own, to relay from the transmitter, to their house.

It is important to understand the above transmission area is indicative only at this stage.

The area south west of the Nanson Relay catchment area is currently being covered by the Mt Fairfax relay.

COUNCIL RESOLUTION – ADJOURNMENT

MOVED: CR WOOD

SECONDED: CR MALUISH

Council adjourn the meeting for morning tea break.

Voting 8/0

CARRIED

Minute Reference: 04/16-7

Meeting Adjourned at 10:25am

COUNCIL RESOLUTION – RECONVENED

MOVED: CR WOOD

SECONDED: CR MALUISH

Council reconvene the meeting.

Voting 8/0

CARRIED

Minute Reference: 04/16-8

Meeting Reconvened at 10:39am

9.2 Finance April 2016

Contents

9.2 AGENDA ITEMS

9.2.1 Financial Reports for March 2016

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR MARCH 2016
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	11 APRIL 2016
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 March 2016 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

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

FINANCIAL IMPLICATIONS

As presented in March 2016 financial statements.

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council receives the financial report supplied under separate attachment for the month of March 2016 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

**Voting 8/0
CARRIED**

Minute Reference: 04/16-9

Cr Forrester departed the meeting at 10:49am

9.3

Chief Executive Officer

April 2016

Contents

9.3 AGENDA ITEMS

- 9.3.1 2016/2017 Budget Requests
- 9.3.2 Local Government Elected Members Allowances
- 9.3.3 Building & Disability Services Committee Meeting
- 9.3.4 Roads Infrastructure Committee Meeting
- 9.3.5 Chapman Valley Bushfire Brigades Group Management Advisory Committee Meeting
- 9.3.6 Honour Awards
- 9.3.7 Internet Services – Pilot Project
- 9.3.8 Chapman Valley Agricultural Society – Grant Request
- 9.3.9 Chapman Valley Online Platform & Brand Refresh Project
- 9.3.10 Shire of Chapman Valley Repeal of Defunct and Obsolete Local Laws
- 9.3.11 Shire of Chapman Valley Standing Orders Local Law 2016
- 9.3.12 Shire of Chapman Valley Activities on Thoroughfares and Public Places and Trading Local Laws 2016
- 9.3.13 Shire of Chapman Valley Dogs Local Law 2016

AGENDA ITEM:	9.3.1
SUBJECT:	2016/2017 BUDGET REQUESTS
PROPONENT:	CRS MALUISH & CV P&C ASSOCIATION
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	NIL
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Councillors were requested to submit any budget requests for the forthcoming budget by the 1st April.

COMMENT

Cr Maluish has submitted requests for 2016/2017 Budget consideration (request attached). Cr Maluish may wish to add to his submission and/or the comments on this report.

Correspondence has also been received from the Chapman Valley Parents & Citizens Association (CVPC) requesting a budget allocation of \$500 be considered as a Shire contribution to help cover some of the costs of the Community Christmas Tree (correspondence attached).

Below is a summary of the budget request received from Cr Maluish:

	Item	Estimated Costs	Comments
1	Bill Hemsley Park	\$100,000	Carry-over the unused amount of the \$100,000 allocated in 2015/2016 Budget. <i>Staff Comment – At this stage it is not expected much (if any) of the \$100,000 Shire allocation in 2015/2016 for this project will be used.</i>
2	Parkfalls Estate Improvement Plan.	\$100,000	Carry-over the unused amount of the \$100,000 allocated in 2015/2016 Budget. <i>Staff Comment – At this stage it is hoped the verge works within the Parkfalls Estate will be completed by 30/6/16. However; the Draft 2016/2017 Roadworks Program has indicated an amount of approximately \$147,000 to undertake this work.</i>
3	Bill Hemsley Park	\$50,000	Contingency in lieu of Parkfalls Estate Improvement Plan. <i>Staff Comment – I am assuming this item is only to be considered if Item 2 above is not included in the 16/17 budget.</i>
4	Bill Hemsley Park Building	\$32,200 <i>(Note: approx.. amount listed in submission of \$50,000. Estimated amount by Architect is approx.. \$32,200)</i>	If Office included in proposed building this amount be taken from the Building Reserve. <i>Staff Comment – This is supported as the Office would be predominantly for Shire use and was an item added to the original concept plan for this building. This will also remove the need for the Shire to continue with the Shop Front facility in the Geraldton CBD area.</i>

5	Elected Members Allowance	<p>\$72,000</p> <p><i>(Note: Actual cost of Annual Fee based on the most recent SAT determination would be \$83,945).</i></p>	<p>Annual Fee in lieu of Meeting Fees.</p> <p><u>Staff Comment</u> – The actual amount is set by the Salaries & Allowance Tribunal (SAT) and is reviewed annually by SAT.</p> <p>Last year's SAT determination set the Annual Allowance in lieu of Meeting Attendance Fees as being:</p> <table><thead><tr><th></th><th>Minimum</th><th>Maximum</th></tr></thead><tbody><tr><td>Shire President</td><td>\$3,500</td><td>\$19,055</td></tr><tr><td>Councillor</td><td>\$3,500</td><td>\$9,270</td></tr></tbody></table> <p>I am assuming Cr Maluish was simply estimated his budget request amount on the maximum Fee being paid to all Councillors, yet was not aware of the higher amount paid to the President?</p>		Minimum	Maximum	Shire President	\$3,500	\$19,055	Councillor	\$3,500	\$9,270
	Minimum	Maximum										
Shire President	\$3,500	\$19,055										
Councillor	\$3,500	\$9,270										

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

No policy affected

FINANCIAL IMPLICATIONS

As previously mentioned, the Building Reserve Fund has a specific purpose, which may accommodate some, yet not all aspect of the Bill Hemsley Park Concept Plan.

Council did budget a contribution of \$100,000 from the Municipal Fund in the 2015/2016 Budget. However, it is not anticipated this will be used this financial year due to the timeframe involved with finalizing the Concept Plan and seeking grant funding from external organisations.

In regards to the move away from the meeting attendance fees to an annual fee paid in lieu for Elected Members, I fully support this request as it removes any ambiguity and legislative interpretations on the eligibility for payment of meeting attendance fees. However; I am recommending this matter be dealt with separately and form part of the annual review of Elected Members Allowance, rather than here.

• Long Term Financial Plan (LTFP):

Council's existing LTFP and Capital Building Program has the Bill Hemsley Park development listed. Therefore the budget request for this particular item is consistent with these forward planning documents.

STRATEGIC IMPLICATIONS

Establishment of items in the Bill Hemsley Park was always dependent on the Concept Plan being finalised and endorsed by Council. This has now been achieved. However; there is still no guarantees all the aspects of the plan will automatically be implemented as this will obviously be subject to funding availability and Council endorsement to implement aspects of the Concept Plan.

• Strategic Community Plan/Corporate Business Plan:

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

CONSULTATION

The Budget process includes Committee meetings (e.g. Building, Roads) and consultation with Elected Members & Staff to establish a Draft Budget for Council consideration.

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

RISK ASSESSMENT

The IPR process is designed to assist the local government with decision making on items included (or not) in annual Budgets as these strategic plans should identify the long term affordability of major expenditure items.

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR WARR

1. Council allocates the following items into the Draft 2016/2017 Budget for further consideration:

	Item	Estimated Costs	Comments
1	Bill Hemsley Park.	\$100,000	Carry-over the unused amount of the \$100,000 allocated in 2015/2016 Budget.
2	Bill Hemsley Park Building.	\$32,200	If Office included in proposed building at Bill Hemsley Park then this amount be taken from the Building Reserve.

2. Council not include the following items as requested:

1	Bill Hemsley Park.	\$50,000	Contingency in lieu of Parkfalls Estate Improvement Plan.
2	Parkfalls Estate Improvement Plan.	\$100,000	Carry-over the unused amount of the \$100,000 allocated in 2015/2016 Budget. This will be dealt with as part of the Road Infrastructure Committee recommendations made to Council and will be treating in accordance with the conditions set by Council for road funding allocations.
3	Elected Members Annual Fee in lieu of Meeting Attendance Fees.	Maximum Fee set by SAT.	To be dealt with at a separate Agenda Item when determining all Elected Member's Allowances.
4	CVPC Christmas Tree Event.	\$500	Advise CVPC to apply for funding assistance through the Community Growth Fund process for their event.

AMENDMENT

MOVED: CR WOOD

SECONDED: CR MALUISH

Remove mention of \$100,000 figure mentioned in item 2.2.

**The Amendment was put
Voting 6/1
CARRIED
Minute Reference: 04/16-10**

The Amendment became the Substantive Motion

**The Substantive Motion was put
Voting 7/0
CARRIED
Minute Reference: 04/16-11**

Reason for Deviation from Staff Recommendation: Council want the \$100,000 figure mentioned in Item 2.2 of the Staff Recommendation removed as is not reflective of the actual budgeted amount.

**2016/2017 Annual Budget
Councillor Requests**

[illegible]

Chapman Valley P&C Assoc. Inc

P.O Box 28
NABAWA WA 6532

ABN: 90 515 679 536

18th March 2016

Shire of Chapman Valley
C/- Post Office
NABAWA WA 6532

To Whom It May Concern,

Re: Community Christmas Party

On behalf of the Chapman Valley Parents & Citizens Association, we would like to request that the amount of \$500 be added to the budget to help cover some of the costs involved in the "Community" Christmas Party.

Following on from a meeting with the Chief Executive Officer last week, the P&C have been running the community party for quite a few years yet no formal arrangement has ever been entered into. Whilst the "parents" and/or "members" of the P&C are still happy to organize the event and have even gone to the expense of buying a new Christmas Tree last year, we are unable to fully fund the event every year as the money we raise (under our guidelines by WASCCO) should only be used for the benefit of the children at Chapman Valley Primary School.

Due to this issue we are requesting that the Shire contribute or make provision in your budget for \$500 per year to go towards the costs of the Community Christmas Party.

Please do not hesitate to contact me to discuss this matter further if required.

Yours Sincerely,



Christine Philippa
Secretary
Chapman Valley Primary School P&C Association

AGENDA ITEM:	9.3.2
SUBJECT:	LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.04
PREVIOUS REFERENCE:	NA
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

At the time of writing this Report the WASAT determination for 2016/2017 had not been received. However, it is not anticipated there will be any significant changes to the fees set in the previous year.

COMMENT

Council Meeting Attendance Fees:

The 2015/2016 Council Meeting Attendance Fees were set at the maximum amounts of:

- ~ President \$477 per meeting;
- ~ Councillors \$232 “ “

Below is the range set by the WASAT with their 15/16 determination was:

	Minimum	Maximum
Shire President	\$88	\$477
Councillor	\$88	\$232

Committee Meeting Attendance Fees:

The 2015/2016 Council Meeting Attendance Fees were set at the maximum amounts of:

- ~ President \$113 per meeting;
- ~ Councillors \$113 “ “

Below is the range set by the WASAT with their 15/16 determination was:

	Minimum	Maximum
Shire President	\$44	\$116
Councillor	\$44	\$116

Annual Attendance fees in lieu of Council meeting fees above

Council has opted for the Meeting Attendance Fees instead of the Annual Attendance Fee in lieu of these payments per meeting. However, for Council information, below is the 15/16 range set by the WASAT:

	Minimum	Maximum
Shire President	\$3,500	\$19,055
Councillor	\$3,500	\$9,270

Annual President and Deputy President Allowances

The 2015/2016 President and Deputy President Allowances were set at amounts of:

- ~ President \$6,426 per annum; &
- ~ Deputy President \$1,606 per annum (i.e. 25% of President Allowance)

Below is the range set by the WASAT with their 14/15 determination was:

	Minimum	Maximum
Shire President	\$500	\$19,570 (based on 0.2% of operating revenue as a maximum)
Dep. Shire Pres (25%)	\$125	\$4,892

Based on the maximum President Allowance being \$19,570 or 0.2% of the previous years' operating revenue (i.e. 14/15 Op. Revenue was \$4,946,429) whichever the lesser amount, the maximum to be paid in 16/17 is as follows:

- Presidents Allowance - $\$4,946,429 \times 0.2\% =$ \$9,892.85; and
- Deputy President Allowance - 25% of President Allowance = \$2,473.21

Information and Communication Technology (ICT) Annual allowance for expenses (s5.99A(b) reg 32(1))

The 2014/2015 ICT annual allowance was set at the following amount:

- ~ All **Councillors** \$1,000 per annum;

Below is the range set by the WASAT with their 14/15 determination was:

	Minimum	Maximum
All Councillors	\$500	\$3,500

STATUTORY ENVIRONMENT

Local Government Act 1995
Salaries and Allowances Act 1975

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

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

Nil effect on the LTFP

STRATEGIC IMPLICATIONS

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

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

No effect on integrated planning for the Shire.

CONSULTATION

A Budget Request has been received from Cr Maluish for Council to move away from the current Meeting Attendance Fee to an Annual Attendance Fee in lieu of these payments per meeting. This is reflected in the Staff Recommendation below.

RISK ASSESSMENT

No risk associated with this Agenda item.

FINANCIAL IMPLICATIONS

The 2016/2017 Draft Budget allocations will be set as per the Staff Recommendation; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2016/2017 Budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR MALUISH

SECONDED: CR WOOD

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

- i. Annual Attendance Fee be paid in lieu of Meeting Attendance Fee for the President & Councillors and be set at the maximum amount legislated by the *Western Australian Salaries and Allowances Tribunal* in their 2016 determination;
- ii. President's Annual Allowance to be set at the maximum amount as legislated by the *Western Australian Salaries and Allowances Tribunal* in their 2016 determination; and
- iii. Deputy Annual Presidents Allowance - Set at 25% of the President Allowance.
- iv. Information and Communication Technology Annual allowance for expenses be set at \$1,000 for all Councillors;

**Voting 5/2
CARRIED**

Minute Reference: 04/16-12

AGENDA ITEM:	9.3.3
SUBJECT:	BUILDING & DISABILITY SERVICES COMMITTEE MEETING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	VARIOUS SITES
FILE REFERENCE:	801.00
PREVIOUS REFERENCE:	NIL
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Building & Disability Services Committee met on the 10th March 2016 for the Annual Inspection of Councils buildings followed by the Committee meeting in the Council Chambers Nabawa.

The unconfirmed minutes of the meeting have been provided under separate cover for Council reference and information

COMMENT

The minutes and recommendations from the Building & Disability Services Committee meeting are presented for Council consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

The following Polices/Procedures affect buildings under the management and control of the Shire:

MANAGEMENT PROCEDURE No.	CMP-006
MANAGEMENT PROCEDURE	BUILDING AND DISABILITY SERVICES COMMITTEE
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	BUILDING SURVEYOR/PROJECTS OFFICER
PREVIOUS POLICY No.	4.10
RELEVANT DELEGATIONS	

OBJECTIVES:

Develop a structured approach to inspection and evaluating building and disability services and access for all building under the ownership and control; of the Shire of Chapman Valley.

MANAGEMENT	PROCEDURE	STATEMENT/S:
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Building inspections in regard to maintenance will be held by March/April each year. Report and recommendations will be presented to Council meeting so that estimates can be included in Budget preparations. Council's Building Surveyor is to be involved in such inspections together with committee members for Council's properties.

Tenants of Council residential buildings will be advised at least 72 hours prior to the time of the impending inspection.

Yuna Hall Committee, Nanson Historical Society, Sporting Clubs, Chapman Valley Agricultural Society Committee and all other relevant users of Council controlled buildings are to be invited to either attend site visits of the building relevant to them or provide Council with items of concern they may have.

MANAGEMENT PROCEDURE No.	CMP-007
MANAGEMENT PROCEDURE	NABAWA AND YUNA TENNIS CLUB
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	BUILDING SURVEYOR/PROJECTS OFFICER
PREVIOUS POLICY No.	4.20
RELEVANT DELEGATIONS	

OBJECTIVES:

Clarify the responsibilities of the various clubs & organisation and the Shire of Chapman Valley in regards to the use of building and facilities at the Nabawa & Yuna Tennis Club precincts.

MANAGEMENT PROCEDURE STATEMENT/S:

CARE, CONTROL AND MANAGEMENT

- (a) Tennis Club to be responsible for care and maintenance of the playing surface and surrounding fences.
- (b) Tennis Club to be responsible for nets, poles and the painting of lines etc.
- (c) The Tennis Club to have first call on the use of the courts at all times.
- (d) School children are allowed to use the courts, free of charge, during school hours whilst under proper supervision when courts are not required for the Tennis Club.
- (e) The residents of the Shire are able to use the courts when not required by the Tennis Club Members.
- (f) Club may charge hire for the use of its own equipment to local organisations but not for the use of the courts.
- (g) Anybody outside the district wishing to hire the courts must apply to the Shire.
- (h) Tennis Club is responsible for the cleaning of club house, viewing areas, etc.

MANAGEMENT PROCEDURE No.	CMP-008
MANAGEMENT PROCEDURE	COMMUNITY CENTRE CROCKERY
RESPONSIBLE DIRECTORATE	LAND & BUILDING
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.30
RELEVANT DELEGATIONS	

OBJECTIVES:

Control the access and use of Shire owed crockery at the Nabawa Community Centre.

MANAGEMENT PROCEDURE STATEMENT/S:

The Community Centre crockery is not available for hire or use other than for functions held at the Community Centre, except where the Chief Executive Officer has granted approval for such hire.

MANAGEMENT PROCEDURE No.	CMP-010
MANAGEMENT PROCEDURE	COMMUNITY CENTRE / SPORTING COMPLEX / NABAWA HALL HIRE CONDITIONS
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.40
RELEVANT DELEGATIONS	

OBJECTIVES:

Clarify the responsibilities of the various clubs & organisation and the Shire of Chapman Valley in regards to the use of Nabawa Community Centre, Sporting Complex and Hall.

MANAGEMENT PROCEDURE STATEMENT/S:

1. All hire charges must be paid at the Shire Office before keys will be issued.
2. Keys issued under the Non-Cut Key System to Clubs or community organisations will require a bond to be paid prior to issue. Bond will be an amount equivalent to the cost to replace/adjust locks and cut new key(s) in the event of loss. If a key(s) is lost, the relevant lock(s) will have to be renewed and the actual cost of this replacement will be the responsibility of the hirer. Keys issued to Clubs or community organisations must be returned to the Shire Office at the end of their season.
3. It is the responsibility of the hirer to ensure the conduct of the persons present at the time of their function is orderly.
4. It is illegal to consume liquor on any part of the building and grounds without the prior written approval of the Council. An additional licence must be obtained from the Police for the sale of liquor.
5. The cleaning of all facilities used is the responsibility of the hirer, however if the premises have been left in an untidy state and Council is required to clean them, costs involved in such cleaning will be payable by the hirer.
If any items used (e.g.: barbecues, etc.) are left in an unsatisfactory condition, the Hirer will be requested to carry out the necessary cleaning or repairs to such items to the satisfaction of the Chief Executive Officer.
If in the event that any specific Hirer refuses to undertake the necessary cleaning and/or repairs required as specified, then Council Staff will carry out this work and an appropriate charge specified by the Chief Executive Officer will be forwarded to the Hirer.
Any future use of such items by the specific Hirer will require a bond to be deposited with Council prior to use.
This bond will be set by Council at the time fees and charges are set annually and will not be refunded until the items have been returned in a satisfactory condition.
6. Ensure all lights, including lights on the oval, are turned off after function. Penalty may be imposed if lights left on.
7. No spiked shoes or boots or the like to be worn in any part of the building except the two main change rooms and public toilets.
8. Crockery and Cutlery Hire
Breakages and losses - the cost of all replacements is the responsibility of the hirer.
9. Furniture
Tables or chairs are not to be removed from the building unless with the prior approval of the CEO. All tables and chairs must be stacked in an orderly manner and not left out after the event.
Furniture must not be dragged across floors.
10. The building must be left locked up and with all lights switched off.
11. Exemption to hall hire charge
The Chapman Valley Parents and Citizens Association is exempt from paying hall hire charges at the Nabawa Community Centre for the following events: -
 - Annual Christmas Tree
 - Annual quiz night
 - School Presentation night.Footnote – Community Newspaper Group “Valley Vibes” are exempt from paying hire charges for the “clinic” room at the Community Centre.
12. When alcohol is to be consumed on the premises, a refundable bond, in accordance with that set annually by Council, is to be collected from hirers of this facility. The Chief Executive Officer has the authority to impose or waive this charge on any hirer, regardless of whether alcohol is consumed or not.

MANAGEMENT PROCEDURE No.	CMP-011
MANAGEMENT PROCEDURE	NABAWA OVAL ARENA FENCE
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER

PREVIOUS POLICY No.	4.50
RELEVANT DELEGATIONS	

OBJECTIVES:

Control the access to and use & Maintenance of the arena perimeter fencing at the Nabawa Sports ground oval.

MANAGEMENT PROCEDURE STATEMENT/S:

The Football Club is responsible for maintaining the Nabawa oval arena fence as they receive the revenue from the arena advertising.

MANAGEMENT PROCEDURE No.	CMP-009
MANAGEMENT PROCEDURE	COMMUNITY CENTRE FURNITURE
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.60
RELEVANT DELEGATIONS	

OBJECTIVES:

Control the access and use of Shire owed furniture at the Nabawa Community Centre.

MANAGEMENT PROCEDURE STATEMENT/S:

Council hires its tables and chairs to local organisations on the understanding that the hirer will be responsible for loss or breakages.

Hall hirers to have precedence for the use of the tables and chairs

The Chief Executive Officer has the discretionary power to approve or disallow any such relocation of Council owned tables and chairs.

MANAGEMENT PROCEDURE No.	CMP-012
MANAGEMENT PROCEDURE	NANSON SHOW GROUNDS – ANNUAL CHAPMAN VALLEY SHOW
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.70
RELEVANT DELEGATIONS	

OBJECTIVES:

Ensure adequate and timely assistance is provided to the Chapman Valley Agricultural Society for the preparation of the annual Chapman Valley Agricultural Show at the Nanson Showgrounds.

MANAGEMENT PROCEDURE STATEMENT/S:

The following Operational Procedure is to be followed for the preparation of the Nanson Show Grounds for the Annual Chapman Valley Agricultural Show:

TIME FRAME	OPERATIONAL PROCEDURE		OFFICER RESPONSIBLE
1 month prior to show	1.	Spray winter weeds along road verge and on the grounds for star thistle, roly poly and walkaway bur	Senior Ranger
2 weeks prior to show	2.	Check all buildings for maintenance to be completed	Building Surveyor
	3.	Mow surrounds, car parks and whipper snipper around buildings and fences	Works Supervisor
	4.	Assist with the hosing out of the Hall – 2 weeks before the Show.	Building Surveyor / Senior Ranger
	5.	Grade firebreaks around Nanson Show Grounds – September.	Works Supervisor
1 week prior to show	6.	Contact show secretary and offer council staff for setting up the show – Monday before the show.	Works Supervisor
	7.	Cartage of 100 chairs from the Community Centre to the dining room – Tuesday before the show	Works Supervisor
	8.	Grade and water roads, parking areas, walkways and entrances into Nanson Show Grounds – Tuesday before the show.	Works Supervisor
	9.	Check the toilets and tanks for maintenance – Wednesday before the show and 1 week prior to Merino Stud Breeders Show.	Building Surveyor
	10.	Deliver rubbish bins, rubbish crate and recycling bins to Nanson Show Grounds – Friday before the show.	Works Supervisor
	11.	Fire truck – Ensure available with volunteer on the show day – wet down dusty areas.	Building Surveyor / Senior Ranger
	12.	Contact the cleaners to have the toilets cleaned twice throughout the show day & ensure enough hand towels, toilet rolls etc.	Admin Manager
	13.	Create 'No Parking' signs day before show and post along Chapman Valley Road on the day of the show.	Works Supervisor
2 days prior to show	14.	Mow surrounds, car parks and whipper snipper around buildings and fences – 2 weeks prior and 2 days prior to the show	Works Supervisor
	15.	Grade McCagh Road to Mt Erin-Nabawa Road	Works Supervisor

MANAGEMENT PROCEDURE No.	CMP-013
MANAGEMENT PROCEDURE	CHANGE ROOMS – CHAPMAN VALLEY FOOTBALL
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.80
RELEVANT DELEGATIONS	

OBJECTIVES:

Clarify the responsibilities of the Chapman Valley Football Club and the Shire of Chapman Valley in regards to the use of Nabawa Sporting Complex change rooms.

MANAGEMENT PROCEDURE STATEMENT/S:

1. Club to be responsible for any damage to the premises, which may occur when being used by them.
2. Approval must be granted by Council before any structural alterations take place to the building.
3. Club will be permitted to lock up the clubrooms for their own use and be responsible for their cleanliness etc. Other organisations to be permitted the use of the room by agreement subject to them paying for any damage and leaving the premises clean.
4. Club to be responsible for leaving the change rooms, kitchen, upstairs function room, toilets, viewing area etc.; clean after every use by them, including training nights. Rubbish caused by everyday use to be their responsibility. Internal litterbins must be emptied into outside bins or trailer after use.

5. Council to hand over buildings in a clean and tidy state at the start of the season and must be returned the same way.
6. Ensure all building and oval lights are turned off after function. Penalty may be imposed if lights left on.

MANAGEMENT PROCEDURE No.	CMP-014
MANAGEMENT PROCEDURE	<i>SPORTS GROUND</i>
RESPONSIBLE DIRECTORATE	WORKS & SERVICES
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.90
RELEVANT DELEGATIONS	

OBJECTIVES:

Protect the playing surface of the Nabawa Sporting Complex oval.

MANAGEMENT PROCEDURE STATEMENT/S:

The area defined for the sports oval be used solely for the purpose of pedestrian team sports

MANAGEMENT PROCEDURE No.	CMP-015
MANAGEMENT PROCEDURE	COUNCIL HOUSING / BUILDINGS
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	BUILDING & PROJECTS
PREVIOUS POLICY No.	4.100
RELEVANT DELEGATIONS	

OBJECTIVES:

Outline the requirements for the lease/rental of Shire owned residential properties.

MANAGEMENT PROCEDURE STATEMENT/S:

Bond

A bond is to be imposed upon all new tenants renting Council houses with the amount being that as set by the current year's budget. The bond amounts are to be set for both Council employees and private tenants and reviewed annually. This bond is to be forwarded to the appropriate organisation to be held in trust in accordance with legislative requirements.

Council employee tenants are to be given the option of paying the bond amount by instalment deductions from their fortnightly pay.

Residential Tenancies Act 1987

Council adopts the "Standard Residential Tenancy Agreement" guidelines for all future tenants with the following additional conditions:

- (i) The tenant will be in breach of a term of his Agreement if his/her employment with the Chapman Valley Shire Council ceases for any reason.
- (ii) All persons occupying Council owned houses are to complete and sign tenancy agreements.
- (iii) Houses may be allocated to various staff positions.
- (iv) It is the responsibility of the tenant to ensure the gardens, yard and house surrounds are kept in a neat and tidy condition and lawns and gardens not be let to die or deteriorate.
- (v) If applicable it is the responsibility of the tenant to maintain the swimming pool located at the premises and ensure all isolation fencing complies with legislation.

MANAGEMENT PROCEDURE No.	CMP-018
MANAGEMENT PROCEDURE	CHAPMAN VALLEY HISTORICAL SOCIETY
RESPONSIBLE DIRECTORATE	ADMINISTRATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.140
RELEVANT DELEGATIONS	

OBJECTIVES:

Clarify use of land upon which the Chapman Valley Historical Society is placed.

MANAGEMENT PROCEDURE STATEMENT/S:

Be granted the use of Lot 500 East Terrace, Nanson (Reserve 13226) and the structures upon it.

FINANCIAL IMPLICATIONS

Recommendations coming out of the Committee meeting will be presented to Council for consideration for allocation into the forthcoming and future draft budgets.

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

The *Five Year Building Program* will also have an effect on the Shire's Integrated Planning and Reporting, which sets Councils future long term direction and planning.

STRATEGIC IMPLICATIONS

It is important for Council to have a strategic approach to managing all its assets, which included buildings.

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

We want to strengthen our community's position for the future	Maintain a resilient and independent Shire	Provide and maintain offices, housing and other buildings and facilities for the operation of the Shire
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VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / COMMITTEE RECOMMENDATIONS

MOVED: CR FARRELL

SECONDED: CR WARR

Council receive the Minutes of the Building & Disability Services Committee and endorse the recommendations within i.e.

Recommendation 1 - Review of Operating Building Maintenance Program

Council consider the following amendments to the existing Operating Building Maintenance Program:

- Yuna Hall
 - Toilet block paint and gutter on library
 - Remount fire extinguisher
 - Flyscreen door on kitchen
 - Change lock to library to restricted system
 - Replace blind panels in library
- Yuna Community Centre
 - CABY install cupboards in kitchen and soundboards at their cost

- Run tiles up to hand dryers in both male and female toilets
- Shire Depot
 - Advertise the fire shed for disposal
- Shire house – Lot 23 Chapman Valley Road, Yuna - Subject to possible disposal of asset
 - Fix or replace toilet
 - Replace roller door to shed
- Community Centre
 - Continue replacement gutters
- Pre-school
 - Remove swings and tyres. re-establish lawn
- Nabawa Recreation Centre
 - Replace whirly bird in basketball stadium and roof sheet middle of building
 - Industrial marine carpet to timekeepers box
 - Purchase 15 trestle tables and 50 chairs for bar area
 - Request CVFC replace grate and repair hole in ceiling and cornice in training rooms as per Management Procedure CMP-013
 - Offer old Goal posts to CVFC to use as flag poles adjacent to scoreboard installed to the satisfaction of the Building Officer.
 - Upgrade retic pipe to oval to blueline
- Nabawa Depot
 - Replace guttering on gardener shed front & rear plus move downpipe
 - Tidy up around gardener shed
 - Replace pit grate
 - Slope in Maintenance shed – paint hazard stripe
- Shire Office
 - Air conditioners to 4 offices
 - Blinds to Chamber windows
 - Repair to Exit signs throughout building
 - Fire extinguisher increase maintenance costs as per requirements
 - Patio over table and paint table and chairs
 - Upgrade signage on entry statements to office precinct
- Cemetery
 - Fencing around unmarked grave
 - Fencing on south side of car park to be replaced
- Historical Society Grounds
 - Upgrade power board
 - Prune trees on East Terrace
 - Possum proof roof in Road Board Building
 - Vaughan Shields shed roof needs requires sealing down middle (CVHS agreed to do)
 - Repair front door to main Exhibition Hall
 - Acknowledge the Anzac structure and path (fully funded by CVHS) – await for application
- Coronation Beach
 - Fencing
 - Signage

Recommendation 2 - Review of Capital Building Works Program

Council consider the following amendments to the existing 5 Year - Capital Building Works Program.

- Move CEO house to year 2020-2021
- Bring in Office extension to 2016-2017
- Remove \$100,000 depot shed from 2016-2017

- Nanson Showground Pavilion - replace roof sheeting 2020-2021 (grant and external funding reliant)

Recommendation 3 – Future of Yuna Hall

Council to undertake public consultation (e.g. public meeting or survey) with residents as to the long term future of the Yuna Hall.

Recommendation 4 – Residential Property - 7058 Chapman Valley Road, Yuna and 3270 Chapman Valley Road, Nabawa

The Shire owned properties at 7058 Chapman Valley Road, Yuna and 3270 Chapman Valley Road, Nabawa be listed for sale once vacated by current tenants.

Recommendation 5 - Review of Disability Access & Inclusion Plan

Council endorse the Shire's Disability Access Inclusion Plan (DAIP) as presented without change.

**Voting 7/0
CARRIED
Minute Reference: 04/16-13**

AGENDA ITEM:	9.3.4
SUBJECT:	ROADS INFRASTRUCTURE COMMITTEE MEETING
PROPONENT:	ROADS INFRASTRUCTURE COMMITTEE
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1021.00
PREVIOUS REFERENCE:	N/A
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Road Infrastructure Committee met on the 18th March 2016 to review:

- ~ Road Works Program;
- ~ Road Hierarchy;
- ~ Heavy Haulage Vehicle Permit Roads; and
- ~ Review the plant replacement program

The Minutes of the Committee Meeting, which includes Committee Recommendations is provided under separate cover.

COMMENT

Determination from the Road Infrastructure Committee will form recommendations to Council for consideration and endorsement for allocation of funding and resources to the forthcoming Draft Budget.

Rather than repeat the content of the Committee Meeting in this report I refer Councillors to these Minutes and welcome any comments/questions.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

As stated in the Road Infrastructure Committee Minutes, various Policies and Procedures affect the decision making process. These Policies and Procedures were taken into account during the Committee's deliberations.

FINANCIAL IMPLICATIONS

Road works is the largest income and expenditure component of the Shires operations, which makes it important to ensure the limited resources made available by grants and those allocated by Council to this function are maximised, whilst remaining conscious of the need to ensure road infrastructure maintenance is also preserved.

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

The Proposed 2016/2017 Road Works Program, Ten Year Road Works Program and Plant Replacement Program have been structured in a way to complement the LTFP. However; the Annual Budget can vary the amounts shown in the LTFP due to these Programs being more detailed.

STRATEGIC IMPLICATIONS

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

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

E. Minor Access Roads

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

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

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

Consultation occurred with the Shire's Manager Works and Services (Esky Kelly), Leading Hand (Marty Elks) and Greenfield Technical Services (consultant Engineer) when developing the proposed road works program.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION

Council receive the Road Infrastructure Committee minutes and endorse the recommendations within i.e.

Recommendation 1

Council endorse the *10 Year Road Works Program – 2016/2017 to 2025/2026* as presented with the inclusion of investigative work on the extension of proposed seal of the blackspot project on Olsen Road and this Plan be used as a basis for resource allocation into the Draft 2016/2017 Budget with the understanding there will be projects scheduled for 2015/2016, which will need to be carried-over and completed in 2016/2017.

Recommendation 2

Council endorses the *Road Hierarchy Policy (IP-006)* as presented with the inclusion of estate roads not listed.

Recommendation 3

Council clarify with Main Roads HVO existing road train routes and conditions they impose on Shire roads and this item be bought back to Council for consideration.

Recommendation 4

Council endorses the Proposed Plant Replacement Program as presented with the following variations:

- Second hand low loader for 2016/2017
- Building Surveyors utility reinstate weld body prior to trade and retain drop side tray for 2016/2017
- Investigate the possibility of acquiring or hiring a crusher for the shire only or on a regional use basis in the future

and request the Chief Executive Officer use this Plan as a basis for resources to be allocated in the forthcoming budget.

COUNCIL RESOLUTION

MOVED: CRMALUISH

SECONDED: CR WOOD

Council receive the Road Infrastructure Committee minutes and endorse the recommendations within i.e.

Recommendation 1

Council endorse the *10 Year Road Works Program – 2016/2017 to 2025/2026* as presented:

- ~ with the inclusion of investigative work on the extension of proposed seal of the blackspot project on Olsen Road; and
- ~ the wording of works to be undertaken in the Parkfalls Estate be read "*Parkfalls Estate Gravel Shoulder Improvements/Bill Hemsley Park In-House Earthworks*".

this Plan be used as a basis for resource allocation into the Draft 2016/2017 Budget with the understanding there will be projects scheduled for 2015/2016, which will need to be carried-over and completed in 2016/2017.

Recommendation 2

Council endorses the *Road Hierarchy Policy (IP-006)* as presented with the inclusion of estate roads not listed.

Recommendation 3

Council clarify with Main Roads HVO existing road train routes and conditions they impose on Shire roads and this item be bought back to Council for consideration.

Recommendation 4

Council endorses the Proposed Plant Replacement Program as presented with the following variations:

- Second hand low loader for 2016/2017
- Building Surveyors utility reinstate weld body prior to trade and retain drop side tray for 2016/2017
- Investigate the possibility of acquiring or hiring a crusher for the shire only or on a regional use basis in the future

and request the Chief Executive Officer use this Plan as a basis for resources to be allocated in the forthcoming budget.

Voting 7/0

CARRIED

Minute Reference: 04/16-14

Reason for Deviation from Committee Recommendation: Council required flexibility for works on road and the Bill Hemsley Park listed within the 2106/2017 Road Works Program

AGENDA ITEM:	9.3.5
	CHAPMAN VALLEY BUSHFIRE BRIGADES GROUP MANAGEMENT
SUBJECT:	ADVISORY COMMITTEE MEETING
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	601.08
PREVIOUS REFERENCE:	NA
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Chapman Valley Bushfire Brigades Group Management Advisory Committee met at the Shire of Chapman Valley Council Chambers on the 4th April 2016.

COMMENT

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

Cr Royce highlight an issue in regards to the appointment of Bush Fire Control Officer (BFCO) needed to be endorsed by Council.

It appears this has not occurred in the past few years, perhaps because there may not have any changes during this period. However; the Bush Fires Act, 1954, stipulates this is a required of the local government i.e.

38. Local government may appoint bush fire control officer

- (1) *A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.*
- (2A) *The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

Council also has a Management Procedure relevant to the appointment of BFCO i.e.

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

OBJECTIVES:

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

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

2. To ensure that these qualifications are maintained by the appointed Bush Fire Control Officer (BFCO).

MANAGEMENT PROCEDURE STATEMENT/S:

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

An additional recommendation to those coming from the Advisory Committee meeting has been included as a Staff Recommendation below to address the recent anomaly, specifically the appointment of BFCOs being for a period of one year only as stated in Item 5 of the Management Procedure above.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Council's Fire Notice is a legally enforceable position of the Shire

FINANCIAL IMPLICATIONS

No foreseen effect on Council's general finances.

- **Long Term Financial Plan:**

No foreseen effect on Council Long Term Financial Plan.

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL/ADVISORY COMMITTEE RECOMMENDATIONS

MOVED: CR COLLINGWOOD

SECONDED: CR WOOD

Council:

Receives the minutes of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 4th April 2016 and endorse the recommendation within i.e.

Recommendation 1

The following appointments be recommended to Council for endorsement:

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

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

Recommendation 2 – Attachment 2

Council endorse the existing Bush Fire Notice as presented without change.

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

Recommendation 3

The Annual Inspection procedures remain the same.

**Voting 7/0
CARRIED
Minute Reference: 04/16-15**

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR HUMPHREY

Council endorse the appointment of the following Shire of Chapman Valley Bushfire Control Officer in accordance with Section 38 the Bushfire Act, 1954 and Emergency Management Procedure EMP-005:

- Craig Mincherton - Naraling Brigade;
- Calvin Royce – Howatharra Brigade;
- Jason Stokes – Yetna Brigade;
- Gerard Williamson – Yuna Brigade; and
- Darryl Burton – Durawah/Valentine Brigade

**Voting 7/0
CARRIED
Minute Reference: 04/16-16**

AGENDA ITEM:	9.3.6
SUBJECT:	HONOUR AWARDS
PROPONENT:	CHIEF EXECUTIVE OFFICE & WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.10
PREVIOUS REFERENCE:	N/A
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence was received from the Western Australian Local Government Association (WALGA) regarding the Associations 2016 Honours Awards

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

COMMENT

WALGA Awards

Nominations for the 2016 WA Local Government Association Honours program 6th May 2016. Member Local Governments and State Councillors are invited to submit nominations.

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

Awards given as part of the Honours program will be presented to recipients at an awards ceremony held during the 2016 Local Government Convention at the Perth Convention Centre.

The six categories of awards within the 2016 Honours program are as follows:

- **Local Government Medal** - Available for nomination by State Councillors and Local Governments with a co-sign by a State Councillor. - recognises outstanding achievement and significant contribution by Elected Members and Officers to the Association and/or to Local Government.
- **Life Membership** - Available for nomination by State Councillors and Local Governments and recognises the long and outstanding service of Elected Members and Officers to the Association and/or to Local Government.
- **Eminent Service Award** - Available for nomination by State Councillors and Local Governments and recognises personal commitment, eminent service and contribution to Local Government or the Association.
- **Long and Loyal Service Award** - Available for nomination by State Councillors and Local Governments and recognises Elected Members who have provided long service of a high degree as an executive member of WALGA for 8 or more years or as an Elected Member for 12 or more years.
- **Merit Award** - Available for nomination by State Councillors and Local Governments and recognises Elected Members who have provided distinguished service to the community through their Local Government.
- **Local Government Distinguished Officer Award** - Available for nomination by State Councillors and Local Governments and recognises serving local Government officers who have provided outstanding performance for the Local Government sector.

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

Cr Peter Humphrey has reached the minimum service period of four (4) years and is therefore eligible for automatic nomination WALGA Merit Awards this year as per the current Management Procedure i.e.

WALGA Honour Awards

As detailed by the WALGA Awards Guidelines

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

All other award types are to be determined by Council.

The Staff Recommendation requests council consider nominations for the following awards in accordance with Policy:

- i. Freeman of the Shire; and
- ii. Certificate of Appreciation

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

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

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

OBJECTIVES:

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

MANAGEMENT PROCEDURE STATEMENT/S:

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

Citizenship Ceremonies

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

Shire of Chapman Valley – Freeman of the Shire

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

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

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

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

Eligibility Criteria

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

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

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

Exclusions

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

Nomination Procedure

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

Number of Freeman within the Shire

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

Entitlements

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

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

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

Revocation of Title of Freeman or Honorary Freeman

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

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

WALGA Honour Awards

As detailed by the WALGA Awards Guidelines

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

All other award types are to be determined by Council.

Shire of Chapman Valley - Certificate of Appreciation

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

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

All others as determined by Council.

Annual Agenda Item to discuss suitable nominations.

Elected Members

Presented at Annual Council Dinner/Function

Community Members

Certificate of Appreciation issued at an Annual Council Dinner/Function.

Recipient & partner invited to attend.

Shire of Chapman Valley Australia Day Awards and Function

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

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

The Council appointed Working Group shall:

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

Dept. Local Government & Community Services Awards

As detailed by the Department's Awards Guidelines

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

All other award types are to be determined by Council.

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

FINANCIAL IMPLICATIONS

No impact.

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

No impact

STRATEGIC IMPLICATIONS

Not applicable

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

No impact

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council consideration for bestowing the following Awards as per the Council Policy:

- i. Freeman of the Shire; and
- ii. Certificate of Appreciation

Note: The item lapsed due to no mover. Council moved on to the next item of business

AGENDA ITEM:	9.3.8
SUBJECT:	CHAPMAN VALLEY AGRICULTURAL SOCIETY – GRANT REQUEST
PROPONENT:	CHAPMAN VALLEY AGRICULTURAL SOCIETY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.10
PREVIOUS REFERENCE:	MINUTE REFERENCE: 11/15-13
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence has been received from the Chapman Valley Agricultural Society (CVAS) seeking Council funding assistance towards the establishment of an under-cover area at the Nanson Showgrounds (see attached).

The CVAS's request is for access to the Community Growth Funds (CGF) under-subscribed for in 2015/2016.

Council included in the 2015/2016 Budget an amount of \$30,000 for a Community Growth Fund (CGF) with the purpose and conditions of the fund being shown at **Attachment 1**.

COMMENT

Council resolved the following at the November 2015 OCM:

"MOVED: CR FORRESTER

SECONDED: CR FARRELL

Council endorses the following funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2015/2016:

<i>Project Name</i>	<i>Applicant</i>	<i>CGF Grant (GST Excl)</i>	<i>Additional Conditions of Approval (in addition to existing CGF Grant Conditions)</i>
<i>Park & Pay Fencing</i>	<i>Chapman Valley Agricultural Society</i>	<i>\$3,915</i>	<i>i. The CGF allocation is to be used first to undertake the necessary work for the establishment of carpark fencing and ticket box;</i> <i>ii. CEO is to utilise funds allocated in the 2015/2016 Budget for this same purpose at his discretion and only if required to ensure the project is fully completed;</i> <i>iii. Application Form to be signed.</i>
<i>Signage for the Shed</i>	<i>Chapman Valley Men's Shed</i>	<i>\$1,110</i>	<i>i. MRWA approval required for directional sign on Chapman Valley Rd;</i> <i>ii. Application Form to be signed;</i>
<i>Power to the new Machinery Shed</i>	<i>Chapman Valley Historical Society (1)</i>	<i>\$2,750</i>	<i>Nil</i>
<i>Significance Workshop with Cathy Day</i>	<i>Chapman Valley Historical Society (2)</i>	<i>\$2,850</i>	<i>Nil</i>
<i>Total</i>		<i>\$10,625</i>	

Voting 8/0
CARRIED
Minute Reference: 11/15-13"

Council has established a Community Growth Fund Advisory Group (CGFAG) with purpose of this Group being as follows:

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

As this approach has eventuated after the annual request for CGF applications for 2015/2016 and was not formally received until April 2016 it was not considered practicable to convene a meeting of the CGFAG.

It was also considered that as the intention the CGF was to only have one round per annum, with any unallocated amounts not being carried forward, rather these funds would become part of the Shire's end of year financial year position and new CGF amount considered annually for inclusion into the forthcoming year's budget, it wasn't considered necessary to convene a meeting of the CGFAG on this occasion.

As highlighted in RED above, the CVAS was allocated an amount of \$3,915 for the following purpose and conditions:

- i. *The CGF allocation is to be used first to undertake the necessary work for the establishment of carpark fencing and ticket box;*
- ii. *CEO is to utilise funds allocated in the 2015/2016 Budget for this same purpose at his discretion and only if required to ensure the project is fully completed;*
- iii. *Application Form to be signed.*

The basis of this decision was Council had already budgeted an amount of \$5,000 in 2015/2016 specific to relocation of the CVAS ticket box and carpark fencing (i.e. similar to the CVAS's CGF application).

Therefore, there remains an amount of \$5,000 in the 2015/2016 budget, which is currently unused to date. This amount could have been utilised if there was a shortfall in the costs to relocate the ticket box and install carpark fencing as per the CGF grant request. However, to date, this has not been requested by the CVAS so this amount could be reallocated to the current CVAS request to establish a new under-cover area.

STATUTORY ENVIRONMENT

Not relevant

POLICY IMPLICATIONS

Council has approved the CGF Operational Procedures, and this was the basis upon which the Group evaluated the applications received and Council allocated CGF amounts in November 2015.

FINANCIAL IMPLICATIONS

Council has allocated \$30,000 towards the CGF in the 2015/2016 Budget. The total of approved allocations CGF grants allocated in November 2015 was \$10,625, therefore there is an amount of \$19,375 in 2015/2016 unallocated.

As previously mentioned, the intention of the annual allocation of CGF in the Budget is that any residual amount unallocated at 30th June each year will not be carried over into the new financial year (i.e. will not accumulate). All unallocated CGF budgeted amounts at the 30th June each year will form part of Council's end of financial year position and consideration will be made by Council in the new Budget on what is to be allocated in the forthcoming year to the CGF.

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

No affect envisaged on Council's LTFP

STRATEGIC IMPLICATIONS

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

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

Objective	Strategy	Outcome
We want inclusive communities	Develop community facilities to provide gathering places, including community centre, swimming pools	Stronger, inclusive communities across the Shire

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR WARR

Council advises the Chapman Valley Agricultural Society the following to assist them with the establishment of an under-cover area at the Nanson Showgrounds:

1. Council will reallocate the amount of \$5,000 under COA 2644 in the 2015/2016 budget from relocation the ticket box and installing carpark fencing at the Nanson Showgrounds to costs associated with installing a new under-cover area at this location;
2. Council will allocate an additional amount of \$5,000 towards installing a new under-cover area at the Nanson Showgrounds from the 2015/2016 Community Growth Funds;
3. The conditions of funding allocations listed in items 1 & 2 above are:
 - a) All Council funds to be spent and acquitted by the 30th June 2016;
 - b) Funds will only be made available if all other revenue sources are forthcoming.

**Voting 7/0
CARRIED**

Minute Reference: 04/16-17



Shire of
Chapman Valley
Love the Rural Life

COMMUNITY GROWTH FUND OPERATIONAL PROCEDURES

G:\040 Governance\403 Committees\403.10 - Community Growth Fund Committee\CGF
Criteria FINAL.Doc

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INTRODUCTION

The Shire of Chapman Valley allocates an annual budget amount to form the Community Growth Fund (CGF). The fund provides the Shire of Chapman Valley the opportunity to support and assist services, activities and programmes throughout the Shire.

The intention of the CGF is for funds to be fully allocated within each financial year and there will not be any accrual of unallocated funds beyond the 30th June each year.

In the event there are residual unallocated funds at the 30th June each year these funds will form part of the Shire's End of Financial position and a new amount placed into the Draft Budget for Council consideration for the forthcoming financial year.

AIM

The Shire of Chapman Valley Community Growth Fund is to provide funds to not for profit community based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational, art and cultural projects for the benefit of residents of the Shire of Chapman Valley.

1. OBJECTIVES

The Objectives of the Chapman Valley Community Growth Funds are to:

- Assist the efficiency of operations of community groups by improving organisational development, asset purchases, marketing and management.
- Encourage partnerships fostering cooperative planning between groups to maximise effective use of resources
- Increase the range of and access to quality events, activities, services and groups within the Shire of Chapman Valley.
- Support community development initiatives and socially responsible community approaches.
- Encourage the community to actively promote Chapman Valley's positive attributes.
- Encourage the development of excellence and leadership in recreational, sporting, economic, tourist, environmental, skill/capacity building and cultural pursuits.

One of the most effective means of promoting community development is through the use of volunteers and non-government organisations. The Shire of Chapman Valley acknowledges and supports the contribution that community members make of their time, labour and expertise toward improving our community's quality of living.

2. RESPONSIBILITY

The responsibility for the selection and approval of successful grant applications rests with the Chapman Valley Shire Council who will meet to determine funding allocations. Shire staff plays an important role liaising with CGF applicants to ensure submissions meet criteria described in this guide, and to manage the payment of grants.

3. CRITERIA

A criterion for the assessment of applications to the Fund includes the promotion and development of activities, events, infrastructure and services in the Shire of Chapman Valley such as:

-
- Arts, culture & entertainment
 - Disability Services
 - Youth & family services
 - Seniors
 - Event management & sponsorship
 - Natural environment & cultural heritage
 - Tourism & promotion
 - Sport and recreation
 - Health
 - Crime prevention & community safety
 - Monuments & projects to commemorate
 - Events or people
 - Upgrading community facilities
 - Skill & capacity building

4. ESSENTIAL ELIGIBILITY CRITERIA

In order to be eligible for funding an organisation must:

- Council shall consider requests for donations on their individual merit however, generally will decline appeals for applications:
 - ~ of a State or National nature, or
 - ~ if they are not concerned or connected with the Chapman Valley area.
 - Be a non-profit organisation and, depending on amount of grant requested, be able to supply audited accounts and annual reports
 - Demonstrate a substantial degree of community support and representation
 - Undertake to give due recognition to the Shire of Chapman Valley for its contribution to their activities
 - Reflect the objectives and strategy of the larger association (Local, Regional, State or National). E.g. Tennis West ...and Shire of Chapman Valley Strategic Community Plan <http://www.chapmanvalley.wa.gov.au>
 - Agree to complete a specified evaluation report. *Failure to do so may render the applicant ineligible for future funding.*
 - As a general principle, funds for any project will only be considered where maximum Government (State and Federal) funding has been obtained, the Club, or Organisation, is ineligible for Government funding, or Government funding has been refused (in whole or part).
 - Council will be seeking evidence of procurement of, or attempted procurement of, Government grant monies.
 - It must be demonstrated that Council funding is necessary to the success of the project.
 - Detailed project financial information including budget estimates, quotes etc. accompanied by project drawings and specifications, to a satisfactory standard, must be provided.
-

- Detailed financial information about the Club or Organisation will also need to be provided. Such information will need to include financial statements.

In order to be eligible for funding an individual must:

- Achieve or demonstrate recognition in their field of endeavour at a State, National or International level. Recognition at a regional level may be considered in special circumstances
- Demonstrate a substantial degree of community support
- Provide a letter of support from the Association or Organisation relevant to their field of endeavour
- Provide the names and contact details of two referees
- Undertake to give due recognition to the Shire of Chapman Valley for its contribution to their activities
- Agree to complete a specified evaluation report. *Failure to do so may render the person ineligible for future funding.*
- Funding application requests for individuals will only be to a maximum of \$1000.00

5. APPLICATIONS

Applications will only be considered if they are submitted on the CGF Application Form and completed in full. Projects are expected to be conducted within the Shire of Chapman Valley with possible exception of funding to outstanding individuals. Check the Application Form to see if you are required to provide additional information such as:

- Membership information
- Funding profile and non-profit status
- Clear description of your project's broad community benefits
- Marketing intentions and acknowledgment of Shire of Chapman Valley contribution
- Project budget including details of matching funding

6. FUNDING REQUIREMENTS

A. MINOR GRANTS - Requests under \$2000

Typically used for small purchases. Written applications must clearly state:

- amount requested;
- grant purpose;

Other documents we require are:

- Financial statement for the most recently completed financial year
- The most recent annual report or an equivalent document, such as the President's report, outlining activities of the organisation
- Two (2) quotations for all items

B. GENERAL GRANTS AND EVENT SPONSORSHIP– Over \$2,000

Grant requests over \$2,000 will suit community-based organisations seeking management funding (to assist with the running of your organization – including wages & honorariums) or project funding (to help your organization plan and conduct activities).

Some applications for grants in excess of \$10,000 may be deemed inappropriate under the Community Growth Fund guidelines and redirected to other funding avenues, such as the Ministry of Sport and Recreation 'Community Sporting and Recreation Facilities Fund' (CSRFF), or Lotterywest. Please discuss grant applications for major capital works (e.g. clubroom renovations/upgrades, new facilities) with the Community Services Manager.

Your event need not be considered a major cultural or sporting activity to qualify for funding. For example, you may plan to coordinate a conference or forum aimed at a specific audience or addressing a particular issue. Because your event is likely to attract visitors to the district, and help your organization build networks and broaden its knowledge base, it is likely to be considered as worthy of funding assistance.

Sponsorship can also be provided in the form of wages for an event co-ordinator or honorarium.

Please discuss your event plans with the Community Development Officer.

C WHAT WONT BE FUNDED

- Private and commercial business' and organisations
- Applications which are not completed on the CGF form.
- General **ongoing** operational costs of organisations such as, wages, salaries, rent, utilities, e.t.c.
- Political organisations or events.
- Projects or facilities which have none or limited public access.
- Projects or activities which are considered to be hazardous.
- Organisations who have failed to comply with the acquittal process or guidelines for previous grants.

7. ASSESSMENT AND APPROVAL PROCESS**ACKNOWLEDGMENT OF APPLICATIONS**

Applications for grants received by the Shire of Chapman Valley on or before the closing date will be registered and an acknowledgment of their receipt sent to applicants.

ASSESSMENT PROCESS

The Community Growth Fund Committee members will have access to a full copy of all valid applications.

ASSESSMENT CRITERIA

Eligible organisations and individuals will be ranked and prioritised by examining each of the following:

- Ability to achieve tangible and/or measurable outcomes for the benefit of the Shire of Chapman Valley community;
 - Effort for cooperative and partnership arrangements with others;
-

-
- Relevance to the current issues and status of the community;
 - Evidence of consultations with relevant others in and out of Chapman Valley;
 - Levels of volunteer participation and wider community participation;
 - Funding history and profile, and capacity to make a significant financial or in-kind contribution to the project;
 - Other state/ federal funding available to the applicant;
 - Alignment and/or linkages with Local, Regional, State or National Strategic Plans or Objectives of associated organisations.

NOTIFICATION OF OUTCOME

All applicants will be notified in writing of the success or otherwise of their application, as soon as Council has finalised its funding commitment. Commencement of the project or expenditure of expected funds must not take place until this notification is received in writing.

PUBLICITY

The Shire of Chapman Valley may use your event, project or activity for publicity purposes and if so will ask for promotional material to be used.

FREEDOM OF INFORMATION

Applications for funds and other written information provided to Council will be treated confidentially. However, the provisions of the *Freedom of information Act, 1982*, apply to all documents held by the Shire of Chapman Valley.

8. DISBURSEMENT OF GRANTS

Where Council considers the information provided by the applicant in accordance with the these guidelines to be satisfactory, the provision of any funds will be in accordance with the following;

- payment will only be made at the conclusion of the project, subject to supply of final report and tax invoice, in strict accordance with the determination as to amount and conditions set by Council; unless otherwise agreed upon.
- Council reserves the right to approve/decline any application irrespective of previous decisions of a similar nature and no prior decision in any way or manner can be construed as setting a precedent.

9. GRANT CONDITIONS

PERIOD OF FUNDING

Community Growth Fund grants become available from 1 September and must be expended by 30 June following, unless agreed otherwise at the outset **OR** a written request for an extension and carry-over of funds is made to, and approved by, the Chapman Valley Shire Council. Advertisements will be called in August of each year.

PURPOSE OF GRANT

Funds are allocated only for the purpose of the project as described in the application and must not be used for any other purpose or transferred or assigned to any other party without the prior approval of the Council.

UNSPENT FUNDS

Funds which are unspent at the conclusion of the funding period must be returned to Council within 60 days of the completion of the project, activity or event, or the end of the financial year, whichever occurs first. If you anticipate a surplus of funds and have plans for its expenditure you are advised to seek Council approval, bearing in mind the expectation that any secondary project will also have broad benefits to the community.

ABN/GST REGISTERED

Incorporated applicants must have an ABN. GST registration is not essential; however the Shire is obliged to meet all relevant GST legislative requirements. Please ensure your budget indicates whether GST is included.

10. EVALUATION AND ACQUITTAL

Groups, organisations or individuals receiving grants from the Community Growth Fund must submit to Council acquittal and evaluation of the outcomes of the grant provided by Council within 30 days of either the conclusion of the project or activity, or the end of the financial year, whichever falls first.

Information to be provided will include:

FINANCIAL REPORT

- A statement of actual and budgeted expenditure in relation to the grant. For grants of \$10,000 and over, this statement must be audited.
- Copies of supporting documentation such as of receipts, invoices, accounts and financial statements

GRANT EVALUATION

Recipients of the grant will be asked to assess their performance according to the following indicators:

- | | |
|--|--|
| <ul style="list-style-type: none">• Be a non-profit organisation and, depending on amount of grant requested, be able to supply audited accounts and annual reports.• The level of public awareness of their activity or project.• Public presentations (number held/attendance levels).• Amount/type of media coverage generated.• Involvement of volunteers. | <ul style="list-style-type: none">• Demonstrate a substantial degree of community support and representation.• Reflect the objectives and strategy of the larger association (Local, Regional, State or National).• Agree to complete a specified evaluation report. <i>Failure to do so may render the applicant ineligible for future funding.</i>• Maximum Government (State and Federal) funding has been obtained. |
|--|--|
-

-
- | | |
|--|--|
| <ul style="list-style-type: none">• Undertake to give due recognition to the Shire of Chapman Valley for its contribution to their activities• To be used for projects upon land under the care, or control, of Council; unless it otherwise determines | <ul style="list-style-type: none">• Demonstrated that Council funding is necessary to the success of the project |
|--|--|

Tangible evidence to support performance indicators may be submitted such as photos, press clippings, copies of fliers, newsletters, documents produced etc.

Failure to satisfactorily complete performance evaluation and acquittals may disqualify recipients from further grants from the Community Growth Fund.

COPY 803.06

RECEIVED *By Hand*
7 APR 2016

Record No CR1611616

Marshall Gould
cm.gould@bigpond.com
Chapman Valley Agricultural Society Committee
April 2016

Chapman Valley Shire

Being involved with the Chapman Valley Agricultural Society for over forty years, I have seen the Chapman Valley Show prosper and gain momentum to become one of the Shire of Chapman Valley and our communities main events. It is a day when the talents of our community and students have the opportunity to be displayed and judged and show our diverse range of skills to the Midwest region.

The show also highlights the businesses through individual, trade, and machinery displays that service our area. Local schools and sporting clubs also use this event as their main fundraising opportunity.

As the Chapman Valley show has become more successful and the crowds have increased year by year, we are finding it necessary to expand access to undercover areas. In Sept 2015 we had approximately 7,000 people attend the show. In the last two years a lot of changes have been made to accommodate the large crowds of people coming to this event including ongoing changes to parking and traffic management.

We; as a committee and with Nicole Batten as the Shire Community Development Officer, are seeking possible funding through Royalties for Regions for an undercover area known in the Widespan Shed catalogue as a "Equestrian Arena" measuring 20mts x 42mts x 4 meters wall height.

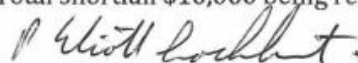
One of our main concerns of our existing set-up is that we are still erecting several worn out marques (which are owned by the mid-west show group and shared with other mid-west shows) which need to be erected with internal poles and steel pickets around the outside of these structures which impose a serious safety hazard to the public. Windy weather conditions and underground power and water supplies plus the erection and dismantling before and after the show by our volunteers poses an unnecessary risk and is a safety concern for both the volunteers and the public.

The sheltered areas available to us on show day only make up between 10% and 15% of suitable undercover shade area on the show grounds, and this new shed would provide an alternative to the marquees and accommodate present and future growth of the show.

Other users of the showground such as the Greenough Western Riding Club and the Stock Horse Group have expressed support for the proposed new shed and we believe this facility could be utilized throughout the year.

New Shed Quoted \$47,400 ex GST	Proposed Grant \$37,890
Erection Costs of \$12,700 ex GST	Ag Society Funding \$13,710
Freight ex Perth \$ 3,000 ex GST	Horse Groups donations \$ 1,500
Total Cost \$63,100 ex GST	Total Funding \$53,100

Total shortfall \$10,000 being requested from the Shire of Chapman Valley



Peter Elliott-Lockhart
President Chapman Valley Agricultural Society



No Compromise Steel Building Solutions.
Wide Span Sheds
ABN 47 122 464 233
WA Agency Division

10 Rich Maslen Street
NARNGULU, WA 6532
Phone 08 9964 1385
Mobile 08 9964 1385
Fax 08 9964 1387

www.sheds.com.au

QUOTATION

Marshall Gould (Chapman Valley Ag Society)

Reference # : MDMTH1505020-4

Date : 24 Feb 2016

Not Set

Dear Marshall,

Thank you for the opportunity to quote you on your new steel building. The features and benefits of this quotation refer to the supply of a kit only, based on the information discussed to date. Your steel building will be manufactured locally in Perth, WA.

If you have any questions, please don't hesitate to call us.

Kind Regards,

Kathie Dawson
Wide Span Sheds Sales Agent
ph: 08 9964 1385
email: tuncoat@bigpond.com

Design Criteria

Site Address	NABAWA WA Australia 6532
Building Class	10
Importance Level	1 with a Vr of 48 m/s
Wind Criteria	Region B; TC = 2.5; Mt = 1; Ms = 1; giving a Vdes of 39.8 m/s.
Other Design Factors	No Snow Loading allowed. No Earthquake Loading allowed.



Kit Price	\$47,400.00
GST	\$4,740.00
Promotional Discount	\$2,610.00
Loading of Truck	Free
TOTAL (inc GST)	\$49,530.00

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NO END WALL

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Marie Hart B. Bus. ACA

Janet Gill Adv. Dip. Acc

Hart & Dyson Pty Ltd as trustee for Hart & Dyson Unit Trust trading as



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Western Australia, 6530

TEL: (08) 9964 4766. FAX: (08) 9921 8595

FREECALL: 1800 621 011

EMAIL: hartdyson@wn.com.au

Correspondence:

PO Box 120, Geraldton, WA 6531

Liability limited by a scheme approved
under Professional Standards Legislation

12th February 2016

The President
Chapman Valley Agricultural Society Inc.
PO Box 394
Geraldton WA 6531

Dear Trish,

We have completed the audit of the financial statements for the Chapman Valley Ag society. I have a few points I would like to bring to your attention:

Cash Payments

When doing cash payments online please make sure that a second person is authorizing the cash payment. As per constitution paragraph 13 (c) all cheques and withdrawal slips are to be signed by two persons.

MYOB File

When entering transactions for the 2016 year, please use the same accounts as you have in the 2015 where possible. This will keep the financials neat, consistent and give better year to year comparisons in future years.

Memos

When entering data into MYOB please make sure that you add memos for each transaction. This detail will make it easier for us to know what each transaction is for.

Thank you for giving us the opportunity to audit your books for the 2015 year.

Regards,

Chantel Van Aswegen
Audit Manager

CHAPMAN VALLEY AGRICULTURAL SOCIETY INC
ABN: 65 602 401 982

FINANCIAL REPORT
FOR THE YEAR ENDED
31 DECEMBER 2015

Liability limited by a scheme approved under
Professional Standards Legislation

Profit & Loss [Last Year Analysis]

January 2015 To December 2015

Po Box 394
GERALDTON WA 6531

ABN: 65 602 401 982

	This Year	Last Year
Income		
Donations	\$1,339.00	\$1,680.50
Grants	\$1,110.00	\$15,000.00
Grants - Prior Year	\$0.00	\$6,000.00
Valley Shears Donations	\$4,628.89	\$3,180.00
Show Schedule Advertising	\$0.00	\$3,360.00
Show TV Advertising	\$0.00	\$1,000.00
Advertising/Trophy Donation	\$12,045.00	\$4,450.00
Beaut Ute Comp Donations	\$0.00	\$500.00
Trophy Donations	\$0.00	\$2,270.00
Bar Takings	\$6,182.80	\$5,333.40
Bay Bookings	\$9,523.00	\$7,862.00
AON Insurance Cover	\$110.00	\$110.00
Camping Fees	\$575.00	\$945.00
Electricity	\$853.42	\$0.00
Showground Lease	\$0.00	\$499.80
Showground Lease - Prior Year	\$0.00	\$499.80
Adult Membership	\$820.00	\$1,180.00
Junior Membership	\$40.00	\$64.00
Gate Takings	\$27,194.60	\$19,470.30
Exhibition Entries	\$383.00	\$362.50
Ring event entries	\$1,586.50	\$1,615.50
Fund Income		
FRRR Valley Funk Factory Funds	\$0.00	\$3,700.00
Sheep Pen Hire	\$200.00	\$165.00
EFA Fees	\$192.50	\$125.00
Unused Ring Event Prize Money	\$804.50	\$587.00
Unused Cash Trophy Prizes	\$1,919.10	\$70.00
Total Income	\$69,507.31	\$80,029.80
Total Cost of Sales	\$0.00	\$0.00
Gross Profit	\$69,507.31	\$80,029.80
Expenses		
SHOW DAY EXPENSES		
Trophy Purchases	\$2,084.26	\$2,194.50
Exhibition Cash Prizes	\$3,900.00	\$4,308.00
Education Prize Money	\$452.00	\$0.00
Ring Event Prize Money	\$2,265.00	\$2,328.00
Shearing Competition	\$1,609.16	\$470.00
Printing Show Schedule	\$5,481.50	\$5,076.00
Printing M/ship & Prize Cards	\$582.00	\$220.00
Show Day Entertainment	\$6,480.00	\$4,889.00
Show Day Judges	\$500.00	\$305.00
Show Day Catering	\$195.00	\$386.22
Show Day Expenses	\$9,723.55	\$13,852.01
Beaut Ute Comp Rewards	\$0.00	\$480.00
Bar Purchases	\$4,248.00	\$3,420.43
FRRR Valley Funk Factory	\$0.00	\$3,700.00
Dues & Subscriptions	\$145.00	\$158.00
Advertising	\$4,627.00	\$4,310.94
Equipment Rental Expense	\$5,478.00	\$2,200.00

This report includes Year-End Adjustments.

Page 1 of 2

Profit & Loss [Last Year Analysis]

January 2015 To December 2015

Po Box 394
GERALDTON WA 6531

ABN: 65 602 401 982

	This Year	Last Year
Show Ground Building Maintenance	\$0.00	\$1,239.27
Insurance	\$1,701.00	\$1,930.13
Contents Insurance	\$231.48	\$229.13
Show Ground Maintenance	\$0.00	\$2,012.56
Show Ground Lease	\$440.00	\$363.00
Affiliation Fees	\$88.00	\$88.00
Committee Expenses		
Committee Expenses	\$1,386.00	\$0.00
Honariums	\$2,200.00	\$2,200.00
Committee Meeting Expenses	\$650.00	\$598.00
Total Committee Expenses	\$4,236.00	\$2,798.00
Postage	\$0.00	\$70.00
Office Supplies	\$1,326.61	\$2,288.08
Photocopying	\$160.81	\$331.00
Website	\$5,087.93	\$0.00
Telephone	\$0.00	\$194.45
Judges Accom/Travel	\$405.00	\$650.00
Services		
Audit Fees	\$1,028.50	\$836.00
Bank Fees	\$176.50	\$30.00
Donations	\$200.00	\$200.00
EFA Levies	\$317.50	\$200.00
Electricity	\$1,041.95	\$814.20
Total Expenses	\$64,211.75	\$62,571.92
Operating Profit	\$5,295.56	\$17,457.88
Other Income		
Interest Income	\$604.69	\$164.73
Total Other Income	\$604.69	\$164.73
Total Other Expenses	\$0.00	\$0.00
Net Profit/(Loss)	\$5,900.25	\$17,622.61

This report includes Year-End Adjustments.

Page 2 of 2

Created: 12/02/2016 10:16 AM

CHAPMAN VALLEY AG SOCIETY INC

Po Box 394

GERALDTON WA 6531

ABN: 65 602 401 982

Balance Sheet [Last Year Analysis]

December 2015

	This Year	Last Year
Assets		
Current Assets		
Cheque Account	\$0.00	\$22,735.50
Bendigo Cheque Account	\$10,604.25	\$0.00
CBA Fixed Term Deposit	\$0.00	\$10,469.70
Bendigo Investment Account	\$40,957.07	\$0.00
Trade Debtors	\$200.00	\$15,760.00
Total Current Assets	\$51,761.32	\$48,965.20
Total Assets	\$51,761.32	\$48,965.20
Liabilities		
Current Liabilities		
Trade Creditors	\$55.00	\$3,159.13
Total Current Liabilities	\$55.00	\$3,159.13
Total Liabilities	\$55.00	\$3,159.13
Net Assets	\$51,706.32	\$45,806.07
Equity		
Retained Earnings	\$45,806.07	\$28,183.46
Current Year Surplus/Deficit	\$5,900.25	\$17,622.61
Total Equity	\$51,706.32	\$45,806.07

This report includes Year-End Adjustments.

Page 1 of 1

COUNCIL RESOLUTION – ADJOURNMENT

MOVED: CR MALUISH

SECONDED: CR WARR

Council adjourn the meeting for a lunch break.

**Voting 8/0
CARRIED
Minute Reference: 04/16-18**

Meeting Adjourned at 11:54am

COUNCIL RESOLUTION – RECONVENED

MOVED: CR WOOD

SECONDED: CR FARRELL

Council reconvene the meeting.

**Voting 8/0
CARRIED
Minute Reference: 04/16-19**

Meeting Reconvened at 12:32pm

AGENDA ITEM:	9.3.9
SUBJECT:	CHAPMAN VALLEY ONLINE PLATFORM & BRAND REFRESH PROJECT
PROPONENT:	TOURISM & EVENTS COMMITTEE/SHIRE STAFF
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	MINUTE REFERENCE 12/15-12
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the December 2015 OCM the following was recommended to Council by the Tourism & Events Working Group and resolved by Council:

Council endorses:

- 1. The Working Group's recommended recipients of the 2016 Australia Day Awards;*
- 2. The 2016 Australia Day function to be held at Coronation Beach;*
- 3. Developing a Scope of Works in-house to obtain costings and the establishment of an implementation plan for the Chapman Valley Interaction & Promotion Project for presentation to Council for consideration.*
- 4. Developing a new tourist brochure/map in-house incorporating the new format and businesses in the district.*
- 5. The draft tourist brochure/map being distributed to working group members and local businesses for feedback via a survey prior to being presented to Council for consideration.*

Item 3 of the above resolution has been developing since the December 2015 OCM with a Focus Group comprising of tourism operators within the Shire, historical society, Valley Vibes/Community Hub representatives and shire staff working on a Draft Scope of Works to be presented to Council for consideration.

The Focus Group took into account the following aspects whilst determining a Draft Scope of Works:

- Branding: Participants perceptive on the current brand;
- Direction: What do you see as the major tourism drawcards for the area and what areas are currently underrepresented;
- Target Marketing;
- Current Vision Statement – Community Strategic Plan 2013-2023:
“We are a thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper”

COMMENT

Attached to this report is a Draft Scope of Works (with supporting Addendums) presented to Council for consideration and direction of moving this project forward (see **Attachment 1**).

The feeling is the Scope of Works can be used as a base to seek Request for Quotes from the industry to determine the costs and practicalities associated with the *Chapman Valley Online Platform & Brand Refresh Project*.

It is quite clear to most the Shire's current website is dated and cumbersome. Council allocated a contingent amount of \$5,000 in the 2015/2016 Budget to upgrade the website. However; it would be fair to say this amount was a contingency only as it was not expected to incorporate refreshing the Shire brand as well.

The Tourist & Events Committee and the Focus Group have taken the position it would be appropriate to refresh the branding ahead of developing a new online platform (website) due to the existing brand being dated and no longer truly reflecting the district's demographics. The problem with this approach is the cost to incorporate both the online platform and refresh the branding would be well and truly in excess the \$5,000 contingent amount allocated in the 2015/2016 Budget (which was just to *improve* the existing website).

The recommendation below is based upon the Shire endorsing the Scope of Works and going out to the market seeking indicative costs to undertake both refreshing the brand and developing an online platform to meet the needs of the organisation

STATUTORY ENVIRONMENT

Not applicable.

POLICY/PROCEDURE IMPLICATIONS

No existing Policy or Procedure affected.

FINANCIAL IMPLICATIONS

The indicative costs associated with implementing both the Chapman Valley Online Platform & Brand Refresh Project is difficult to estimate and will not be known until the Request for Quote process has been completed. However; some of the areas affected could be (yet not necessarily limited to) the following:

- Design website for upgrades;
- Staff training for ongoing support new Website/Online Platform or expense to outsource this (or a combination of both);
- Stationery upgrades;
- Signage Upgrades (e.g. Town entry, vehicles, etc.);

Staff have attempted to determine indicative costs based on one organisation's estimates, yet, as previously mentioned, accurate costs will not be known until responses are received from the proposed RFQ process. Therefore it wasn't considered appropriate to indicate what the costs may be in this report, rather, we should await the outcome of the RFQ process before considering what amount should be considered in future budget(s).

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

STRATEGIC IMPLICATIONS

It has been clearly identified the existing Shire website and communication mechanisms currently in place are dated and in need of improvement. Hence the Community Growth Funds initially provided to Valley Vibes for them to investigate option (i.e. the Community Hub).

Communications with Shire constituents is strategically important for the Shire to ensure the best possible opportunities are made available for two way communication between the Council and the community.

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

We want to be able to spend our money locally and encourage others to do the same	Develop tourism in the Shire, including cottage industries, caravan park and events
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire

CONSULTATION

There has been extensive consultation over the past twelve months (or more) on the need to improve the Shire website and communication to (and within) the community. This was evolved from the Valley Vibes *Community Hub* proposal to the current *Chapman Valley Online Platform & Brand Refresh Project*.

The need to refresh the shire brand is considered important, yet we must be careful this particular aspect of the overall project does not delay the immediate requirement to improve the Shire website and communication links to the Shire constituents. I fully understand the need to refresh the brand, yet am concerned if this aspect of the project is too expensive and time consuming the website improvements may be discontinued or significantly delayed.

Consultation has included:

- ~ Valley Vibes – Community Hub Group;
- ~ Tourism & Events Committee;
- ~ Focus Group comprising of tourism operators within the Shire, historical society, Valley Vibes/Community Hub representatives and shire staff;
- ~ Shire staff and external discussions with a person who may take on the Project Management role if the project does proceed

RISK ASSESSMENT

The risk of not improving the Shire's interaction between Council and the community is the inability of the Shire to fully understand/communicate with its constituents or to adequately broadcast the Shire's policies, procedures and future strategic direction.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR HUMPHREY

Council:

1. Endorse the Scope of Works as presented (*Attachment 1*);
2. Undertake a Request for Quote process in accordance with the requirements of the Scope of Works from suitably qualified organisations/individuals to provide Council with:
 - a) Staged Implementation Plan and proposed methodology to achieve the desired minimum outcomes identified in the Scope of Works; and
 - b) Estimated, segregated costs to implement the Scope of Works across all stages of the project to consider for Council to consider future budget allocations;
3. The results of the Request for Quote be brought back to Council either as part of the 2016/2017 budget considerations or separately if timing permits this;
4. In the event Council endorses a respondent(s) from the Request for Quote process and the budget allocation(s) is endorsed by Council a Working Group be established to steer the implementation of the *Chapman Valley Online Platform & Brand Refresh Project* under the following conditions and guidelines:
 - a) Composition of the Working Group:
 - ~ 2 x Elected Members;
Cr Forrester and Cr Warr
 - ~ Chief Executive Officer
 - ~ Manager Finance & Corporate Services
 - ~ Community Development Officer
 - ~ 1 x Valley Vibes/Community Hub representative
 - ~ 1 x community representative (preferably a tourism operator)
 - b) Purpose and Rules of the Working Group's role and responsibilities:
 - ~ Assist the Chief Executive Officer with the "Request for Quotes" process;
 - ~ Assist the Chief Executive Officer with steering the project to achieve the desired outcomes, yet not direct staff, contractors, service provider, etc. as this is the role of the Chief Executive Officer;
 - ~ The Group will have no delegated authority and cannot commit the Shire of Chapman Valley in any way whatsoever. All decisions not provided to the Chief Executive Officer under delegation must be made by Council;
 - ~ The Chief Executive Officer will determine if any variations to the scope of works for the project are minor or major. Minor variations, which do not affect the overall budget allocation to the project and do not breach funding agreement conditions can be dealt with by the Chief Executive Officer.

Any variation considered as being major by the Chief Executive Officer, whether there is an effect on the budget allocated to project and/or breach funding agreement conditions or not, is to be brought back to Council for determination;

**Voting 5/2
CARRIED**

Minute Reference: 04/16-20

FORESHADOWED MOTION

MOVED: CR WOOD

Council:

1. Undertake immediate upgrades to the existing Shire of Chapman Valley Website using the \$5,000 budgeted for this to be undertaken in 2016/2017;
2. Endorse the Scope of Works as presented (*Attachment1*);
3. Undertake a Request for Quote process in accordance with the requirements of the Scope of Works from suitably qualified organisations/individuals to provide Council with:
 - c) Staged Implementation Plan and proposed methodology to achieve the desired minimum outcomes identified in the Scope of Works; and
 - d) Estimated, segregated costs to implement the Scope of Works across all stages of the project to consider for Council to consider future budget allocations;
4. The results of the Request for Quote be brought back to Council either as part of the 2016/2017 budget considerations or separately if timing permits this;
5. In the event Council endorses a respondent(s) from the Request for Quote process and the budget allocation(s) is endorsed by Council a Working Group be established to steer the implementation of the *Chapman Valley Online Platform & Brand Refresh Project* under the following conditions and guidelines:
 - c) Composition of the Working Group:
 - ~ 2 x Elected Members;
Cr Forrester and Cr Warr
 - ~ Chief Executive Officer
 - ~ Manager Finance & Corporate Services
 - ~ Community Development Officer
 - ~ 1 x Valley Vibes/Community Hub representative
 - ~ 1 x community representative (preferably a tourism operator)
 - d) Purpose and Rules of the Working Group's role and responsibilities:
 - ~ Assist the Chief Executive Officer with the "*Request for Quotes*" process;
 - ~ Assist the Chief Executive Officer with steering the project to achieve the desired outcomes, yet not direct staff, contractors, service provider, etc. as this is the role of the Chief Executive Officer;
 - ~ The Group will have no delegated authority and cannot commit the Shire of Chapman Valley in any way whatsoever. All decisions not provided to the Chief Executive Officer under delegation must be made by Council;
 - ~ The Chief Executive Officer will determine if any variations to the scope of works for the project are minor or major. Minor variations, which do not affect the overall budget allocation to the project and do not breach funding agreement conditions can be dealt with by the Chief Executive Officer.

Any variation considered as being major by the Chief Executive Officer, whether there is an effect on the budget allocated to project and/or breach funding agreement conditions or not, is to be brought back to Council for determination;

Note: the Foreshadowed Motion Lapsed due to the Substantive Motion being carried.

20TH APRIL 2016

Chapman Valley Online Platform & Brand Refresh Project

Project scope

Deliver a powerful website providing a simple content management system making it possible for individual stakeholders to work from one platform to perform various interactions and promotions. To improve the way council does business online while providing various platforms for community & businesses to interact making it easier for cross promotion of Chapman Valley.

Background

The Shire of Chapman Valley (SoCV) has identified its website is dated, not universally accessible and insufficient to serve future requirements. Volunteers from the Valley Vibes were funded by SoCV through the 2014/2015 Community Growth Fund program to investigate the establishment of a Community Hub which potentially could complement and enhance the Shire's own website upgrade. The needs analysis from this funded project evidenced an online resource providing information and a platform to promote the community's activities, facilities, events and capacity to connect would be valued. The recommended website linked to social media would meet the needs of the community and the report provides a framework to progress the project and reap the rewards of embracing the online world.

Business case

The Shire is conscious of the need to improve the existing SoCV website, which could complement the Community Hub concept. As such the Shire is considering refreshing its brand, which could be incorporated into an overall marketing and promotion project for the Shire, businesses and community, is a more cost effective strategy.

The Shires current website functionality & presentation restricts room for growth and expansion into various social media platforms. The ability to directly link Chapman Valley to a variety of existing services, events, government and community news is disjointed and limited. Taking advantage of upskilling community groups/members and local businesses to facilitate information exchange and promotion of Chapman Valley without draining operational resources is invaluable.

Project Objectives

A fully interactive online presence and promotions staged for a gradual implementation giving consideration to costs and benefits over a 12-24 month period.

The Chapman Valley Online Platform & Brand Refresh Project aims to commence with the Online Platform (Website) as Stage 1 and using this platform to launch a branding refresh as Stage 2. An upgrade to the Shires' website with new logo and tag lines form the refresh commencing September 2016 with expansion

for greater online presence completed by December 2017. The objectives are based on the assumption the scope of works and supporting documents will be endorsed at the April Ordinary Council Meeting.

- Project duration will be approximately 12 - 24 months;
 - Indicative costs only can be provided for consideration at the April OCM;
 - Performance Goals will be measured based upon 'on time' completion of key milestone tasks.
- These tasks will be detailed and tracked by the Project Manager in the Project Implementation Plan.

Project outcomes and milestones as listed below:

Deliverable -

1. A single online place (website or hub) that brings Chapman Valley together creating a dynamic platform of information, interaction and promotions
2. A website owned by LGA with shared resources & content between LGA & community
3. A brand refresh of Chapman Valley using holistic approach
4. Create new logo to reflect "Love the Rural Life" with Diverse, Lifestyle, Choices that connects all parts of Chapman Valley
5. Brief for web developer on content, functionality & maintenance
6. A simple Content Management System directing traffic quickly to relevant areas
7. Ability for online payment options for local community group memberships, Shire venue bookings, ticket purchases
8. Improved customer service through the implementation of user friendly online business services
9. To incorporate news items, event calendar, etc. into electronic mediums

Measurable –

1. Online presence can be accurately measured through google analytics to include when people look, how they reach the hub, what they are looking at, how long they spend on the website.
Powerful data tool
2. Boost local economy and generate income
3. Foster community connections and business synergies
4. Promote the area as a place to work and live
5. Content Management System with inbuilt validation processes to edit/review and audit data/content for copyright and compliance, which also has templates for automated email acknowledgement responses to website generated enquiries
6. Electronic lodgments of building/planning applications; availability of electronic registration of dogs & cats; customer banking gateways for payment of rates, debtors, infringements etc.

Milestones -

1. Project commencement May 2016
2. Chapman Valley brand refresh Sept 2016
3. Shire website with in-built validation CMS in place Dec 2016

4. Completed Community interactive online presence Dec 2017

Key people / Key stakeholders

Project Manager

The Project Manager will be responsible to ensure the project is focused on achieving its objective and delivering the product as stated in the scope of works. The Project Manager will be responsible for coordination, communication and liaison with all parties for key project tasks. Project Management will be determined by the Working Group.

Client

Shire of Chapman Valley

Monitors all aspects of project performance and outcomes independently of the Project Manager.

Project support & administration

Shire of Chapman Valley Staff, Web Developer & Community Businesses.

Responsible for delivering related documentation as identified by Council requirements.

Document Scope:

In the Scope

- Website design & development
- Branding refresh including brand guidelines & style guide
- Staff upskilling for website management
- Community upskilling for content & information

Outside of Scope

- Ongoing development
- Tourism & Marketing strategy

Project administration, monitoring and reporting

Project meetings shall be held monthly (or as deemed required) to monitor the implementation plan and delegation of administration tasks. The Project Manager shall report the monthly project progress through status reporting updates, which staff may append to monthly Staff Information Reports for council information.

List of attachments

- Attachment 1 – Chapman Valley Interaction & Promotion TEWG Meeting Dec 2015
- Attachment 2 – Chapman Valley Community Online Hub Report & Feasibility Study (June 2014)
- Attachment 3 – Web Developer Brief
- Attachment 4 – Indicative Budget Chapman Valley Online Platform & Brand Refresh Project
- Attachment 5 – Sample Brand Refresh Guideline/Style guide
- Attachment 6 – Sample WALGA Council Connect LG's

Addendum 1

CHAPMAN VALLEY INTERACTION & PROMOTION

Background

The Shire of Chapman Valley and its Community has identified that its current methods of interacting with the community are not universally accessible i.e.

- Outdated website
- Outdated tourism brochure
- Valley Vibes hard copy
- Electronic newsletter limited distribution
- Emergency SMS
- Newspaper and noticeboard advertisements
- Direct mail out
- Association with Media outlets

The Shire of Chapman Valley has funded volunteers from the Valley Vibes through the 2014/2015 Community Growth Fund program to investigate the establishment of a Community Hub which triggered this review.

The needs analysis undertaken by the Chapman Valley Community Newspaper has evidenced that an online resource providing information and a platform to promote the community's activities, facilities, capacity to connect and events would be valued. The recommended website linked to social media would meet the needs of the community and the report provides a framework to progress the project and reap the rewards of embracing the online world. Attachment 1 – Needs Analysis Report recommendations

The Shire is conscious of the need to improve its current methods of interacting with and promoting the community

The Shire is also interested in updating its own brand, which could be incorporated into an overall marketing and promotion project for the Shire, businesses and community.

Issues

- Shire website functionality & presentation limitations – no room for growth, aged format, not end-user friendly.
- Disjointed local news, information and promotion of Chapman Valley through various online and print mediums with limited synergies.
- Limited and disjointed online presence results in reduced links and online traffic to all currently available sites.
- Outdated local government logo and marketing tools.
- Outdated local map which is currently has no presence at any tourism outlet. Geraldton Visitors Centre have requested many times for a Chapman Valley brochure, currently there are none available.
- Chapman Valley is not a locality of priority for visitors, only a transit destination with no iconic focus.
- Limited volunteer capacity to market and share local news.

- Limited capacity to promote Chapman Valley district beyond our region.
- Shire website not suited to smart phones and mobile devices which has become the main device for sourcing information.
- Transition predominantly to electronic medium rather than hard copy

Opportunities

- Create an online place (website or hub) that brings everything Chapman Valley together creating a dynamic platform of information, interaction and promotion.
- A single online hub increases traffic to other existing websites as it provides the ability to 'cast the net' broader.
- Increased traffic and sophisticated websites rate higher in a google search giving Chapman Valley a global presence.
- Unified point for keyword searches to be directed to, after which users can be quickly directed to their topic of interest.
- Improved ability for online payment options for local community group memberships, Shire venue bookings, ticket purchases.
- Improved ability to disseminate information instantly through a variety of ways in which the user can opt into receiving. E.g. text, Facebook notification
- Ability to directly link Chapman Valley to a variety of existing services e.g. Monsignor Hawes Trail, Coral Coast, Chamber of Commerce, Midwest Events, Midwest Academy of Sport, Geraldton Windsurfing Club etc.
- Increased marketing brand involves multiple mediums and holistic approach, therefore increased exposure - print media, tourism brochure, Coral Coast membership & consequent benefits (YouTube clips, print, online), online functions.
- Online presence can be accurately measured through google analytics to include when people look, how they reach the hub, what they are looking at, how long they spend on the website. Powerful data tool.
- Boost local economy and generate income
- Increase local internet literacy.
- Staged approach to marketing and brand promotion.
- Foster community connections and business synergies.
- Promote the area as a place to work and live.
- Complement the imminent improved mobile telecommunication reception
- To improve customer service through the implementation of user friendly online business services such as
 - electronic lodgment of Building Applications & Planning Applications
 - electronic ability to register Dogs & Cats online submitting proof of sterilisation and microchipping
 - customer banking gateways for electronic payments for rates, debtors, infringements, dog & cat renewals, lodge a customer service request
 - IT Vision Synergy online for queries on rates, debtors, infringements etc.
- To incorporate news items, event calendar, etc. into electronic mediums
- To have a Content Management System with inbuilt validation processes to edit/review and audit data/content for copyright and compliance, which also has templates for automated email acknowledgement responses to website generated enquiries

Challenges

- Cost vs benefit
- Governance and process behind ownership of a Chapman Valley online presence (e.g. editing, controlling input, copyright non-compliance, etc.)
- Content availability and management
- Up skilling local community groups to upload content
- Resourced internally or externally or a combination of both;
- Ongoing recurrent costs
- Capital expenditure costs
- Branding/marketing of the Chapman Valley district
- Current communication standards (will this in anyway restrict service availability)

- Developing a Scope of Works to go out to the market for the establishing a costed, staged *Implementation Plan* to assist Council and the community with achieving the desired outcomes of this project
- Considerations – Shire ownership & administration of website as opposed to third party administrators
- Considerations – Third party sites costs to be on charged – e.g.: e-ticketing costs should be on charged to events party i.e.: cost of event tickets sold online should be invoiced to the event organiser
- Timing for the introduction of Hardware/Software upgrades to allow for improvements

Addendum 2

Chapman Valley Community Online Hub Final Report

Chapman Valley Community Newspaper Incorporated

Authors:

Elizabeth Burton and Alicia Pawelski

Contributors

Nicole Batten, Community Development Officer, Shire of Chapman Valley
Members of the Chapman Valley Community Online Hub Advisory Committee

Date: 19th June 2015

Acknowledgements

This report was made possible with funding from the Shire of Chapman Valley's Community Growth Fund. They have had significant involvement with the project through the support of their Community Development Officer Nicole Batten. They also assisted by promoting the survey and participating in the consultation.

The Chapman Valley Community Newspaper would like to acknowledge the following people and groups for their assistance in preparing this report.

The Chapman Valley Online Hub Advisory Committee
Nicole Batten, Trish Kupsch, Pam Batten, Ralf Mulks, Renaye Stokes, Erin Green, Kristen Warr, Teagan Shea, Donna Blakeway

Yuna Mail and Courier Service for their assistance in delivering surveys to the community.

Pollinators Inc, Scoop Design, Blaze Digital, Nabawa Valley Tavern, Chapman Valley Agricultural Society, Chapman Valley Men Shed, Chapman Valley Historical Society, Chris Hogan, Pam Williamson.

The Chapman Valley Community Newspaper Inc has successfully produced and sold a community newspaper for the Shire of Chapman Valley for over 10 years using the tireless work of volunteers. The committee has debated this project and the newspapers involvement in it for over a year now. It was the original sounding board for the proposal and the committee have assisted with this needs assessment.

Contact details

If you would like further information about the report, have a comment or wish to help the project please email valleyvibes@westnet.com.au.

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Executive Summary

The Chapman Valley Community Newspaper (CVCN) began discussing the merits of establishing an online community website/hub to allow groups, businesses and individuals in the Shire to promote and share their news and activities in 2014 and approached the Shire of Chapman Valley with the idea. As a result it applied for funding from the Shire's Community Growth Fund to conduct a needs analysis to determine if there was community demand for such a resource and if so what services and functions it should provide. This report provides the results of this work.

The needs analysis has involved establishing an advisory committee, conducting a survey, conducting phone interviews with businesses and community groups and investigating what other places are doing. It has also involved testing the idea with web developers and other professionals to determine good solutions to providing the online hub.

The advisory committee was developed to ensure that all parts of the community could be reached by the consultation. They were also able to provide technical skills and leadership to guide the project.

Results of the survey were positive with 104 respondents and 70% indicating they would like a website to be created. People mostly wanted the website to provide information and to be a platform to allow news and photo sharing. People were interested in helping to create the website through committee participation and writing stories. There was also an indication that businesses and community groups were willing to pay so they could contribute to the ongoing costs. The three main reasons for not supporting the project was the cost to the community, possible lack of use of the site and preference to establish a Facebook account, as it is free. Phone interviews were also positive with support for developing the resource.

By investigating what other places are doing to create online resources found evidence that it is possible to create these services in a cost effective manner to have many social and economic benefits for the community. There has also been a significant and rapid increase in Australians access and use of the Internet and the technologies associated with it. (Australian Media and Communications Authority 2015).

Discussing the project with professionals who develop websites and use Internet technologies to communicate with other communities provided options for meeting the needs of the Chapman Valley community as identified in the survey.

There is demand for an online resource and the research indicates that the needs of the community would be met by establishing a website hosted by an easily accessible content management system that links to social media platforms (text, email and Facebook). This resource should be developed by a professional and a website administrator should be employed to manage content and support the community to publish their information. There is a significant opportunity to use the project to up-skill the community in using Internet based technology.

For the CVCN and the Shire of Chapman Valley the needs analysis provides evidence that a website linked to social media would be valued by the community and this report provides information on how to progress the project further. The report also provides evidence of there being significant social and economic benefits in developing and using a community website.

Introduction

The CVCN identified that there is no single online point for community groups, businesses and people in the Shire of Chapman Valley to connect with one another and those outside the Shire to promote themselves and their events, activities and news. Members of the CVCN felt that the outcomes of developing the website could include:

- Increase the ability of community groups to promote their activities.
- Improve information dissemination in the Shire (e.g. there is a fire ban on, ballet/tennis/golf is cancelled/changed times).
- Attract visitors to the Shire.
- Increase the viability of business in the Shire (cost effective advertising, increased numbers of people at events, increased number of visitors as people can easily find out what is happening).
- Allow residents of the shire to connect with each other over the Internet as well as connect with people outside the Shire.
- Provide a cost effective Internet site for volunteer groups to recruit new volunteers and businesses within the Shire to advertise employment.
- Improved ability to promote the great lifestyle that is living in the Shire of Chapman Valley.

During the first half of 2015 the CVCN conducted a needs analysis with funding from the Shire of Chapman Valley's Community Growth Fund to determine if there is demand for a website and what functions it should provide the community with.

The needs analysis aimed to consult widely with community groups, businesses and individuals living in the Shire and involved the completion of the following:

- Establishment of an advisory committee to guide the needs analysis and provide expertise on website development.
- Personal contact with community groups and businesses in the Shire of Chapman Valley to discuss the proposed website and ascertain their views on the project going further.
- A survey widely distributed by email, personal contact and mail for people residing in Chapman Valley or with strong links to the community.
- Research into the use of websites and the Internet for community engagement and development.
- Attendance at a Pollinators lunchtime lab to discuss potential ways to develop a website for the community.
- Costing the development and ongoing management of website.

Results of the needs analysis showed there was demand for a website that provided information and news to the community as well as those outside of the Valley. The website needed to be easily updated and allow information to be disseminated widely on social media.

This report provides the full results of this research and has recommendations for what is needed to develop of the website and an estimate of how much this will cost.

Community Websites

In proposing the website for Chapman Valley a number of people provided information about other communities' websites in Western Australia and an Internet search was conducted to look for others. Contact was made with people involved with running the websites established by not-for-profit community groups to see what could be learnt from their work. A number of administrators from community Facebook pages were also contacted about their experiences.

The albanygateway.com.au is a not-for-profit community website servicing Albany and towns in the Great Southern Region of Western Australia. It includes a business directory, a community directory, classifieds, employment information, tourist information, a community calendar and historical information. It has been extremely successful in attracting the support of the community and businesses in the region.

The website roleystone.net.au was developed by a local resident web developer as a way of supporting businesses in the town in marketing themselves to locals. It has grown to include community group pages and has 831 members. It has recently added a Facebook link. It has no paid advertising and Chris Hogan the owner currently covers all expenses as a way of giving back to his community. He said that it has been a valuable resource for connecting the community and has been used to make cases for improved residential facilities. He said that one of the most important things to having a good community website is ensuring it has excellent content.

A number of members from the Balingup Progress Association attended a course in website development and then worked together to publish balingup.asn.au. A web developer Pam Williamson moved to the town and volunteered to redesign the page in conjunction with designing the Tourism Association webpage. She now continues as a volunteer administrator of the progress association website but there is no separate committee governing its management. The only costs associated with the website are the hosting fee and the domain name.

Pam's advice was to be selective in finding an appropriate host for the website. She finds it challenging to gather content and keep the information page up-to-date. She stated that the owner of the domain name should be the group that runs the webpage, not the individual who administers the site, to use a designer with a once-off fee who delivers a content management system that the administrator can update at no cost and to consider ensuring the page is responsive to all devices people use to access the internet.

Establishing a Chapman Valley Community Facebook page instead of establishing a stand-alone website is a consideration due to it being a free resource. The Northampton Community Centre Facebook site is administered by the Sports Administrator and is an official part of their role. Their main tasks are to monitor the posts to ensure they are appropriate, delete posts (rarely occurs) if they are inappropriate and check to ensure people who request to join the page are legitimate. They stated that maintaining the page does not take a significant amount of time, however suggested that if anything was established, volunteers were trained to undertake the role to cover the administrator's leave.

Midwest Farming and Livestock is a Facebook page that allows people to buy and sell farm equipment, livestock, machinery and agricultural products, as well as share news and events. You must join and other members are able to approve your request. It is administered by a single person who is extremely happy with the functionality of Facebook, including their ability to manage spam and to promote the

site to friends of members of the page. They noted that Facebook could be very successfully combined with a webpage to improve interactivity but felt this was unnecessary as the benefits of their being no cost to using Facebook outweighs those of hosting a webpage.

An individual established the Esperance Community Facebook page to act as a community noticeboard. It is free for any community member or business to post information, advertising or requests. There is a separate buy and sell page available for classifieds. In recent times an additional volunteer has been trained to manage the posts due to increasing workload.

Everything Geraldton was established in 2012 to provide Geraldton residents and visitors with information including news, events and business locations as well as connect with each other. It is both a website and an app. It is for-profit and owned and managed by the Just Everything Group. It sells advertising and marketing packages and employs staff to maintain and update the website. The owner of the website emailed that he believes the strength of the site is that it is for profit and independent of all government organisations. They are in the process of launching an app for Dongara and if this is successful may be interested in considering options to grow the business into Chapman Valley.

Geraldtoninfo.com.au is an online community directory where community groups are able to post information for free and businesses pay to include their information and advertise. It does allow groups to update their own information live to the site and links to Facebook. The administrator was emailed regarding this project and did not reply.

Using Information and Communication Technology for Community and Economic Development and Engagement

A basic literature review was conducted in an effort to learn from others about the use of information and communication technology (specifically websites and social media) for community and economic development and engagement. This was limited to information available for free as the authors and the CVCN is not affiliated with any university or scholarly library with greater access to this information.

The Australian Communications and Media Authority released a report "Australians' digital lives" in March 2015 which found that 92% of adult used the internet in the six months to May 2014, including 100% of the 18-44 age group, 94% of those aged 45-64 and 68% of those aged 65 and over (Commonwealth of Australia (Australian Communications and Media Authority) 2015). Sixty eight percent of Australians who use the internet are now using three or more devices to access the internet and managing these devices at home is now growing more complex with these devices using both fixed line and Wi-Fi networks.

Digital engagement is intensifying with increased data downloads, use of cloud services for data storage as well as a greater number of people working and consuming products digitally. For the June 2014 quarter, the total volume of data downloaded by Australian Internet users increased 53% (to 1, 034, 959 terabytes) over the June quarter of 2013. In the six months to May 2014, 14.2 millions adult Australians (79%) used a cloud service (Commonwealth of Australia (Australian Communications and Media Authority) 2015).

Total data downloaded in the 2014 June quarter grew by 53% over the June 2013 quarter, with data downloaded to mobile services almost doubling (97% growth). In

the last 6 months to May 2014, 3 out of 4 Australians with a smartphone downloaded an app, with those aged over 55 showing the largest increase in app downloads (Commonwealth of Australia (Australian Communications and Media Authority) 2015).

There is increasing participating in online communities and blogging, which now involves more than 54% of online Australians, whilst at the same time webmail use is decreasing with more options competing for attention. An estimated 6.2 million adult Australians used a communication application to make phone or video calls or send messages in the 6 months to May 2014. The most popular applications to do this were Facebook, Skype, FaceTime, Viber and Apple iMessage (Commonwealth of Australia (Australian Communications and Media Authority) 2015).

Digital communication has significantly changed the way Australians work with more than half of all employed Australians using the Internet to work away from the office. Ninety one percent of businesses in Australia employing 0-4 people had an Internet connection increasing to 99.8% of businesses with greater than 200 employees. In 2012-13 47% of businesses had a web presence, which increased to 98% for those businesses with more than 200 employees (Commonwealth of Australia (Australian Communications and Media Authority) 2015).

The online economy is growing significantly with 74% of online Australians using banking and finance digital services. In the last four weeks to June 2014, 10.85 million Australians made an e-commerce transaction an increase of 10% from the same period in 2013 (Commonwealth of Australia (Australian Communications and Media Authority) 2015).

The Central Queensland University and the City of Rockhampton formed alliance in 1999 to implement the COIN (Community Informatics) to research issues around communities using Internet technology to improve community cohesion and empowerment. At the time there were few community networks that were using the Internet successfully to increase social capital. The project used a community development framework to encourage members of community organisations to attend training on using the Internet. These trainers were then encouraged to train others. Taylor and Marshall (2002) concluded that to improve people's access and use of ICT, community development projects must enhance people's confidence in their ability to use technology before they can be successful. They suggest the best way to undertake this work is to engage and collaborate with community champions in lead agencies to encourage participation. This research shows that it is possible to use the Internet to improve social capital but the project must connect with and empower the community to ensure its success.

The Creating Community Connections Project involved Massachusetts Institute of Technology researchers working with residents of an American housing development to provide every family with a computer and high speed internet as well as training and a closed community website to improve social capital (Pinkett, 2002). Increased social capital was defined as reconfigured social networks, increased obligations and expectations of trustworthiness, expanded access to information channels and increased interaction among residents. The project found that there were measurable improvements in residences social networks and access to information and resulted in a 33% increase in name recognition and a 100% increase in telephone and email communication. There were also measurable increases in resident's awareness of neighbourhood assets. The website was found to be well used and residents reported that they were more informed about what was happening in their community and had a better understanding of the skills and abilities of their neighbours. The

most popular parts of this website were the resident profiles, calendar and discussion forums. The researcher noted that community champions were essential in the success of the project (Pinkett, 2002).

Chung and Nah (2009) investigated the use of interactive news presentation and perceived user satisfaction of online community newspapers. Research was conducted by online surveys and found that interactive features were positively associated with consumer satisfaction. This has implications for the CVCN who may be able to leverage further support for the Valley Vibes by participating and collaborating on a community website.

Cohill (2009) lists the benefits of community web portals as:

- Increased traffic for other websites in the community.
- Increased visibility of the community on the Internet. It becomes significantly easier for those outside the community to find and learn about the place and its activities.
- A portal can be a recruitment tool to attract new residents to the area.
- A community portal offers a significant contribution to any economic development effort in the community. It can make a community look dynamic and connected with a savvy and tech-ready workforce.
- It is an important tool for tourism efforts; it is one of the easiest ways to attract visitors to your area.
- Community web portals have the potential to improve civic participation and volunteerism, as they are able to provide correct and timely information to residents and encourage discussion and action on improving community life.
- By providing the ability for people to participate in providing content and posting information on the site the portal is a hands-on learning tool for acquiring skills in using new technology.

Chapman Valley Online Hub Advisory Group

An advisory group was established to guide the needs analysis process and determine the demand for, role, functionality, requirements and stakeholders of a possible Chapman Valley Community Website. The chair of the group was provided by the CVCN. The groups Terms of Reference is provided in appendix 1.

Membership of the group reflected various elements of Chapman Valley including community groups, businesses and individuals. Membership to the group was not closed and an invite for interested people to join the committee was included when distributing the survey. As per the conditions of the grant the Chapman Valley Agricultural Society and the Chapman Valley Historical Society were invited to provide representative and both groups accepted this invitation. The Community Development Officer represented the Shire of Chapman Valley. The members have considerable experience in consultation, developing community resources, marketing businesses and developing websites.

They reviewed and edited the survey before it was distributed, assisted in distributing the survey widely across the community, provided assistance in interpreting the survey results, provided suggestions for additional consultation required, provided technical advice about developing websites and assisted to prepare the report.

Survey Results

A survey was developed (see appendix 2, for copy of survey), using Survey Monkey and was distributed in Chapman Valley using both email and post and was open for a two week period from the 9th March 2015 – 23rd March 2015. Answering the survey was incentivised with a \$50 gift voucher.

The aim of the survey was to collect the following information:

- What resources people currently use to find information about Chapman Valley?
- If there is support for the development of a website?
- What functions a website should provide?
- What they may be willing to contribute to the development or management of the website?

A total of 104 responses were received with 70.59% of people respondents answering yes to the question 'would you like a website developed for the community of Chapman Valley?' For the same questions 24.51% answered maybe and 4.90% answered no. A report with all the responses to the survey is attached in appendix 2.

97% of respondents indicated they used email, 69% used Facebook and 63% had a smart phone. Only 4% of people had a blog and 5% used Twitter.

Socialising with others and the Valley Vibes newspaper were the most common ways respondents indicated they found information about the Valley whilst noticeboards and visiting the Shire were the least common methods. Table 1 shows all the responses regarding how people in Chapman Valley find out information about the community.

Table 1: Information Sources in Chapman Valley

Information Source	Yes	No	Total respondents
Valley Vibes Newspaper	72.09%	21.91%	86
Shire of CV website	52.86%	48.57%	70
Shire of CV e-Newsletter	67.47%	32.53%	83
Email	60.87%	40.58%	69
Telephone	40.98%	59.02%	61
Socialising with others	84.71%	15.29%	85
Internet searches	39.34%	60.66%	61
Notice boards	25%	75%	60
School Newsletters	55.56%	45.83%	72
Newsletters	34.48%	65.52%	58
Visiting the shire office	28.81%	71.19%	59
Local sporting club correspondence	30.51%	69.49%	59
Facebook	53.62%	46.38%	69
Other comments: Valley Tavern, CV Mens' Shed, Being a member of the museum, searching on trove, Facebook would be the park falls page.			

The most requested information of respondents was fire bans and movement bans at 81.93% followed closely by community group news (80.49%), stories about Chapman Valley (78.57%), history of Chapman Valley (78.16%), weather (78.67%), services provided by Chapman Valley businesses (76.92%), community group contacts (76.19%) and road conditions (72.62%). The lowest percentage of requests was for school contacts (40.28%). In the comments agricultural and gardening information from locals was requested and another comment suggested no business

should advertise without payment and requested local stories from interesting people.

When asked what functions people would use on the website, lost and found, email newsletter for subscribers, job vacancies, Facebook posts, email updates, purchase tickets and share news had the highest proportion of yes answers (see appendix 2 for percentages). Individuals did not show significant interest in having their own webpage (52.62% of people who answered the question indicated no to having their own webpage). Comments for functions people would use included a trades and services section, houses for rent section and well as staying better in touch with Nabawa history.

Most people answered the survey as residents in Chapman Valley. 14 people stated they were non-residents, 6 answered as a representative of a community group, 7 were businesses within the valley and 2 were businesses outside of the valley. Some community groups in the Valley wrote letters of support for the website instead of answering the survey. These letters are attached in appendix 4.

60.32% of individuals said they would be willing to share photos on the website, 58.73% would use the classified sections, whilst 55.56% of people wanted to share information found with friends. A number of people showed interest in working on the website with 19 people interested in writing news stories, 12 willing to proof read content and 11 people interested in participating on a website committee. Some people were unsure of what they wanted to contribute.

Answering the willingness to pay for a page on the site question was limited to respondents representing community groups and businesses with 53% of 23 respondents willing to pay and 47% not willing to pay. 36% of people indicated this would be up to \$50 annually and 36% indicated they would consider \$101-\$150.

17 respondents who represented community groups and businesses answered the question about their willingness to contribute to the site. 64% indicated that they would edit their own page (with training provided), 64% indicated they would advertise and 64% would send information about their business or group to a Webmaster to upload. 58% wanted to upload activities and events onto a calendar and 52% would advertise events. 47% would upload news onto the website and 47% would like a news feed that links to email/Facebook/Twitter. 34% would advertise employment opportunities.

There were many comments in the survey with most being supportive of the website. Of those that were not they could be generally classified into three groups, people who felt that a website was a waste of money and that it would not get the use needed to justify the cost, people who felt that a Facebook page was the best option due to cost and time and those who wanted to see how and who would manage the site before they supported the activity. All comments are included in the appendix 2.

Consultation with Community Groups and Businesses

Before and during the survey period contact was made with community groups and businesses in Chapman Valley to discuss the website proposal, see if the group wanted someone to attend one of their meetings for further discussion, seek support for the development of the website and determine what parts of the website the group may use.

Many groups and businesses contacted were very supportive of the development of a website for Chapman Valley. For a list of all of these groups see appendix 3. All groups were also emailed a link to the survey, however a small number of groups preferred to write letters of support for the project instead of completing a survey. These letters are attached in appendix 4.

Facebook vs Website

In the survey it was suggested that the most appropriate solution to providing an online space for the Valley was to set up a Facebook groups page as it is free and used by the majority. No one suggested who should undertake this action. To explore this option further a SWOT analysis of Facebook and a Website was undertaken. These are in appendix 5.

Facebook has always been considered an important part of the project as a tool for information to be disseminated to community members, however the Advisory group did not feel that its use alone would meet the needs of the community. There are limited ways to organise the information on the page and if demand grows or needs change there is limited ability to grow the site beyond the limited functions provided to the user. It is also accessible only to Facebook users and has costs associated with promoting posts to people who have liked the page. A Facebook page would still need an appropriate administrator and this role would require a significant time commitment. However Chapman Valley would not need to employ a web developer to set up the site.

An Online Place for Chapman Valley

At the advisory committee meeting after the completion of the survey it was decided that there was very little to be gained from holding public meetings to determine functions or priorities for website as this information was in the survey. Members suggested further research into options that would provide an online place for the Shire of Chapman Valley and to cost out these options to include in this report.

Website developers were contacted to cost a custom built website for the Valley, however the advice from both local providers was this may not be the best option. One developer, like community members in the survey suggested that Facebook be considered as the best starting point, as it was free and easily used and accessible for most people. Another developer provided a costed option for a website and did not suggest Facebook as a stand-alone solution.

The advisory committee requested that the consultants and Community Development Officer meet with Pollinators Inc. in Geraldton to see what advice they had for setting up successful online spaces that allow communities to promote themselves and collaborate with each other (Pollinators Inc. is a not for profit, member based social enterprise located in Geraldton that provides community workspaces, networking opportunities for professionals and volunteers and learning/training programs for members). At this meeting it was suggested that the goal for the website be clarified and to begin testing platforms to host an online place for the Valley. They also suggested the website could start small and could easily grow across multiple platforms to meet demand over time. Lunch time lab participants felt that a Facebook page would have benefits to the project but did not feel that it should be the only platform used. They encouraged using the project to provide training to the community on Internet technology as well as to look for opportunities to use technology to improve communications between Local Government and the community. They suggested platforms such as Wordpress, Ning, Weebly, Facebook, Podio, Twitter, MailChimp, Survey Monkey and Town Hall.

As a result of these discussions and considering the advice of the committee and the results of the survey the goal of having a online place for the Valley was clarified to developing a site which allows people to find out information about the Chapman Valley community and its activities and for this information to be easily updated and disseminated to people via their social media preference (text, email and Facebook).

Recommendations

From the results of the needs analysis and research into options for providing an online place for Chapman Valley it is recommended that:

- A website be developed for Chapman Valley using a hosted content management system that has a news feed and blog and be compatible for low signal and data Internet. This website should provide:
 - A community and business directory.
 - A calendar of events and activities.
 - Be linked to Facebook, email and text feeds to post information to people who prefer these social media applications.
 - Have multiple pages for information to be provided, including classifieds.
 - Linked to online software packages like MailChimp to prepare email newsletters.
 - Community groups and businesses to have their own sections to post information and update people on their activities.
- The website should be created by an experienced web developer who is contracted to undertake the work.
- The website must have a paid administrator whose role is to manage publishing information and news on the website whilst supporting community groups, businesses and individuals to provide and publish appropriate information on their sections of the site. A basic job description for the role is included in appendix 6. They should be able to undertake moderate maintenance on the page, however they should have access to the designer for more complex tasks.
- Training is to be provided to the administrator on the content management system. This training should come from the web developer.
- Training is to be provided to the community at no or minimal cost to enable them to make the most of their page on the website.
- Any group which edits their page must sign a terms of use before being provided with access to the content management system. They will receive training from the administrator.

There was interest in the website being able to provide online ticketing and check out services to community groups but in researching the project there were many cost effective options already available that community groups can link or add to their website to provide this feature at a minimal cost to them (Ticketbase, Stripe and Woo commerce). Using tools such as these could be included in the training.

The survey indicated there is some willingness to pay for having pages on the site and for advertising. This would provide a mechanism for cost recovery, but would also see demand increase for the administrator to provide assistance in publishing content to a high standard. If this option is pursued, the administrator should encourage people to email content to them and they will upload the content to the website. It is also possible for very simple forms to be added to the website to help manage this process.

There is a significant opportunity to use this project to improve the communities Internet literacy by providing training opportunities in developing and maintaining websites. This training should also include knowledge and skills they can use to make the most of opportunities other internet based technologies may provide. Examples include cloud based accounting software, online checkouts, social media marketing and organisational tools and software for community groups/businesses. Including these options would assist in finding grant funding for the project.

This project will not be successful without a source of ongoing funding to employ the administrator and it is the recommendation of the advisory committee that it does not go ahead without this being found. The group suggested this could come from the Shire of Chapman Valley.

Cost to develop the website

A number of developers were approached to provide a quote.

One provider estimated that a custom built website would be in the vicinity of \$10,000 - \$15000 plus \$1000 annually to maintain and questioned if this was the best use of funds. They suggested further investigation of the functions of Facebook, as this may be the most suitable option. They also suggested that the community combine a Facebook group page with a free Wordpress page. If Facebook and Wordpress were used they suggested training wouldn't be required. Further investigation found that a custom build was not appropriate for this project.

The second web designer showed interest in the project but not a custom build and did not feel that Facebook was the best solution. They have provided quote of \$6,250 + GST for website design and development and administrator training and support. It would have a Wordpress content management system, promotion slider on the home page, business directory and be responsive to all Internet browsing devices. It would include a submission to Google, Yahoo and Bing, Google analytics, Mailchimp, Anti-spam and video tutorials and user manual for the content management system. Training will be in four modules for 1 to 1.5 hours and the administrator and another person and they will have up to 8 weeks of email and phone support. This option would also require hosting fees of between \$130 - \$400 per year depending on functions needed and it is thought the hourly rate for the administrator would be between \$25 - \$30 per hour and be required for between 7-14 hours per week. The administrator would be required to create the Facebook page when the website launches and link it to the page which would take between 5-10 hours of work.

A member of the advisory committee has some experience developing websites through her volunteer work using the platform Weebly and has set up a draft website for Chapman Valley to test the idea. When discussing the advice from Pollinators it was discussed using Weebly which cost \$25 per month and publish this draft site to set something up quickly and build on any momentum the needs analysis has created. However at all stages of this project it was felt that who ever developed and administered the site should be paid for this work and so it is proposed that if this option is selected the volunteer is compensated financially for this work (50-100 hours work at approximately \$50 - \$80 per hour). The professional developer has indicated that he will not use any other platform than Wordpress as it is the most common hosting platform used worldwide and he has specialised in its use. If they were brought in at a later date he would then start again with a new site. This option does not provide any training to the community and hasn't included a cost for any ongoing administration.

The cost of developing a Facebook group page would be approximately \$2000. This would allow for a person to be paid an hourly rate to set it up, including a directory document and for some promotion/advertising of the page when launched. A volunteer would need to be found to administer and moderate the page, although there may be opportunities for this to be a paid position. It may be possible to find grant funding to run a social media training session with content on setting up an account, online safety and making the most of the account to encourage members of the community without a Facebook account to create one and join the group.

Lotterywest does have an Information Technology and Web grant that the community through an appropriate organisation could apply to for funds to develop the website and train people in the use of Internet technologies. Other grants may also be available to assist funding the project and include the Nabo community grant, which offer up to \$10,000 for projects that encourage community connectedness, the annual ANZ Seeds of Renewal Grant which provides funding for programs that help people prepare for employment, programs that help people learn new skills and knowledge and developing social enterprises which help create employment and the Foundation for Rural and Regional Renewal Small Grants for Rural Communities which provides funding for projects that benefit the whole community.

Conclusion

The needs analysis found there was demand for an online place for people in Chapman Valley to share information and promote their activities and events. Of the options to provide this service, a website, linked to various social media platforms including Facebook will provide good opportunities to capitalise on the benefits that the internet and its increasing use makes available for communities. This option also allows for the service to grow with demand and funding opportunities.

One of the main benefits of the project is that the website will provide a platform that anyone with an Internet connection can access. It will also provide the community new opportunities to communicate with one another. The website will also be a good resource for community groups and businesses to promote themselves and their activities as well as create opportunities for them to use internet technologies to improve their work practices.

The project can also provide significant opportunities to grow the skill set of the community by providing training in developing websites and using Internet based technologies. For example, Wordpress is the most commonly used hosting platform in the world and teaching people how to maintain a website using this software would provide them with a skill they could use to further their employment prospects.

For the CVCN and the Shire of Chapman Valley the needs analysis is evidence that an online resource that provides information and a platform to promote the community's activities and events would be valued. The recommended website linked to social media would meet the needs of the community and the report provides a framework to progress the project and reap the rewards of embracing the online world.

References

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Pinkett, R. (2002). *Toward Social and Cultural Resonance: Case Studies from the Creating Community Connections Project*. Published paper presented at the 2002 International Symposium on Technology and Society: Social Implications of Information and Communication Technology, Raleigh

Taylor, W., Marshall, S. (2002). *Collaboration: the Key to Establishing Community Networks in Regional Australia*. Informing Science: Vol, 5., No, 3.

Appendix

Appendix 1: Committee Terms of Reference

Chapman Valley Online Community Hub Advisory Group

TERMS OF REFERENCE

1. ROLE

The role of the Chapman Valley Online Community Hub Advisory Group (CVOH) is to guide the needs analysis process to determine the role, functionality, requirements and stakeholders of a possible Chapman Valley Community Online Hub that has been proposed by the Chapman Valley Community Newspaper Incorporated committee.

2. OBJECTIVES

- Consult with individuals and community groups on the proposal to develop a website/online hub for Chapman Valley.
- To determine what functions are needed by the community if significant interest in the website is shown.

3. OPERATIONAL GUIDELINES

3.1 Management

This working group is formed by the Chapman Valley Community Newspaper Incorporated (CVCN). The needs analysis is funded by a grant from the Shire of Chapman Valley. The project is to be completed by the 31st of June 2015 and the group will be disbanded at the completion of the needs analysis.

3.2 Chair

Provided by the CVCN

3.3 Members

Working group members should reflect various elements of Chapman Valley, including but not limited to; community not for profit organisations, sport, tourism and business. The group will be brought together via invites from the CVCN and as per the conditions of the Shire grant the CVCN must invite a member from the following groups:

- Shire of Chapman Valley – Community Development Officer
- Chapman Valley Agricultural Society
- Chapman Valley Historical Society

The working group is able to recruit members to the group to offer any expertise it may need over the life of the project.

Working group members need to be enthusiastic and willing to encourage the community in Chapman Valley to have their say on the development of the online hub.

3.3 Meetings

Agenda and Minutes
Provided by the CVCN

Frequency and Duration

The Working Group will meet as appropriate. Meetings will generally be for approximately two hours.

4. RECORDS

Agenda and Minutes will be prepared for the meetings of the working group and kept by the CVCN.

An interim report will be prepared for the Shire of the CVCN at the end of the first round of consultation (when the survey and interview stage is completed). If the findings of the survey/interviews are not in favour of developing a website the project will be complete and the grant acquitted.

If the project continues a final written report with the findings of the needs analysis and a costing to develop the online hub will be delivered to the Shire of CVCN committee.

5. ADOPTION AND AMENDMENT OF TERMS OF REFERENCE

The Terms of Reference shall be altered only with the majority consensus of the Working Group.

These Terms of Reference were first adopted on xxx following endorsement by the Working Group

6. ATTACHMENTS

- Chapman Valley Community Website Power Point Presentation
- Project Outline

Appendix 2: Survey Report
See attached PDF document

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Appendix 3: Community Groups and Businesses Consulted

CV HARVEST BALL
CVPS P&C
CV MENSSED
YUNA CWA
YFIG
YUNA P&C
CVAS
CV FIRE BRIGADE
NANSON ACTION GROUP
CV RIFLE CLUB
YUNA MAIL RUN
CV STUD BREEDERS
CV MUSEUM
CV TENNIS CLUB
YUNA TENNIS CLUB
CV BASKETBALL CLUB
CV FOOTBALL CLUB
PARKFALLS RESIDENT ASSOCIATION
CV GOLF CLUB
YUNA GOLF CLUB
CVNCC RAMS CRICKET CLUB
AMBULANCE SUB CENTRE
CABY Creating a Better Yuna
YUNA SHIRE LIBRARY

Appendix 4: Letters of Support

Yuna P&C Minutes

Thursday 12th February 2015, 3.40pm

PRESENT: Kel Williamson, Nic Batten, Erin Green, Alicia Pawelski, Carisa Mincherton, Kirra Warr, Jenna Hansen, Sarah Creasy, Brady Green, Rach Williamson, Fiona Mann, Jasmyn Allen, Brenda Williamson, Shirley MacLeod, Belinda Eastough, Nikita Credlin, Jason Batten, Kim Batten,

APOLOGIES: Lorraine Jones, Jasmine Batten, Rodney Allen, Craig Williamson, Liam Mann

Significant Incoming Correspondence:

- 1.1 IN- Bunnings- Fundraising dates
- 1.2 IN- WACSSO- Newsletter
- 1.6 OUT

IMPORTANT EVENTS	Date	Person	Activity
Item	Discussion		Action/Time/Person
LAST MINUTES	Moved Nicole second Erin to be true and correct.		
BUSINESS FROM MINUTES	Pool Revitalisation Grant Fundraising (Bunnings) Melbourne Cup Fire Comp		See attached breakdown of the money expenditure. Bethany from Clark Rubber to come out and do last check on pool and the levels. Need to get more wheely bins to store the new pool equipment in. Alicia to liaise with Jenna regarding the meat. Perhaps members could all donate loaves of bread. Nikita offered to approach the Foodbank. Roster has been emailed out. Breakdown/report will be brought to next meeting. Leave for another 12 months then readdress.
FINANCIAL REPORT	Opening Balance Expenses Income Closing Term Investment Total	+ \$	To be presented at next meeting when books have been audited. Term deposit @ \$12405
PRESIDENTS REPORT			
PRINCIPLES REPORT	See attached report.		
GENERAL BUSINESS			
Canteen	\$2000 in cash from last year. Money needs to be in an account, P&C to look into the best way to do this. Brenda also asked that parents help with the setup and running of the canteen on Fridays. Parents agreed that they are happy to help.		Motion- New account requires three signatories being the President (Alicia Pawelski), Secretary (Kelly Williamson), Treasurer (Jenna Hansen). Two to sign accounts. Moved by Kirra and second by Kelly
CV Show	Shirley suggested that we do a school display instead of the children receiving prizes. Children are still able to enter areas out of school time. Teachers feel that too much learning time is taken up with getting work ready for the show. Need to approach the CV Ag Society to offer the suggestion.		Shirley has offered to write the letter to them.

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Busy Bee	Blokes will get together to remove stage from hall. Shirley will email list to Kelly for school jobs.	
Open Night	Term 3 open night to display the children's work with a bring and share dinner. This night will replace the need for work sample files as they require a lot of time to put together.	
Jackets/Library Bags	Order needs to be placed through LW Reid	Kelly will email parents and get ordered
Refrigeration of Lunches	Children's lunches need to be kept in refrigerator	Brenda has a couple of ideas how to utilise what we already have. P&C all agreed
LOTE	Parent expressed interest in a presentation day to see what the children do in Indonesian.	Teachers will look into how this could work
Pool Cleaning	Concerns with the upkeep of the pool. Not cleaned properly	Alicia will ask John Warr regarding the contract in place. Letter to Graeme for hours and run down of upkeep.
Science Equipment	Teachers would like to purchase Science kits and books for the school. They are requesting \$500 towards the setup. This would give all students from K-Yr 6 all the required Science learning needed.	Motion- All in favour to giving the school \$500 for the setup of the Science Kits. Moved Kelly second Alicia. In the future if P&C unable to fund may have to look into the increase of contributions.
Glenn Mitchell	Sub-committee to take over the organising of this event. P&C are asked to donate food.	Sub-committee to email with what is required.
NCVISA	Shirts need to be added to school uniform list	Kelly to retype
CV Web Portal	Community groups will be able to have their own pages connected to the hub. This will keep everyone up to date and also a way to assist in grants etc.	All members agreed that this would be worthwhile.
Pauline Forrester	Leaving as our swimming teacher due to new laws.	P&C will send letter to thank for her years of support and loyalty.
Booklists	Would like to look into making it cheaper for parents.	This needs to go to school council.
	MEETING CLOSED: 5.30pm	

31st March 2015

To whom it may concern,

The Chapman Valley Primary School would like to take this opportunity to throw our support behind the Chapman Valley Web Portal currently being explored by the Valley Vibes Team.

The Web Portal has huge potential to increase our ability to support our school effectively. In the short term we can see how it would increase our ability to inform community members of our current projects and fundraising initiatives, as well as possibly acting as a platform for people coming into the district to have "first contact" with our school and community.

The long term potential for this portal is as limitless as the imaginations of the people running it, and include acting as a forum for community discussions on big changes which may be occurring within our school, and a place we can keep up with what other P&C's within the shire may be doing, even if only to avoid directly competing with them for fundraising opportunities.

The CVPS P&C would like to commend the Shire and the Valley Vibes Team for exploring the potential this project has within our community, and wish you every success in seeing this positive initiative come to fruition.

Yours Sincerely,

Jane Barndon.
Chapman Valley Primary School P&C President.

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31st March 2015

To whom it may concern,

As a newly incorporated community group in Chapman Valley, the Chapman Valley Community Ball Inc. is extremely excited by the potential the Chapman Valley Web Portal has within our community. Not only will it allow us to reach a wider audience than we otherwise could, it will also open up new opportunities both for individuals in our district and for our community as a whole. The portal has fantastic potential for effectively sharing information to locals, tourists and neighbouring communities.

We would like to commend the Valley Vibes Team and our Shire Council for undertaking to explore the possibilities this avenue offers and we whole-heartedly throw our support behind the project.

Yours Sincerely,

The Chapman Valley Community Harvest Ball Team



Susanne Warr
Yuna CWA Secretary
PMB 42
South Yuna WA 6532

14 March 2015

Dear Alicia & Liz,

Support of Chapman Valley Community Website

I am writing on behalf of Yuna CWA ladies who comprise of a network of 24 enthusiastic women, who value their family, the farm business and our community. Our group wish to extend our congratulations on your initiative to set up a website. We all give full support of the resource and know it will be an a wonderful extension of the Valley Vibes and allow the Shire to promote events, activities and current news of the district

Yours sincerely,

Susanne Warr
Secretary
Yuna CWA

Appendix 5: SWOT analysis Facebook vs Website

Stand- Alone Website

A stand-alone website for Chapman Valley that could be custom designed or hosted through online software was original proposal being tested by the needs analysis.

Strengths <ul style="list-style-type: none"> • Custom design is possible • Owned by the community • Can be adapted to use many different social media applications, including Facebook. With a linked Facebook account can still use the inbuilt marketing and promotion tools. • No need to have an account to access • Ability to promote the Valley to outsiders • Ability to grow with demand. • Meet multiple needs of community groups and businesses. • Ability to generate revenue through advertising. 	Weaknesses <ul style="list-style-type: none"> • Cost • Ongoing maintenance cost • Technical skill required to establish and maintain • Have to provide own governance and terms of use. Need to be willing to address complaints about inappropriate use. • Requires training
Opportunities <ul style="list-style-type: none"> • Skill development for people with in Chapman Valley. • Online checkout facilities for membership fees and tickets • Improved communication between communities. Greater collaboration on events including scheduling. • Employment opportunity in Shire • Economic development – cost effective promotion of businesses and services in Shire • Ability to grow website – could start with basic function and then grow with demand for functions. 	Threats <ul style="list-style-type: none"> • Not generating enough content, • Need to regularly update content to keep relevant. • Need to undertake own marketing and promotion • Cost benefit of website, small size of Shire increasing cost per person. • Finding local expertise to set up website. • Need to keep software updated. • The need to moderate conversations to ensure appropriate context. • Needing to manage conflict and ban inappropriate users.

Facebook page

A number of respondents to the survey suggested that a Facebook page should be created instead of a stand-alone website. When looking for quotes for the website this was also suggested by one of the developers. As such it is an options being.

Strengths <ul style="list-style-type: none">• Free• Good reach into the community (71 out of the 104 (68%) people who answered the survey had Facebook).• Ease of use for people. It is an easy to use platform that a significant number of people already knows how to use.• There would be no need to provide training• No need for terms of use as those posting would be agreeing to Facebook's terms of use.• Administrator would only be moderating posts, they would not need to maintain a website. Might be a role that a volunteer would be happy to do.• One document to update on the site with directory of businesses and community groups.• Limited needs to generate funds to maintain the directory.• Facebook has inbuilt marketing and promotion services.	Weaknesses <ul style="list-style-type: none">• Directory is a single and would require regular updating.• Needing a volunteer to moderate the posts on a daily basis.• People will need a Facebook account to access page.• Limited ability to promote the Valley to those outside of the community (people would need to join the group to find out the information)• Using Facebook site would limit the page to this application, there would be limited skill development of population.• Standardised formatting, limited ability to organise content to suit requirements of group.• No ability to create an online checkout for memberships or tickets.• Community groups and businesses could only post or add a document, would not be able to have own page.• Needing to use of sponsored posts to stay on peoples news feeds.• Making sure people use settings to keep seeing our newsfeed.• Facebook owning and using content and photos.•
Opportunity <ul style="list-style-type: none">• Quick to set up and establish• No need to find significant funding• May be no need to find ongoing funding if administrator if volunteer based.• Would only need word of mouth promotion due to the reach of Facebook.• No upfront costs to meet, limited risk if fails, can just be deleted.	Threats <ul style="list-style-type: none">• Finding volunteers• Volunteer workload –post can happen at any hour of the day• Facebook using photos and content• Keeping content relevant• Hacking• Inappropriate posts and limited ability to stop poor behaviour of users.• Needing to remove inappropriate content that bypasses filters in a timely fashion.• Facebook can change its terms of use at any stage• Not generating enough content

Appendix 6: Job Description Form – Website Administrator

JOB DESCRIPTION

JOB TITLE: Website Administrator

JOB TYPE: Part -time

LOCATION: to be determined

SUPERVISOR/MANAGER: to be determined

MAIN DUTIES/RESPONSIBILITIES:

Chapman Valley is developing a website which allows people to find out information about the community and its activities. The website will be linked to social media applications to improve the dissemination of the information published on the website to the community. A web designer who will provide training and support to the successful applicant is developing it.

The Website Administrator's key role will be to manage publishing information and news on the www... website. They will also support community groups, businesses and individuals in publishing appropriate information on the site.

Key tasks include:

- Editing, formatting and maintaining the web page with a blog, social media links and advertising.
- Supporting community groups, businesses and individuals to publish and maintain information on the website.
- Moderating the content of the pages and blog posts
- Managing home page appearance and blogs and news pieces
- Preparing an email newsletter

SKILLS & EXPERIENCE

- Excellent communication skills
- Ability to write and edit content for publications
- Knowledge and skills in using internet based technologies
- Experience with using web content management systems is desirable
- Good customer service skills

Item	Cost	Notes	
New website - Employee of Shire			
Web developer (website design using wordpress, launch, administrator training and support)	\$6,875	Includes GST	Contacted another developer for quote as part of the project. They estimated the cost of custom website to be between \$10,000 - \$15,000. This would cost \$1000 annually to host and would require use of the developer for significant updates. They suggested considering other options. Had significant workload at time was not keen to participate.
Hosting fees (annual charge from wordpress)	\$400	Hosting fees depend on complexity of the website - I have used the upper membership for Wordpress, could be as little as \$130.	
0.4 FTE 12 months, plus 23.5% oncost (15 hours per week @ \$30 per hour)	\$28,899.00	I used \$30 per hour as I am unsure what award would be used ect and feel this should cover it. I have found two current positions advertised for a web developer and have included them for your interest. .	If they only worked 1 day per week the cost would be halved. Is possible hours would reduce after 6 months. You also may calculate oncosts at a different rate.
Total cost of project	\$36,174		

AGENDA ITEM:	9.3.10
SUBJECT:	SHIRE OF CHAPMAN VALLEY REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	409.05
PREVIOUS REFERENCE:	9.3.2
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER LEANNE LIND, CONSULTANT

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The following was resolved at the August 2015 OCM:

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council:

- 1. Resolves to undertake a review of its existing Local Laws; and*
- 2. In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its Local Laws.*

Voting 8/0

CARRIED

Minute Reference: 08/15-7

The following was resolved at the October 2015 OCM:

MOVED: CR WARR

SECONDED: CR FORRESTER

That Council:

- 1. Adopt the report of the review of the Local Laws under s3.16 of the Local Government Act 1995, noting that no community submissions were received in respect to the following local laws:*
 - Building – Minimum Area for Dwelling House*
 - Vehicle Drivers on Certain Land*
 - Dogs Local Law*
 - Standing Orders Local Law 2000*
 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*
- 2. Determine that the review outcome in respect to each Local Law is as follows:*
 - Building – Minimum Area for Dwelling House be repealed as outlined in the report and Discussion Paper;*
 - Vehicle Drivers on Certain Land be repealed as outlined in the report and Discussion Paper;*
 - Dogs Local Law be repealed and replaced with a new Dogs Local Law;*
 - Standing Orders Local Law 2000 be repealed and replaced with a new Standing Orders Local Law;*
 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law be repealed and replaced with a new Activities in Thoroughfares and Public Places and Trading Local Law.*

Voting 7/0

CARRIED

Minute Reference: 10/15-6

Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

The Shire of Chapman Valley has a series of old by-laws, which are now superfluous or obsolete as a result of the introduction of the Local Government Act 1995 and/or other legislation. It is proposed that

these old by-laws be repealed in accordance with section 3.12 of the Local Government Act 1995, as they no longer serve any functional purpose.

The Shire has the following defunct and obsolete by-laws:

- (a) Building – Minimum Area for Dwelling House Gazetted 8 August 1950
- (b) Vehicle Drivers on Certain Land Gazetted 8 August 1976

COMMENT

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner. The repeal of obsolete and defunct local laws will result in more efficient and effective local government by removing outdated local laws from the public record.

To comply with the provisions of section 3.12 of the Act, when proposing to make a local law, the Presiding Person is required to give notice of the purpose and effect of the proposed local law at the Council meeting where the local law is being considered.

The purpose and effect of the proposed Repeal local law is –

- The purpose of the local law is to repeal superfluous, defunct and obsolete local laws.
- The effect of the local law being more efficient and effective local government by removing outdated local laws from the public record.

STATUTORY ENVIRONMENT

Section 3.12 of the Local Government Act 1995 specifies the procedures to be followed when making a Local Law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *“In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

POLICY IMPLICATIONS

There is no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Adequate budget allocations have been made in 2015/2016 to accommodate the cost to undertake the review process for both advertising and using a consultancy services.

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

No effect on Council's LTFP.

STRATEGIC IMPLICATIONS

It is important Council has up to date and relevant Local Laws; hence the statutory requirement to review all Local Laws at least once every eight (8) years.

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

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

CONSULTATION

Elected Members and Officers have had the opportunity to examine the existing Local Laws in conjunction with the consultant the opportunity to comment on the recommended new draft Local Laws.

Public consultation was undertaken as part of the initial review process and a further opportunity will be available for public submission in accordance with the legislation i.e.

- Statewide public notice is to be given once pursuant to Section 3.12(3) of the Local Government Act 1995.
- Local public notice is to be given pursuant to Section 3.12(3a).
- A copy of this notice is to be exhibited on a Public Notice Board at the Local Government's offices until the close of business on the day submissions close.
- A copy of this notice is to be exhibited on a Notice Board at every Local Government Library in the district, until the close of business on the day submissions cease.

RISK ASSESSMENT

The associated risk would be both the failure to comply a statutory review of Local Laws in accordance with section 3.16 of the Local Government Act 1995 and the existence of Local Laws which have been superseded by legislation and/or current day relevance.

VOTING REQUIREMENT

Simple Majority Required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR WOOD

Council gives statewide public notice that it intends to make the Shire of Chapman Valley Repeal Local Law 2016, as contained in the **Attachment 1**.

**Voting 7/0
CARRIED
Minute Reference: 04/16-21**

LOCAL GOVERNMENT ACT 1995**SHIRE OF CHAPMAN VALLEY****REPEAL LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Chapman Valley resolved on **Date** to make the following local law.

1. Citation

This local law is cited as the *Shire of Chapman Valley Repeal Local Law 2016*.

2. Operation

This local law will come into operation 14 days after the date of its publication in the *Government Gazette*.

3. Repeal

The following local laws are hereby repealed -

- (a) Building – Minimum Area for Dwelling House *Gazetted* 8 August 1950
- (b) Vehicle Drivers on Certain Land *Gazetted* 8 August 1976

Dated of 20__ .

The Common Seal of the	}	
Shire of Chapman Valley	}	
was affixed by authority of a	}	}
resolution of the Council in the	}	
presence of:	}	

JOHN COLLINGWOOD
PRESIDENT

MAURICE BATTILANA
CHIEF EXECUTIVE OFFICER

AGENDA ITEM:	9.3.11
SUBJECT:	SHIRE OF CHAPMAN VALLEY STANDING ORDERS LOCAL LAW 2016
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	409.05
PREVIOUS REFERENCE:	9.3.2
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER LEANNE LIND, CONSULTANT

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The following was resolved at the August 2015 OCM:

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council:

1. *Resolves to undertake a review of its existing Local Laws; and*
2. *In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its Local Laws.*

Voting 8/0

CARRIED

Minute Reference: 08/15-7

The following was resolved at the October 2015 OCM:

MOVED: CR WARR

SECONDED: CR FORRESTER

That Council:

1. *Adopt the report of the review of the Local Laws under s3.16 of the Local Government Act 1995, noting that no community submissions were received in respect to the following local laws:*
 - *Building – Minimum Area for Dwelling House*
 - *Vehicle Drivers on Certain Land*
 - *Dogs Local Law*
 - *Standing Orders Local Law 2000*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*
2. *Determine that the review outcome in respect to each Local Law is as follows:*
 - *Building – Minimum Area for Dwelling House be repealed as outlined in the report and Discussion Paper;*
 - *Vehicle Drivers on Certain Land be repealed as outlined in the report and Discussion Paper;*
 - *Dogs Local Law be repealed and replaced with a new Dogs Local Law;*
 - *Standing Orders Local Law 2000 be repealed and replaced with a new Standing Orders Local Law;*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law be repealed and replaced with a new Activities in Thoroughfares and Public Places and Trading Local Law.*

Voting 7/0

CARRIED

Minute Reference: 10/15-6

Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

The Shire of Chapman Valley Standing Orders Local Law is a key component of how the Council conducts its business at a political and officer level. Standing Orders regulate how business is carried out at committee meetings. The Standing Orders are subsidiary legislation to the Act and are considered enforceable procedures.

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Standing Orders Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

The Standing Orders Local Law Gazetted on 8 August 2000 was adopted by reference to the Model Local Law (Standing Orders) 1998 published in the Government Gazette on 3 April 1998 with a very minor amendment. Since that time, WALGA has developed a new model local law entitled Local Government (Council Meetings) Local Law which most local governments that have adopted as a new Standing Orders Local Law.

At the Council meeting on 19 August 2015 Council resolved to undertake a review of its existing Local Laws.

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 24 August 2015 with a closing date for submissions of 8 October 2015. No submissions were received. Following this, at the Council Meeting on 14 October 2015 approval was given to proceed to repeal and replace the current Local Law under this review process.

COMMENT

Purpose: The purpose of these standing orders is to provide for the orderly conduct of the proceedings and business of the Council, and for the safe custody and use of the Council's common seal.

Effect: The effect of these standing orders is that all Council meetings, committee meetings, and other meetings as described in the Act, and the use of Council's common seal, shall be governed by these standing orders unless otherwise provided in the Act, regulations or other written law.

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

STATUTORY ENVIRONMENT

Section 3.12 of the LGA 1995 specifies the procedures to be followed when making a local law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the*

notice, being a day that is not less than 6 weeks after the notice is given;

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

POLICY IMPLICATIONS

There is no policy implications associated with this item.

FINANCIAL IMPLICATIONS

Adequate budget allocations have been made in 2015/2016 to accommodate the cost to undertake the review process for both advertising and using a consultancy services.

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

No effect on Council's LTFP.

STRATEGIC IMPLICATIONS

It is important Council has up to date and relevant Local Laws; hence the statutory requirement to review all Local Laws at least once every eight (8) years.

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

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

Elected Members and Officers have had the opportunity to examine the existing Local Laws in conjunction with the consultant the opportunity to comment on the recommended new draft Local Laws.

Public consultation was undertaken as part of the initial review process and a further opportunity will be available for public submission in accordance with the legislation i.e.

- Statewide public notice is to be given once pursuant to Section 3.12(3) of the Local Government Act 1995.
- Local public notice is to be given pursuant to Section 3.12(3a).
- A copy of this notice is to be exhibited on a Public Notice Board at the Local Government's offices until the close of business on the day submissions close.
- A copy of this notice is to be exhibited on a Notice Board at every Local Government Library in the district, until the close of business on the day submissions cease.

RISK ASSESSMENT

The associated risk would be both the failure to comply a statutory review of Local Laws in accordance with section 3.16 of the Local Government Act 1995 and the existence of Local Laws which have been superseded by legislation and/or current day relevance.

VOTING REQUIREMENT

Simple Majority Required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR WARR

Council gives statewide public notice that it intends to make the Shire of Chapman Valley Standing Orders Local Law 2016, as contained in the ***Attachment 1***.

Voting 7/0

CARRIED

Minute Reference: 04/16-22

WESTERN AUSTRALIA

Local Government Act 1995

SHIRE OF CHAPMAN VALLEY

Standing Orders Local Law 2016

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LOCAL GOVERNMENT ACT 1995

Shire of Chapman Valley

Standing Orders Local Law 2016

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the *Shire of Chapman Valley* resolved on **INSERT DATE** to make the following local law.

Part 1 - Preliminary

1.1 Citation

- (1) This local law may be cited as the *Shire of Chapman Valley Standing Orders Local Law 2016*.

1.2 Commencement

By virtue of section 3.14 of the Act, these Local Laws come into operation 14 days after the date of their publication in the *Government Gazette*.

1.3 Application and intent

- (1) These Local Laws provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws.
- (3) These Local Laws are intended to result in:
- (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In these Local Laws unless the context otherwise requires:

absolute majority has the meaning given to it in the Act;

75% majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Local Government;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the Shire of Chapman Valley;

Local Government means the *Shire of Chapman Valley*;

Mayor/President means the Mayor/President of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

meeting means a meeting of the Council or a committee, as the context requires;

Member has the meaning given to it in the Act;

Presiding Member means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and

- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and,

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in these Local Laws, the terms and expressions used in these Local Laws are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

The *Standing Orders Local Law 2000* published in the *Government Gazette* on 8 August 2000 is repealed.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
- (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) These Local Laws are to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee:

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Mayor/President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the Mayor/President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding Member and quorum

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy Mayor/Deputy President can act

When the Deputy Mayor/Deputy President can act is dealt with in the Act.

4.3 Who acts if no Mayor/President

Who acts if there is no Mayor/President is dealt with in the Act.

4.4 Election of Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

4.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

4.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

4.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting:

- (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,
- the names of the Members then present are to be recorded in the minutes.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that :
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

5.2 Order of business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
 - 1. Declaration of Opening/Announcement of Visitors
 - 2. Announcements from the Presiding Member
 - 3. Attendance
 - 3.1 Apologies
 - 3.2 Previously approved leave of absence
 - 4. Public Question Time
 - 4.1 Response to previous public questions taken on notice
 - 4.2 Public question time
 - 5. Applications for leave of absence
 - 6. Declaration of interest
 - 7. Presentations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
 - 8. Confirmation of minutes
 - 9. Items to be dealt with En Bloc
 - 10. Officers' Reports
 - 11. Elected Members Motions of which previous notice has been given
 - 12. New business of an urgent nature introduced by decision of the meeting
 - 13. Delegates' reports
 - 14. Announcements by Presiding member without discussion

15. Matters for which meeting may be closed to public
 16. Closure
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
 - (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. *[See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]*

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Local Laws otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 10 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
 - (a) may, with the concurrence of the Mayor/President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Local Laws or any other written law;
 - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
 - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter:

- (a) that requires a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) that is a matter on which a Member wishes to make a statement; or
- (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
 - (a) the Presiding Member is to direct everyone to leave the meeting except:
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any Officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.

- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either :
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
 - (a) be addressed to the Mayor/President;
 - (b) be made by electors of the district;

- (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).
 - (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who:
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the Mayor/President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.

- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at Lot 7 Chapman Valley Road, Nabawa, and on the Local Government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked "*Confidential*" in the agenda; and
 - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Part 7 - Questions by Members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.

- her
- days.
- (2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
 - (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
 - (i) the question be placed on notice for the next meeting of Council; and
 - (ii) the answer to the question be given to the Member who asked it within 14 days.
 - (4) Every question and answer -
 - (i) is to be brief and concise; and
 - (ii) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
 - (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

Part 8 – Conduct of Members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot alphabetically a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Titles to be used

A speaker, when referring to the Mayor/President, Deputy Mayor/Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

8.3 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. Each Member will stand when invited to speak by the Presiding Member.

8.5 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.6 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Local Laws.

8.7 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
 - (a) call the attention of the meeting to:

- (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
- (ii) any breach of order or decorum by a Member; and
- (b) direct that Member, if speaking, to discontinue his or her speech.

- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.8 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except:

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.9 Duration of speeches

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.10 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment:

- (a) after the mover has replied; or
- (b) after the question has been put.

8.11 No interruption

A Member is not to interrupt another Member who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e)).

8.12 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.13 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

8.14 Adverse reflection

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16).
- (2) A Member is not:
 - (a) to reflect adversely on the character or actions of another Member or Officer; or
 - (b) to impute any motive to a Member or Officer, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.

- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
 - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.15 Withdrawal of offensive language

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
 - (a) in the absence of a resolution under clause 8.15:
 - (i) reflects adversely on the character or actions of another Member or Officer; or
 - (ii) imputes any motive to a Member or Officer; or
 - (b) is offensive or insulting,
 must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

Part 9 - Preserving order

9.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of:
 - (a) any of these Local Laws; or
 - (b) any other written law.
- (2) Despite anything in these Local Laws to the contrary, a point of order:
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,
 and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Local Laws.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order:
 - (a) is not to be the subject of debate or comment; and

- (b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3), the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.

- (3) The right of the reply may only be exercised:
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
 - (a) no other Member is to speak on the question;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion “that the meeting proceed to the next business”, if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion “that the debate be adjourned”:

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion “that the meeting now adjourn”:
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act .

Part 13 - Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -
 - (a) is to put the question to the Council; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
 - (a) is to put the question, first in the affirmative, and then in the negative;

- (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
 - (a) his or her vote; or,
 - (b) the vote of all members present,
 on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a Member calls for a division:
 - (a) those voting in the affirmative are to pass to the right of the Chair; and
 - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record:
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 14 – Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under these Local Laws:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause:
 - (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) "implement", in relation to a decision, includes:
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 17 - Suspension of Local Laws

17.1 Suspension of Local Laws

- (1) A Member may at any time move that the operation of one or more of the provisions of these Local Laws be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
 - (a) seconded; and
 - (b) carried by an absolute majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Laws do not apply

- (1) In situations where:
 - (a) one or more provisions of these Local Laws have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,
 the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Local Laws, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

Part 18 - Meetings of electors

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Local Laws.

18.8 Participation of non-electors

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 19 - Enforcement

19.1 Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: \$5,000.00 and a daily penalty of \$500.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated of 20__.

The Common Seal of the }
Shire of Chapman Valley }
was affixed by authority of a }
resolution of the Council in the }
presence of: }

JOHN COLLINGWOOD
PRESIDENT

MAURICE BATTILANA
CHIEF EXECUTIVE OFFICER

AGENDA ITEM:	9.3.12
SUBJECT:	SHIRE OF CHAPMAN VALLEY ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAWS 2016
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	409.05
PREVIOUS REFERENCE:	9.3.2
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER LEANNE LIND, CONSULTANT

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The following was resolved at the August 2015 OCM:

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council:

1. *Resolves to undertake a review of its existing Local Laws; and*
2. *In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its Local Laws.*

Voting 8/0

CARRIED

Minute Reference: 08/15-7

The following was resolved at the October 2015 OCM:

MOVED: CR WARR

SECONDED: CR FORRESTER

That Council:

1. *Adopt the report of the review of the Local Laws under s3.16 of the Local Government Act 1995, noting that no community submissions were received in respect to the following local laws:*
 - *Building – Minimum Area for Dwelling House*
 - *Vehicle Drivers on Certain Land*
 - *Dogs Local Law*
 - *Standing Orders Local Law 2000*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*
2. *Determine that the review outcome in respect to each Local Law is as follows:*
 - *Building – Minimum Area for Dwelling House be repealed as outlined in the report and Discussion Paper;*
 - *Vehicle Drivers on Certain Land be repealed as outlined in the report and Discussion Paper;*
 - *Dogs Local Law be repealed and replaced with a new Dogs Local Law;*
 - *Standing Orders Local Law 2000 be repealed and replaced with a new Standing Orders Local Law;*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law be repealed and replaced with a new Activities in Thoroughfares and Public Places and Trading Local Law.*

Voting 7/0

CARRIED

Minute Reference: 10/15-6

Section 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make Local Laws and prescribes all matters that are required or permitted to be prescribed by a Local Law, or are necessary or convenient for it to perform any of its functions.

The Shire of Chapman Valley Activities on Thoroughfares and Public Places and Trading Local Laws 2016 relates to activities which can or cannot take place in thoroughfares and public places, including planting and landscaping, permit requirements, consumption of alcohol, vehicle movement, signage, obstruction, conservation, lighting of fires, and trading.

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Activities in Thoroughfares and Public Places and Trading Amendment Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

The Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law Gazetted on 8 August 2000 was adopted by reference to the Town of Mosman Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law with minor edits which was Gazetted on the 15 March 2000.

At the Council meeting on 19 August 2015 Council resolved to undertake a review of its existing Local Laws.

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 24 August 2015 with a closing date for submissions of 8 October 2015. No submissions were received. Following this, at the Council Meeting on 14 October 2015 approval was given to proceed to repeal and replace the current Local Law under this review process.

COMMENT

The proposed Local Law is designed to meet the needs of the users of thoroughfares and public places and current legislation requirements.

- The purpose of this local law is to provide for the regulation, management and control of activities in thoroughfares and public places throughout the district.
- The effect of this local law is to establish the requirements with which any persons using or in thoroughfares and public property within the district, must comply.

STATUTORY ENVIRONMENT

Section 3.12 of the LGA specifies the procedures to be followed when making a Local Law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.

POLICY IMPLICATIONS

There is no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to Local Laws, amendments to specific Council policies may be required.

FINANCIAL IMPLICATIONS

Adequate budget allocations have be made in 2015/2016 to accommodate the cost to undertake the review process for both advertising and using a consultancy services.

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

No effect on Council's LTFP.

STRATEGIC IMPLICATIONS

It is important Council has up to date and relevant Local Laws; hence the statutory requirement to review all Local Laws at least once every eight (8) years.

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

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

Elected Members and Officers have had the opportunity to examine the existing Local Laws in conjunction with the consultant the opportunity to comment on the recommended new draft Local Laws.

Public consultation was undertaken as part of the initial review process and a further opportunity will be available for public submission in accordance with the legislation i.e.

- Statewide public notice is to be given once pursuant to Section 3.12(3) of the Local Government Act 1995.
- Local public notice is to be given pursuant to Section 3.12(3a).
- A copy of this notice is to be exhibited on a Public Notice Board at the Local Government's offices until the close of business on the day submissions close.
- A copy of this notice is to be exhibited on a Notice Board at every Local Government Library in the district, until the close of business on the day submissions cease.

RISK ASSESSMENT

The associated risk would be both the failure to comply a statutory review of Local Laws in accordance with section 3.16 of the Local Government Act 1995 and the existence of Local Laws which have been superseded by legislation and/or current day relevance.

VOTING REQUIREMENT

Simple Majority Required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WOOD

SECONDED: CR MALUISH

Council gives statewide public notice that it intends to make the Shire of Chapman Valley Activities on Thoroughfares and Public Places and Trading Local Law 2016, as contained in the ***Attachment 1***.

Voting 7/0

CARRIED

Minute Reference: 04/16-23

WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES
AND TRADING LOCAL LAW 2016

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SCHEDULE 1

PRESCRIBED OFFENCES

Local Government Act 1995

SHIRE OF CHAPMAN VALLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *Shire of Chapman Valley* resolved on **[insert date]** to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Chapman Valley Activities in Thoroughfares and Public Places and Trading Local Law 2016*.

1.2 Definitions

In this local law unless the context otherwise requires -

Act means the *Local Government Act 1995*;

applicant means a person who applies for a permit;

authorized person means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

built-up area has the meaning given to it in the *Road Traffic Code 2000*;

bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

carriageway has the meaning given to it in the *Road Traffic Code 2000*;

CEO means the chief executive officer of the local government;

commencement day means the day on which this local law comes into operation;

Council means the council of the local government;

crossing means a crossing giving access from a public thoroughfare to -

- (a) private land; or
- (b) a private thoroughfare serving private land;

district means the district of the local government;

footpath has the meaning given to it in the *Road Traffic Code 2000*;

garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

intersection has the meaning given to it in the *Road Traffic Code 2000*;

kerb includes the edge of a carriageway;

lawn means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

liquor has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

local government means the *Shire of Chapman Valley*;

local government property means anything except a thoroughfare -

- (a) which belongs to the local government;
- (c) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

Local planning scheme means a town planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it in the *Planning and Development Act 2005*;

owner or **occupier** in relation to land does not include the local government;

permissible verge treatment means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

premises for the purpose of the definition of "public place" in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

rural means a sub-set of rural living, generally located on the outskirts of an existing town. Rural settlement may also be used to describe proposals for rural living as this land use results in people settling in rural areas.

Rural residential means a sub-set of rural living and a land use zone with land parcels from one to four hectares in size and generally provided with scheme water and power supply.

sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

townsite means the townsites of *Nanson, Nabawa and Yuna* which are –

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

vehicle includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
 - (b) an animal being ridden or driven,
- but excludes –

- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
- (b) a pram, a stroller or a similar device; and

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law* published in the *Government Gazette* on 8 August 2000 is repealed.

- (1) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (2) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2 – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

Division 1 - General

2.1 General prohibitions

A person shall not -

- (a) plant any plant which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is within 10m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare.

2.2 Activities allowed with a permit - general

(1) A person shall not, without a permit –

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;

- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
- (h) fell any tree onto a thoroughfare;
- (i) unless installing, or in order to maintain, a permissible verge treatment -
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
- (k) on a public place use anything or do anything so as to create a nuisance;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
- (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless –
 - (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2 - Vehicle crossing

Subdivision 1 - Temporary crossings

2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where –
 - (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “person responsible for the works” in subclause (1) is to be taken to be –
 - (a) The person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.

- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

Subdivision 2 - Redundant vehicle crossings

2.5 Removal of redundant crossing

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring her or him to –
- (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3 - Verge treatments

Subdivision 1 - Preliminary

2.6 Interpretation

In this Division, unless the context otherwise requires –

acceptable material means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

2.7 Application

This Division only applies to the gazette townsites and areas zoned rural residential and residential as prescribed by the Local Planning Scheme.

Subdivision 2 - Permissible verge treatments

2.8 Permissible verge treatments

- (1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
- (2) The permissible verge treatments are –
- (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that –
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (c) the installation of an acceptable material; or
 - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.9 Only permissible verge treatments to be installed

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.10.

2.10 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall -

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

2.11 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

Subdivision 3 - Existing verge treatments

2.12 Transitional provision

(1) In this clause –

former provisions means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which –

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Subdivision 4 - Public works

2.13 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority -

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any –
 - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - (ii) sprinklers, pipes or other reticulation equipment.

Division 4 - Property numbers

Subdivision 1 - Preliminary

2.14 Interpretation

In this Division, unless the context requires otherwise -

number means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

Subdivision 2 - Assignment and marking of numbers

2.15 Assignment of numbers

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Division 5 - Fencing

2.16 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act –

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

Division 6 - Signs erected by the local government

2.17 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.18 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if –

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7 - Driving on a closed thoroughfare

2.19 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless –
 - (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.
- (2) In this clause –

closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3 – ADVERTISING SIGNS ON THOROUGHFARES

Division 1 - Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires –

advertising sign means a sign used for the purpose of advertisement and includes an "election sign";

direction sign means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

election sign means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election; and

portable direction sign means a portable free standing direction sign; and

portable sign means a portable free standing advertising sign.

Division 2 - Permit

3.2 Advertising signs and portable direction signs

- (1) A person shall not, without a permit –
 - (a) erect or place an advertising sign on a thoroughfare; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign –
 - (a) on a footpath;
 - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
 - (c) on or within 3m of a carriageway;
 - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to –

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3 – Conditions on permit

3.4 Conditions on portable sign

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions –

- (a) the portable sign shall –
 - (i) not exceed 1m in height;
 - (ii) not exceed an area of 1m² on any side;
 - (iii) relate only to the business activity described on the permit;
 - (iv) contain letters not less than 200mm in height;
 - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - (vii) be secured in position in accordance with any requirements of the local government;

- (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - (ix) be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign –

- (a) being erected at least 30m from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

PART 4 – OBSTRUCTING ANIMALS AND VEHICLES

Division 1 - Animals and vehicles

4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

4.2 Prohibitions relating to animals

- (1) In subclause (2), "owner" in relation to an animal includes –

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

- (2) An owner of an animal shall not –
- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

PART 5 - ROADSIDE CONSERVATION

Division 1 - Preliminary

5.1 Interpretation

In this Part –

MRWA means Main Roads Western Australia;

protected flora has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

rare flora has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

Roadside Conservation Committee means the Roadside Conservation Committee established under the Land Resource Policy Council within the Office of Premier and Cabinet; and

special environmental area means an area designated as such under clause 5.7.

5.2 Application

This Part does not apply to the townsite.

Division 2 - Flora roads

5.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the 'Code of Practice for Roadside Conservation and Road Maintenance' prepared by the Roadside Conservation Committee.

5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

5.6 Driving only on carriageway of flora roads

- (1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.
- (2) Subclause (1) does not apply where –
- (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
 - (b) there is no carriageway; or
 - (c) an exemption from the application of subclause (1) has been obtained from the local government.

Division 3 - Special environmental areas

5.7 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which –

- (a) has protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

5.8 Marking of special environmental areas

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

Division 4 – Planting in thoroughfares

5.9 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

5.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to –

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 6 - Fire management

5.11 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.12 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall –

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

5.13 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will –

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

Division 7 - Firebreaks

5.14 Permit for firebreaks on thoroughfares

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.15 When application for permit cannot be approved

- (1) The local government is not to approve an application for a permit for the purpose of clause 5.14 where the thoroughfare is equal to or less than 20m wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

Division 8 - Commercial wildflower harvesting on thoroughfares

5.16 General prohibition on commercial wildflower harvesting

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

5.17 Permit for revegetation projects

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where-
 - (a) the seed is required for a revegetation project in any part of the district; and
 - (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
- (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions –
 - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
 - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 6 - TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1 - Stallholders and traders

Subdivision 1 - Preliminary

6.1 Interpretation

In this Division, unless the context otherwise requires -

Competition Principles Agreement means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

public place includes -

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law.

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

stallholder means a person in charge of a stall;

stallholder's permit means a permit issued to a stallholder;

trader means a person who carries on trading;

trader's permit means a permit issued to a trader; and

trading includes –

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of –
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
 - (v)
- (c) the going from place to place, whether or not public places, and –

- (i) offering goods or services for sale or hire; or
- (ii) inviting offers or soliciting orders for the sale or the hire of goods or services,

but does not include –

- (d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or

the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;
- (e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;
- (f) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (g) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (h) the selling or hiring or the offering for sale or hire of –
 - (i) goods by a person who represents a manufacturer of the goods; or
 - (ii) services by a person who represents a provider of the services,

which are only sold directly to consumers and not through a shop.

Subdivision 2 - Permits

6.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is –
 - (a) the holder of a valid stallholder's permit; or
 - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall –
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
 - (c) specify the proposed location of the stall;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
 - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
 - (f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader's permit

- (1) A person shall not carry on trading unless that person is –
 - (a) the holder of a valid trader's permit; or
 - (b) an assistant specified in a valid trader's permit.
- (3) Every application for a trader's permit shall –
 - (a) state the full name and address of the applicant;

- (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
 - (c) specify the location or locations in which the applicant proposes to trade;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
 - (e) specify the proposed goods or services which will be traded; and
 - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (4) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

6.4 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to –
- (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity;
 - (d) the principles set out in the Competition Principles Agreement; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –
- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit; or
 - (c) that –
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property.

6.5 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include –
- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
 - (b) the days and hours during which a permit holder may conduct a stall or trade;
 - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
 - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
 - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
 - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
 - (g) whether and under what terms the permit is transferable;
 - (h) any prohibitions or restrictions concerning the –

- (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - (ii) the use of amplifiers, sound equipment and sound instruments;
 - (iii) the use of signs; and
 - (iv) the use of any lighting apparatus or device;
 - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
 - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
 - (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
 - (l) the acquisition by the stallholder or trader of public risk insurance;
 - (m) the period for which the permit is valid; and
 - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

6.6 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause –

charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

commercial participant means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on –
- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
 - (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3 - Conduct of stallholders and traders

6.7 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall –

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Trade Measurement Act 2006*.

- (2) A stallholder or trader shall not –

- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (b) act in an offensive manner;
- (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
- (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

PART 7 - PERMITS

Division 1 – Applying for a permit

7.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

7.2 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

Division 2 - Conditions

7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

7.4 Imposing conditions under a policy

- (1) In this clause –

policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

- (2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

7.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3 - General

7.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 7.10.

7.7 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of –

- (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed,
- shall apply to an application for the renewal of a permit *mutatis mutandis*.

7.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by –
 - (a) an endorsement on the permit signed by the CEO; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
 - (c) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

7.9 Production of permit

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

7.10 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a -
 - (a) condition of the permit; or
 - (b) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder –
 - (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 8 - OBJECTIONS AND APPEALS

8.1 Application of Part 9 Division 1 of Act

When the local government makes a decision -

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9 - MISCELLANEOUS NOTICES

9.1 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

9.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the local government.

9.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

9.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 10 - ENFORCEMENT

Division 1 - Notices given under this local law

10.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

10.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties

Subdivision 1 - General

10.3 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 - Infringement notices and modified penalties

10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.5 Forms

Unless otherwise specified, for the purposes of this local law -

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1
PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on footpath	125
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
2.11	Failure to comply with notice to rectify default	125
2.17(2)	Failure to comply with sign on public place	125
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250

5.9	Planting in thoroughfare without a permit	250
5.14	Burning of thoroughfare without a permit	600
5.16	Commercial harvesting of native flora on thoroughfare	600
5.17	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.7(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.7(1)(b)	Stallholder or trader not displaying valid permit	125
6.7(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.7(2)	Stallholder or trader engaged in prohibited conduct	125
7.5	Failure to comply with a condition of a permit	125
7.9	Failure to produce permit on request of authorized person	125
10.1	Failure to comply with notice given under local law	125

Dated of 20__.

The Common Seal of the }
Shire of Chapman Valley }
 was affixed by authority of a }
 resolution of the Council in the }
 presence of: }

JOHN COLLINGWOOD
PRESIDENT

MAURICE BATTILANA
CHIEF EXECUTIVE OFFICER

AGENDA ITEM:	9.3.13
SUBJECT:	SHIRE OF CHAPMAN VALLEY DOGS LOCAL LAW 2016
PROponent:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	409.05
PREVIOUS REFERENCE:	9.3.2
DATE:	20th APRIL 2016
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER LEANNE LIND, CONSULTANT

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The following was resolved at the August 2015 OCM:

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council:

1. *Resolves to undertake a review of its existing Local Laws; and*
2. *In accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its Local Laws.*

*Voting 8/0
CARRIED*

Minute Reference: 08/15-7

The following was resolved at the October 2015 OCM:

MOVED: CR WARR

SECONDED: CR FORRESTER

That Council:

1. *Adopt the report of the review of the Local Laws under s3.16 of the Local Government Act 1995, noting that no community submissions were received in respect to the following local laws:*
 - *Building – Minimum Area for Dwelling House*
 - *Vehicle Drivers on Certain Land*
 - *Dogs Local Law*
 - *Standing Orders Local Law 2000*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*
2. *Determine that the review outcome in respect to each Local Law is as follows:*
 - *Building – Minimum Area for Dwelling House be repealed as outlined in the report and Discussion Paper;*
 - *Vehicle Drivers on Certain Land be repealed as outlined in the report and Discussion Paper;*
 - *Dogs Local Law be repealed and replaced with a new Dogs Local Law;*
 - *Standing Orders Local Law 2000 be repealed and replaced with a new Standing Orders Local Law;*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law be repealed and replaced with a new Activities in Thoroughfares and Public Places and Trading Local Law.*

*Voting 7/0
CARRIED*

Minute Reference: 10/15-6

Sections 3.5 of the Local Government Act 1995 (LGA) provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

The Dog Act 1976 is administered and enforced by local governments within their respective districts. The Act addresses the control and registration of dogs; the ownership and keeping of dogs; and the obligations and rights of dog owners and others. The State Government in 2013 passed the Dog Amendment Bill which amends the Dog Act 1976 to:

- Improve community safety, through increased controls over dangerous dogs and higher penalties to encourage more responsible dog ownership
- Enable nuisance behaviour, including barking, to be more effectively dealt with
- Recognise assistance dogs as an extension of the guide dog provisions
- Require mandatory microchipping, lifetime dog registrations and impounding provisions.

These changes became law on 1 November 2013.

The Dog Act contains a range of measures to improve community safety, encourage responsible dog ownership, and enable nuisance behaviour to be more effectively dealt with and to recognise assistance dogs. The legal rights and responsibilities of dog owners are outlined in the Dog Act, the Dog Regulations 2013 and in local government local laws. Collectively, these laws provide for the registration, ownership and control of dogs in Western Australia.

The purpose of this report is to allow the Presiding Person to give notice to the meeting of the purpose and effect of the proposed Dogs Local Law, for the Council to adopt the proposed Local Law and to allow for advertising of the proposed Local Law for public comment.

The current Dogs Local Law was gazetted on 8 August 2000 by reference to the Shire of Moora Dogs Local Law which was gazetted on 29 November 1999.

At the Council meeting on 19 August 2015 Council resolved to undertake a review of its existing Local Laws.

As required by the LGA the community was invited to comment on the review of the Council's Local Laws. Public consultation was undertaken as part of the advertising process required by section 3.12(3), for a minimum period of 42 days. The review was advertised on 24 August 2015 with a closing date for submissions of 8 October 2015. No submissions were received. Following this, at the Council Meeting on 14 October 2015 approval was given to proceed to repeal and replace the current Local Law under this review process.

COMMENT

Purpose: To make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

Effect: To extend the control over dogs which exist under the Dog Act 1976.

STATUTORY ENVIRONMENT

Section 3.12 of the *Local Government Act 1995* specifies the procedures to be followed when making a local law. Section 3.12 states:

3.12 Procedure for making local law

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to –*
 - (a) *give Statewide public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice,*

being a day that is not less than 6 weeks after the notice is given;

- (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*

Dog Act 1976
Dog Regulations 2013

POLICY IMPLICATIONS

There is no policy implications associated with this item at this point in time. However as a result of the review process and amendments made to Local Laws, amendments to specific Council policies may be required.

FINANCIAL IMPLICATIONS

Adequate budget allocations have been made in 2015/2016 to accommodate the cost to undertake the review process for both advertising and using a consultancy services.

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

No effect on Council's LTFP.

STRATEGIC IMPLICATIONS

It is important Council has up to date and relevant Local Laws; hence the statutory requirement to review all Local Laws at least once every eight (8) years.

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

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

Elected Members and Officers have had the opportunity to examine the existing Local Laws in conjunction with the consultant the opportunity to comment on the recommended new draft Local Laws.

Public consultation was undertaken as part of the initial review process and a further opportunity will be available for public submission in accordance with the legislation i.e.

- Statewide public notice is to be given once pursuant to Section 3.12(3) of the Local Government Act 1995.
- Local public notice is to be given pursuant to Section 3.12(3a).
- A copy of this notice is to be exhibited on a Public Notice Board at the Local Government's offices until the close of business on the day submissions close.
- A copy of this notice is to be exhibited on a Notice Board at every Local Government Library in the district, until the close of business on the day submissions cease.

RISK ASSESSMENT

The associated risk would be both the failure to comply a statutory review of Local Laws in accordance with section 3.16 of the Local Government Act 1995 and the existence of Local Laws which have been superseded by legislation and/or current day relevance.

VOTING REQUIREMENT

Simple Majority Required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR WOOD

Council gives statewide public notice that it intends to make the Shire of Chapman Valley Dogs Local Law Local Law 2016, as contained in the ***Attachment 1***.

Voting 7/0

CARRIED

Minute Reference: 04/16-24

WESTERN AUSTRALIA

DOG ACT 1976***LOCAL GOVERNMENT ACT 1995*****SHIRE OF CHAPMAN VALLEY****DOGS LOCAL LAW 2016****CONTENTS**

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SCHEDULE 1

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SCHEDULE 3

DOG ACT 1976

LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

DOGS LOCAL LAW 2016

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the *Shire of Chapman Valley* resolved on **[insert date]** to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Chapman Valley Dogs Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Dogs Local Law* published in the *Government Gazette* on 8 August 2000 is repealed.

1.5 Interpretation

In this local law unless the context otherwise requires -

Act means the *Dog Act 1976*;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

district means the district of the local government” means the *Shire of Chapman Valley*;

local government means the *Shire of Chapman Valley*;

pound keeper means a person authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule in this local law;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

town planning scheme means a town planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district.

PART 2 - IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* -

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.
- (2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence -
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must -
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog is a dangerous dog, \$4,000; otherwise \$2,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
 - (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, or properties outside townsites up to a maximum of 40ha; or
 - (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite and have an area greater than 40ha.

PART 4 - APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2 -

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with -

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that -
 - (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
 - (b) the application and plans and specifications may be inspected at the offices of the local government.
- (3) Where –
 - (a) the notices given under subclause (1) do not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until -

- (a) the applicant has complied with clause 4.2;

- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where -

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous dog, \$4,000 and a daily penalty of \$400; otherwise \$2,000 and a daily penalty of \$200.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be –
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with –
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to -

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5 - MISCELLANEOUS

5.1 Offence to excrete

- (1) A dog must not excrete on –
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$1000

- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 6 - ENFORCEMENT

6.1 Interpretation

In this Part -

infringement notice means the notice referred to in clause 6.3; and

notice of withdrawal means the notice referred to in clause 6.6(1).

6.2 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if -
 - (a) the dog is not a dangerous dog; or
 - (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

6.3 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 of the First Schedule of the Regulations.

6.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

6.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

6.6 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of the First Schedule of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 6.3 cannot sign or send a notice of withdrawal.

6.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1 - Application for a licence for an approved kennel establishment

(clause 4.2)

I/we (full name)
of (postal address)
(telephone number)
(facsimile number)
(E-mail address)
Apply for a licence for an approved kennel establishment at (address of premises)
.....

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from
(insert date)

* (insert name of person) will be residing (sufficiently close to the
premises so as to control the dogs and so as to ensure their health and welfare) at
.....(insert address of residence)
on and from(insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on *[insert date]*.

Schedule 2 - Conditions of a licence for an approved kennel establishment

(clause 4.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than -
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be –
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
 - (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;

- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3 - Offences in respect of which modified penalty applies

(clause 6.2)

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
3.1	Failing to provide means for effectively confining a dog	50	200
4.9	Failing to comply with the conditions of a licence	200	
5.1(2)	Dog excreting in prohibited place	100	

Dated of 20__ .

The Common Seal of the }
Shire of Chapman Valley }
was affixed by authority of a }
resolution of the Council in the }
presence of: }

JOHN COLLINGWOOD
PRESIDENT

MAURICE BATTILANA
CHIEF EXECUTIVE OFFICER

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

Cr Farrell – Reported on the Training and NCZ Conference. Expressing how these were beneficial events to attend.

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

12.1 Cr Warr - ALGA National Assembly – Canberra – June 2016

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR WOOD

Council agree to allowing a late item of urgent business to be brought to the meeting in regards to Shire of Chapman Valley representatives attending the ALGA National Assembly to be held in Canberra in June 2016

Voting 7/0

CARRIED

Minute Reference: 04/16-25

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR WOOD

Council send two delegates to attend the ALGA National Assembly to be held in Canberra in June 2016 and the Chief Executive Officer be authorised to make appropriate current year budget variations to accommodate all cost associated with such attendances.

Voting 5/2

CARRIED BY ABSOLUTE MAJORITY

Minute Reference: 04/16-26

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

Nil

14.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 1:22pm