



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 21 June 2017
at the Shire Chambers Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

JUNE 2017

DISCLAIMER



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

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

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

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

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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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."*

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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 9.00am.

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil

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 Kirrilee Warr	North East Ward
Cr Pauline Forrester	North East Ward
Cr Peter Humphrey	South West Ward
Cr Ian Maluish	South West Ward

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Simon Lancaster	Deputy Chief Executive Officer
Mrs Karen McKay	Executive Services Administrator (Minute Taker)
Mrs Dianne Raymond	Manager of Finance & Corporate Services (from 9.20am to 10.16am and 10.48am to 10.57am)

c. Visitors

Name	
Nil	

Apologies

Name	
Nil	

3.2 Previously Approved Leave of Absence

Name	
Cr Trevor Royce	North East Ward

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions On Notice

Nil

4.2 Public Question Time

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

Item No.	Member/Officers	Type of Interest	Nature of Interest
10.2.1	Cr Farrell	Financial	Financial interest in creditors payments
10.3.1	Cr Warr	Proximity	Director of BRW Enterprises Pty Ltd t/a Agnire Farming Co
10.3.2	Cr Warr	Impartiality	Board Member of MWDC which funding request is discussed in the report and recommendation

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

8.1 Ordinary Meeting of Council held on Wednesday 17 May 2017

That the minutes of the Ordinary Meeting of Council held Wednesday 17 May 2017 be confirmed as a true and accurate record.

Voting 6/0

CARRIED

Minute Reference 06/17-1

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

10.1 Manager of Planning June 2017

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- 10.1.1 Short Stay Nature Based Park
- 10.1.2 Extractive Industry (Limestone)
- 10.1.3 Nanson Townsite Right of Way Closure
- 10.1.4 Road Name Correction

AGENDA ITEM:	10.1.1
SUBJECT:	SHORT STAY NATURE BASED PARK
PROPONENT:	W & L BARNDON
SITE:	388 (LOT 60) HICKETY ROAD, NABAWA
FILE REFERENCE:	A310
PREVIOUS REFERENCE:	5/00-7, 03/04-8, 04/05-11 & 06/10-9
DATE:	14 JUNE 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Copy of Development Application		√
10.1.1(b)	Schedule of Submissions	√	
10.1.1(c)	Copy of received submissions		√

DISCLOSURE OF INTEREST

Nil.

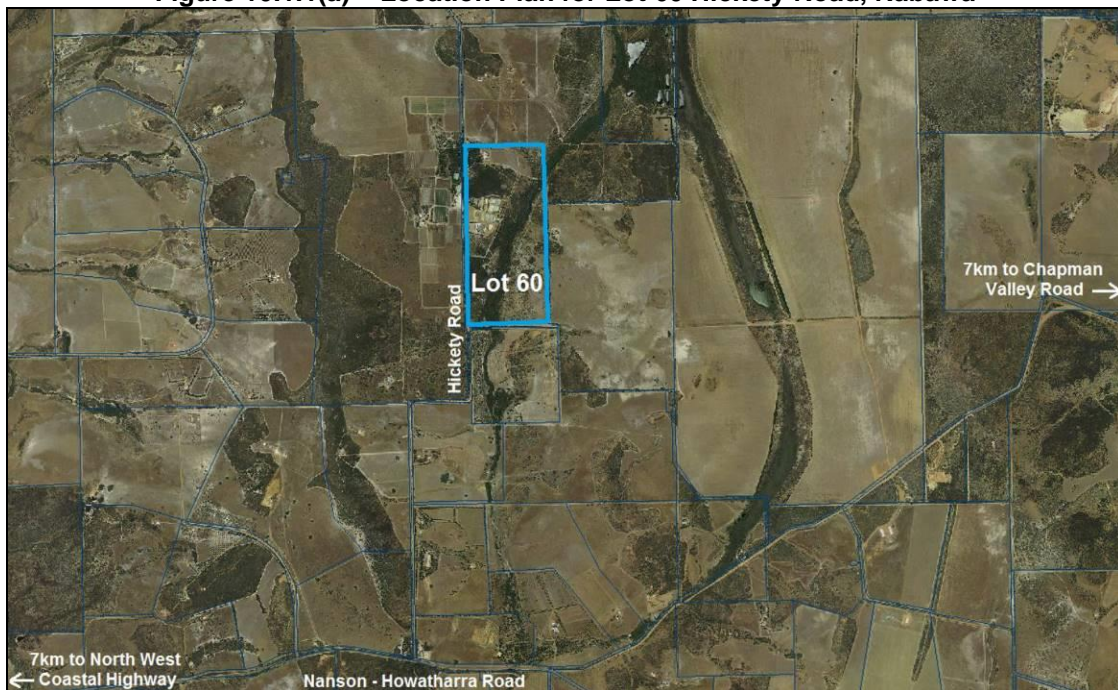
BACKGROUND

Council is in receipt of an application seeking to establish a short stay nature based caravan and camping facility upon 388 (Lot 60) Hickety Road, Nabawa (Chapman Valley Aquaculture & Fishing Park). The application has been advertised for comment and is now presented to Council for its consideration. This report recommends that the applicant be requested to submit a revised application.

COMMENT

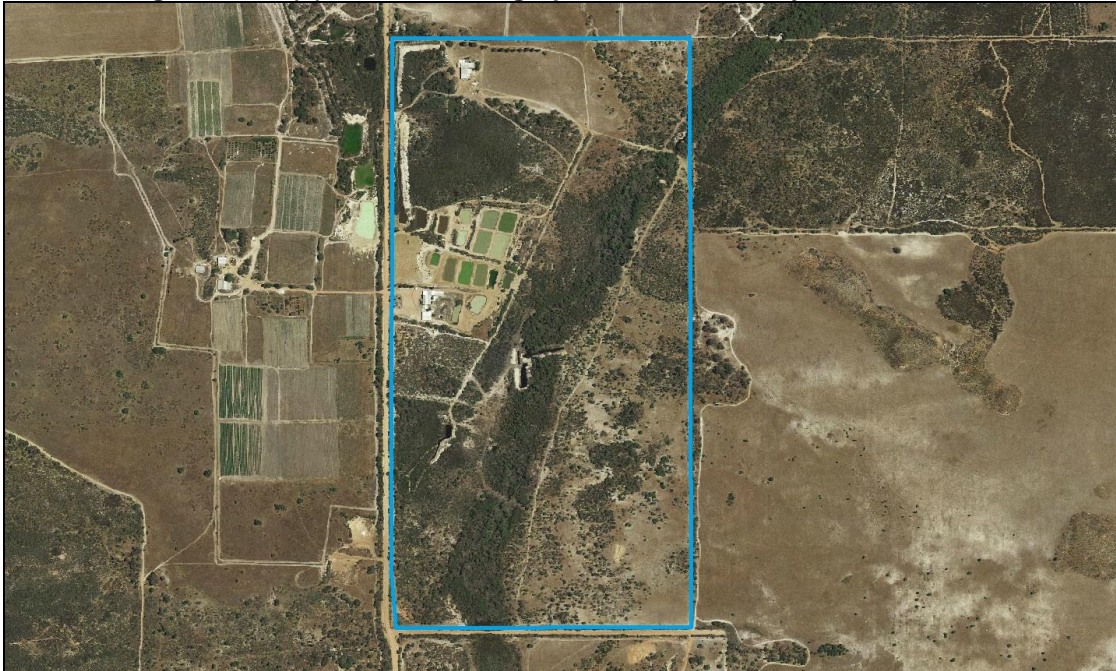
Lot 60 is a 68.432ha rectangular shaped property located on the eastern side of Hickety Road approximately 3km north of the Nanson-Howatharra Road.

Figure 10.1.1(a) – Location Plan for Lot 60 Hickety Road, Nabawa



The eastern and northern portions of Lot 60 have been cleared, and a watercourse runs north-south through the centre of the property along which remnant vegetation exists. A residence is located at the northern end of Lot 60, and aquaculture ponds and associated outbuildings are located close to Hickety Road.

Figure 10.1.1(b) – Aerial Photograph of Lot 60 Hickety Road, Nabawa



The development history for 388 (Lot 60) Hickety Road, Nabawa is as follows:

- Council approved an application for Intensive Agriculture (Aquaculture) at its 16 May 2000 meeting (the landowner also received a Works Approval for Aquaculture from the then Department of Environmental Protection on 19 March 1999);
- Council approved an application for Private Recreation (Recreational Fishing) and associated passive recreational activities and a manager’s residence at its 16 March 2004 meeting;
- Council approved an application for a kiosk/tearooms limited to 100 seats and 4 short stay chalets at its 19 April 2005 meeting;
- Council approved an application for additional Intensive Agriculture (Aquaculture) buildings and Industry Rural (Processing and Packing of Fish & Incidental Products) and 10 short stay chalets at its 23 June 2010 meeting;
- Shire approved an application for a Shadehouse on 30 May 2016;
- Shire received application for a nature based park on 24 April 2017, the applicant had prior to lodging the application cleared and gravelled the proposed site, and placed a transportable ablution building on-site without approval.

The proposed nature based park would have 28 caravan sites (12m x 8.5m each), and 2 camp site areas (approximately 560m² each). The applicant’s covering correspondence states that there would be 20 caravan sites, however the submitted site plan has 28 caravan sites. The applicant states that approximately 10 of the sites would be powered.

A BBQ area would be located at the centre of the nature based park. The applicant proposes that a firehose tank and reel would be installed and separate fire extinguishers.

A dump point would not be provided at the outset, but is intended to be provided at a later date, and the applicant states that they would advise tourists of the nearest dump point at Fig Tree Crossing.

The nature based park would be serviced by an ablution block located at the eastern end of the facility, containing 2 female toilets and 2 male toilets, 2 female showers and 2 male showers and a laundry with a change table.

The applicant’s covering correspondence advises that a 9,000L water tank would be supplied providing non-potable water and potable water is a future work. However, the accompanying Management Plan

submitted by the applicant advises that potable water would be supplied via a 5,000 gallon (18,927L) tank, and the site plan indicates a potable tank.

It should be noted that provision of potable water carries requirement for regular testing, this may require ongoing treatment with chlorine or ultra violet light to ensure a constant supply of potable water.

The entrance to the nature based park would be via the existing crossover onto Hickey Road and a system of 1-way and 2-way vehicle tracks, all 4m wide would service the park.

A copy of the submitted application has been provided as **separate Attachment 10.1.1(a)** for Council's information. This information was provided to surrounding landowners and relevant government agencies, inviting comment, and the outcomes of the advertising period are summarised in the Consultation section of this agenda report.

Figure 10.1.1(c) – View looking north-east at proposed nature based park site



Figure 10.1.1(d) – View looking south at proposed nature based park site



Figure 10.1.1(e) – View looking east at ablation facility placed on-site



STATUTORY ENVIRONMENT

Lot 60 Hickety Road, Nabawa is zoned ‘Rural’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Section 4.2.6 of the Scheme lists the objectives of the ‘Rural’ zone as being:

- “(a) Provide for a variety of agricultural/rural activities;
- (b) Provide for other land-uses compatible with the predominant use of the land;
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;
- (d) Provide appropriate protection from incompatible development for existing land-uses; and
- (e) Protect the environmental and landscape values of the land.”

The Scheme lists ‘Camping Ground’ as a ‘D’ use that is not permitted unless the local government has exercised its discretion by granting planning approval.

The Scheme lists ‘Caravan Park’ as an ‘A’ use that is not permitted unless the local government has exercised its discretion by granting planning approval after advertising the application.

Given that caravans and larger self-contained vans would utilise the facility the application was deemed to meet the definition of a ‘Caravan Park’ and therefore advertised prior to being presented to Council for its deliberation.

Section 10.2 of the Scheme lists the following matters to be considered by the local government relevant to development:

- “(c) any approved statement of planning policy of the Western Australian Planning Commission;...
- ...(e) any relevant policy or strategy of the Western Australian Planning Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...
- ...(i) the compatibility of a use or development with its setting;
- (j) any social issues that have an effect on the amenity of the locality;...

- ...(m) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk;*
- (n) *the preservation of the amenity of the locality;*
- (o) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;*
- (p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles*
- (q) *the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety ;..*
- ...(v) *whether adequate provision has been made for the landscaping of the land to which the application related and whether any trees or other vegetation on the land should be preserved;....*
- ...(y) *any relevant submissions received on the application.*
- (z) *the comments or submissions received from any authority consulted under clause 10.1.1*
- (za) *any other planning consideration the Local Government considers relevant”*

Lot 60 is identified as a bush fire prone area upon the State Map of Bushfire Prone Areas (2017), and as such, under Schedule 2 Part 10A of the *Planning and Development (Local Planning Schemes) Regulations 2015* the applicant is required to submit a Bushfire Attack Level Assessment.

The *Caravan Parks and Camping Grounds Act 1995* and *Caravan Parks and Camping Regulations 1997* provide statutory direction in relation to this application.

Section 5 of the *Caravan Parks and Camping Grounds Act 1995* defines camping grounds and caravan parks as follows:

“camping ground means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;

caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation.”

Part 1 Section 3 of the *Caravan Parks and Camping Grounds Regulations 1997* defines a nature based park as follows:

“nature based park means a facility in an area that —

- (a) *is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more; and*
- (b) *has been predominantly formed by nature; and*
- (c) *has limited or controlled artificial light and noise intrusion.”*

Schedule 7 Clause 5A(1) of the regulations notes that

“A person cannot be an occupier at a nature based park for more than 28 nights in total in a 3 month period starting on the first day that the person occupies a site at the facility.”

The Department of Local Government and Communities have prepared the ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’ and this application has been assessed with regard for these guidelines.

Concern is raised that the application to establish a nature based park upon Lot 60 Hickety Road is not in accordance with the requirements of the *Caravan Parks and Camping Regulations 1997* and ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’.

Schedule 7 Clause 8 of the Regulations requires that:

- “(1) There is to be at least 3 m between a caravan, annexe or camp on a site in a facility and —*
- (a) a caravan, annexe or camp on any other site; or*
 - (b) any building on the facility that is not on a site.”*

The application proposes a separation distance of 1.8m, which is not compliant with the required 3m.

Schedule 7 Clause 42 of the Regulations requires that:

“Potable water for sites

- (1) A supply of potable water of at least 300L per day, or such lesser amount as is approved under subclause (2), is to be available for use by each site at a facility.*
- (2) The local government may, with the written approval of the Executive Director, Public Health (within the meaning of the Health Act 1911), approve of a lesser quantity of water than that specified in subclause (1) being available at a facility.”*

The application proposes 28 caravan sites which would require an amount of 8,4000L of potable water to be available per day. It is also noted that the application includes ‘Future Camp Site A’ and ‘Future Camp Site B’ to cater for tents and camp trailers, and this would require additional water provision.

The applicant’s covering correspondence advises that a 9,000L water tank would be supplied providing non-potable water and potable water is a future work. However, the accompanying Management Plan submitted by the applicant advises that potable water would be supplied via a 5,000 gallon (18,927L) tank, and the site plan indicates a potable tank.

Were the application to be approved by Council, the applicant would be required to carry out regular testing to ensure the supply was potable, this may require ongoing treatment with chlorine or ultra violet light to ensure a constant supply of potable water.

The ‘Nature-based Parks: Licensing Guidelines for Developers and Local Governments’ notes in relation to this requirement that:

“Potable water for sites

Current: Schedule 7, Clause 42, if potable water can be readily made available then it should be provided. There is a health requirement that an adequate supply of drinking water be provided; if not, the operator needs to seek an exemption. Application for exemption is to be made to the local government and will be dealt with on a case by case basis. Every effort must be made to notify potential visitors if no potable water is available – this includes on all advertising materials, websites and on signs at the entrance to the facility.”

Schedule 16A Clause 8 of the Regulations requires that:

- “(2) A facility entrance road is to be at least 6m wide or a narrower width that is approved.*
- (3) A facility road which is a one way road is to be at least 4m wide or a narrower width that is approved.*
- (4) A facility road which is a 2 way road is to be at least 6m wide or a narrower width that is approved.*
- (5) A local government may approve of a narrower width under subclause (2), (3) or (4) for a nature based park only if it is satisfied that the management plan for the facility adequately deals with traffic access and egress.*
- (6) A facility road is to be constructed and maintained as is approved but need not be paved or sealed.”*

The entrance to the nature based park would be via the existing crossover onto Hickety Road (the width of which is not indicated upon the submitted site plan) and a system of 1-way and 2-way vehicle tracks, all 4m wide would service the park. The 2-way alignment tracks are not compliant with the required 6m width.

POLICY IMPLICATIONS

Council adopted Local Planning Policy 'Rural Tourism Development' at its 19 February 2014 meeting (superseding the 'Rural Tourist Development' Local Planning Policy previously adopted by Council under Scheme No.1 at its 18 April 2007 meeting). The objective of this Policy is to provide for a range of accommodation and other tourist related uses in the rural areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the municipality.

The Policy states that Holiday Accommodation and other tourist related uses will generally be approved where the Council is satisfied that the minimum criteria and standards can be achieved. The minimum criteria specified for an application for a Caravan Park & Camping Ground is listed as follows:

Use	Criteria	Standard	Lot 60 application assessment
Caravan Park & Camping Ground	Location	Within close proximity to public recreation areas/natural attractions – beaches, walk trails, scenic lookouts etc. & distances from other Caravan Parks/Camp Sites as prescribed by <i>Caravan and Camping Act 1995</i>	Non-compliant
	Public Road Access	Type 5–7m bitumen seal + bitumen seal crossover to Council specifications or Type 3 – 12m form/8m gravel paved at Council discretion	Requires Council discretion
	Potable Water Supply	As per <i>Caravan Parks and Camping Grounds Regulations 1997</i>	Requires clarification
	Ablutions	As per <i>Caravan Parks and Camping Grounds Regulations 1997</i> & Building Code of Australia	Compliant
	Car Parking	1 car bay per caravan/camp site + 1 bay for manager – gravel standard/Council specs	Compliant
	Lot size	15ha	Compliant
	Setback	30m from the front boundary and 75m from water features with all other boundaries to comply with Local Planning Scheme requirements unless otherwise determined by Council	Non-compliant
	Siting	Away from sand dunes, ridge lines and side slope/breakaway areas	Compliant
	Clearing	No removal of remnant vegetation	Non-compliant
	Screening	Well screened from view of neighbouring properties	Non-compliant
	Design & Materials	Buildings to be complementary with landscape – earth tones – no reflection	Compliant
	Management	On site managers residence	Residence on-site but not in proximity

Part 4.2.b of the Policy also requires that:

“The Council will only approve tourist accommodation and development where it has been demonstrated that the proposed use is compatible with surrounding land uses and will not result in unacceptable environmental impacts as a result of noise, light-spill or visual intrusion, and that the quality of the development will present a positive image of the locality.”

The objections received during the public consultation period for the application, and the issues raised therein, do not indicate a level of compliance with Part 4.2.b of the Policy at this time, and further modification to the application is suggested in the staff recommendation.

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

It is agreed that the development will have an impact on the condition of Hickety Road over time, which in turn will impact on Council's budget expenditure. Therefore, it is considered justified that, were the application to be approved by Council, a contribution to the future maintenance of Hickety Road be required of the applicant to ease any future financial burden on the Shire, and ensure the applicant provides adequate compensation commensurate with the additional wear imposed by vehicle movements associated with this development.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

The Mid West Development Commission, in collaboration with Regional Development Australia, the Department of Planning and the Mid West Tourism Alliance have released the 'Tourism Development Strategy' (2014) with one of the identified priorities being to increase the range of eco nature based tourism activities, attractions and experiences.

The Economic Development element of the Commission's Mid West Blueprint (2015) notes the Mid West Tourism Potential as follows:

"The long term aspiration of this Blueprint is for the Mid West to attract one million overnight visitors (annually) by 2050. The Mid West would be highly developed as an inspiring nature based destination, that offers a wide range of high quality, year round experiences."

The Shire of Chapman Valley adopted its Local Planning Strategy ('the Strategy') in 2008 that was prepared within the context of the State and Regional planning framework. The Shire's Strategy falls into line with the Mid-West Region vision statement of the State Planning Strategy which states:

"In the next three decades, the Mid-West Region will continue to diversify its economic base in the areas of agriculture, minerals development, downstream processing of commodities and tourism. Geraldton will develop as the largest regional centre north of Perth, offering a wide range of facilities and attractions."

The Shire's Strategy identifies Lot 60 Hickety Road as being located within 'Precinct 3 – Chapman Valley' and lists 'Tourism (low-key)' as an appropriate land use for this precinct, subject to compliance with the provisions of the Scheme and Council Policies.

The Strategy notes for Precinct 3 that:

"Further opportunity exists for limited low-key tourist development linked with local industries, farm stays and farm diversification in close proximity to established tourist routes where a suitable level of infrastructure exists...Heritage trails are also evident along the Chapman Valley Road and Nanson Howatharra Road with the potential to be developed further for tourism purposes."

The Strategy identifies the following economic objective for Precinct 3:

“3.2.2 Encourage the experimentation and growth of newer crops and animal varieties through farm diversification and support value adding to this diversified farm produce. This could include links to tourism in accordance with Council Policy.”

The Strategy also identifies the following environmental objectives for Precinct 3:

“3.3.4 Ensure that land use conflicts (i.e. noise dust, odour, spray drift, vermin etc.) are avoided through appropriate environmental and planning controls.”

3.3.5 Protect the rural amenity and character of the area from incompatible land use/development, again through the implementation of appropriate environmental and planning controls.

3.3.6 Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum.”

The Strategy also identifies the following infrastructure objective for Precinct 3:

“3.4.2 Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use/development or subdivision, to avoid burden (financial or otherwise) on the Council’s resources.”

The Western Australian Planning Commission’s ‘Planning Bulletin 83 - Planning for Tourism’ (2013) sets out the policy position to guide decision making by the WAPC and local government for rezoning, subdivision and development proposals for tourism purposes. The Bulletin emphasises the importance of strategic planning for tourism and that this should be addressed through the local government’s Local Planning Strategy identifying tourism sites and determine their strategic value and importance to tourism development.

The Bulletin notes that identification of tourism sites does not imply that the site is suitable for immediate development or re-development (in many cases sites may be identified to facilitate the long term protection of land for tourism purposes where economic conditions appropriate for development may not be reached for a number of years) but does set out general location criteria to determine the tourism value of a site as follows:

“Accessibility

The site has adequate existing or proposed transport links (such as major road or airport access).

Uniqueness

The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.

Setting

The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).

Tourism activities and amenities

The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops and the like.

Supply of land

The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.

Site specific criteria to determine the tourism value of the site includes:

Suitability in a land use context

The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).

Capability

The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.

Size

The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.

Function

The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.

These criteria are to guide local government in the assessment of the strategic value of tourism sites and determination of the value will be based on the outcome of the assessment of the site against all criteria.”

• **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community Plan has the following economic strategies:

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley
	Ensure planning and procedures are in place to promote and develop short-term and overnight accommodation options across the Shire	Visitors stay longer in our community Short-term employees can reside in the Shire	Chapman Valley business community Chapman Valley farming community Shire of Chapman Valley

CONSULTATION

The application was advertised for public comment from 1 May 2017 until 26 May 2017 with the following actions being undertaken inviting comment:

- placement of an advisory sign on-site;
- copy of the application documentation being made available for viewing at the Shire office/library;
- copy of the application documentation being made available for viewing on the Shire website;
- copy of the application documentation being sent to the surrounding landowners and all landowners along Hickety Road between Lot 60 and Nanson-Howatharra Road (total of 11 landowners); &
- copy of the application documentation being sent to the following government agencies; Department of Fire & Emergency Services, Department of Health, Department of Local Government and Communities, Department of Water and Tourism WA.

At the conclusion of the advertising period 7 submissions had been received, with 6 of these in objection and 1 providing technical comment.

A Schedule of Submissions has been prepared and included as **Attachment 10.1.1(b)**. The Schedule identifies the respondents, summarises the matters raised, provides detailed individual comment upon the matters raised, and a specific recommendation in regard to each.

Copies of the received submissions have been provided to Councillors as **separate Attachment 10.1.1(c)**.

RISK ASSESSMENT

Rating 2 (Minor) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR HUMPHREY

That Council:

- 1 Advise the applicant that it has concerns with the submitted application for 388 (Lot 60) Hickety Road, Nabawa, as it considers that the application as submitted is for a caravan park and not a nature based park, and the consultation undertaken for the submitted application does not demonstrate a level of acceptance for the proposal, or compliance with the statutory requirements for a caravan park.
- 2 Invite the applicant to submit a revised application that has regard for the following:
 - (a) Relocation of the proposed development to a new site east of the existing residence to improve caretaker surveillance, increase the setback distance from the road, and better meet the definition of a nature based park.
 - (b) Revise the proposed development layout to ensure that there is at least 3m between a caravan, annexe or camp on a site and a caravan, annexe or camp on another site; widen the 2-way internal roads to a width of 6m; provide detail on the width of the crossover onto Hickety Road, consideration be given to reducing the number of caravan park sites to 20 (and the level of servicing that this then entails), and location of caravan/camping sites amidst landscaping/vegetation to better meet the underlying basis for nature based parks.
 - (c) Consistency of provided information (for example the submitted site plan indicates 28 caravan sites and 2 camp site areas, whilst the submitted correspondence and management plan refers to 20 caravan sites; and the submitted correspondence advises that a 9,000L water tank would be supplied providing non-potable water, whilst the accompanying submitted Management Plan advises that potable water would be supplied via a 5,000 gallon (18,927L) tank; whether the application will include a laundry facility or otherwise.
 - (d) Submission of a Bushfire Attack Level Assessment, and accompanying detail regarding Fire and Emergency Management for the nature based park, given Lot 60's identification as a bushfire prone area upon the State Map of Bushfire Prone Areas.
- 3 Encourage the applicant to liaise with the Shire's Environmental Health Officer in their preparation of the revised application to have regard for the regulatory requirements.
- 4 Upon receipt of a revised application re-advertise the development for public comment.

**Voting 6/0
CARRIED
Minute Reference 06/17-2**

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
1 (11/5/17)	Tourism WA (GPO Box X2261, Perth)	<p>Objection</p> <p>Tourism WA is very supportive of this style of accommodation development in the Chapman Valley, nature based camping is highly sought after by the self-drive travelling public and it is often expected that such infrastructure should be available in regional rural areas.</p> <p>From reviewing the Chapman Valley Fishing Park website, Tourism WA has been made aware that camping is currently available at this location.</p>	<p>Tourism WA's comments on the popularity of nature based accommodation that caters for caravans and self-contained vans accords with the Shire's own experience with the Coronation Beach Nature Base Campground and to a lesser extent the Fig Tree Crossing Roadside Rest Area.</p> <p>The Chapman Valley Fishing Park website displays the following: <i>"Chapman Valley Aquaculture is located in a quite peaceful great natural setting located just 30kms from Geraldton, it makes the perfect place to stay for the night. With so many attractions in the beautiful valley, you can take your time exploring without having to drive a great distance back to your accommodation.</i></p> <p><i>All sites are on gravel, caravan sites are 12mx8.5m and a 1.8m perimeter clearance.</i></p> <p><i>There is a abulation block located in the middle of caravan park and toilet facilities available when Chapman Valley Fishing Park is open. With several barbeque areas and purpose built gazebos dinner is sorted.</i></p> <p><i>At the moment we can only take bookings for Caravans, RV's and camper trailers and tents.</i></p> <p><i>There are 3 sites available</i></p> <ul style="list-style-type: none"> • <i>Powered Site, there are 10 powered sites available - \$45.00 per night</i> • <i>Unpowered Site there are 10 unpowered sites available - \$35.00 per night</i> • <i>Campsite, there are 8 camping spots available - \$25.00 per night"</i> <p>No approval has been given for operation of a caravan park and campground upon Lot 60 Hickety Road.</p> <p>The commencement of a development without obtaining prior approval is an offence under Section 214 of the <i>Planning and Development Act 2005</i> and carries a maximum penalty of \$200,000 and in the case of a continuing offence, a further maximum fine of \$25,000 for each and every day during which the offence continues.</p>
			<p>Note submission and recommend that Council:</p> <p>That Council:</p> <p>1 Advise the applicant that it has concerns with the submitted application for 388 (Lot 60) Hickety Road, Nabawa, as it considers that the application as submitted is for a caravan park and not a nature based park, and the consultation undertaken for the submitted application does not demonstrate a level of acceptance for the proposal, or compliance with the statutory requirements for a caravan park.</p> <p>2 Invite the applicant to submit a revised application that has regard for the following:</p> <p>(a) Relocation of the proposed development to a new site east of the existing residence to improve caretaker</p>

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
		<p>Tourism WA would like to reiterate that the definition for a nature-based park, as per the draft Guidelines for Local Governments is a location that:</p> <ol style="list-style-type: none"> is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more; has been predominately formed by nature; has limited or controlled artificial light and noise intrusion. <p>Tourism WA is not convinced that the design of this applicant's nature-based caravan park meets the above definition principles, as the plan indicates that the park is within close proximity to the fish ponds. The drawings also imply that the development will take place on a cleared rectangle of land, in which all the caravan sites will be located in close proximity to their neighbouring site (approximately 1.8m apart).</p> <p>Tourism WA is aware that other camping facilities also exist at Goodies Eco Camp and Figtree Crossing Campsite, both of which are in close proximity to the proposed development. We question the need to develop 20 additional sites immediately, and recommend that this development be staged to allow demand to build.</p>	<p>The concerns raised by Tourism WA are noted. It is considered that there may be alternative sites upon Lot 60 that better address these location guidelines.</p> <p>Schedule 7 Clause 8 of the <i>Caravan Parks and Camping Regulations 1997</i> requires there to be at least 3m between a caravan, annexe or camp on a site and a caravan, annexe or camp on another site (reductions to this only apply if the lesser distance was on-site prior to 1/7/97).</p> <p>There are 4 previously approved sites within the Shire of Chapman Valley as follows:</p> <ul style="list-style-type: none"> - Goodies Eco Camp site which is approximately 8km to the south-west (not operational); - Coronation Beach Nature Based Park which is approximately 14km to the south-west; - Diddlee Squat (James Road) Nature Based Park which is approximately 16km to the north-east (closed during summer); - Fig Tree Crossing Roadside Rest Area which is approximately 16km to the south (24 hour stay only). <p>The comments of Tourism WA may be perceived as entering into the area of demand and competition. This is an area that Council may give some cautionary regard for under the provisions of Section 10.2 of the Scheme (including the requirements of orderly and proper planning, having regard for any social issues that have an effect on the amenity of the locality, the relationship of the proposal to development on other land in the locality, and any relevant submissions received on the application).</p> <p>However, given that competition is an issue that is open for</p>
			<p>surveillance, increase the setback distance from the road, and better meet the definition of a nature based park.</p> <p>(b) Revise the proposed development layout to ensure that there is at least 3m between a caravan, annexe or camp on a site and a caravan, annexe or camp on another site; widen the 2-way internal roads to a width of 6m; provide detail on the width of the crossover onto Hickety Road, consideration be given to reducing the number of caravan park sites to 20 (and the level of servicing that this then entails), and location of caravan/camping sites amidst landscaping/vegetation to better meet the underlying basis for nature based parks.</p> <p>(c) Consistency of provided information (for example the submitted site plan indicates 28 caravan sites and 2 camp</p>

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickey Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
			<p>varying viewpoints Council may wish to be guided by Section 3.3.7 'Economic Competition' of the State Department of Planning's publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) which notes that:</p> <p><i>"The threat of competition to existing businesses is not a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community.</i></p> <p><i>This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Ganitidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:</i></p> <p><i>"economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter".</i></p> <p><i>Stephen J at [687] noted that:</i></p> <p><i>"...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."</i></p> <p>It is also noted that Section 2.10 of the Local Government Act 1995 lists one of the roles of a Councillor as being:</p> <p><i>"A councillor —</i> <i>(a) represents the interests of electors, ratepayers and residents of the district."</i></p>
			<p>site areas, whilst the submitted correspondence and management plan refers to 20 caravan sites, and the submitted correspondence advises that a 9,000L water tank would be supplied providing non-potable water, whilst the accompanying submitted Management Plan advises that potable water would be supplied via a 5,000 gallon (18,927L) tank; whether the application will include a laundry facility or otherwise.</p> <p>(d) Submission of a Bushfire Attack Level Assessment, and accompanying detail regarding Fire and Emergency Management for the nature based park, given Lot 60's identification as a bushfire prone area upon the State Map of Bushfire Prone Areas.</p>
			<p>3 Encourage the applicant to liaise</p>

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
2 (22/5/17)	Department of Local Government (GPO Box R1250 PERTH WA 6844)	<p><i>Objection</i></p> <p>In regards to this development, the Department holds some reservations about a licence being granted to the applicant based on the Management Plan provided. Currently the proposal does not conform to all regulatory requirements specifically: (All references to regulations pertain to the <i>Caravan Parks and Camping Regulations 1997</i>.)</p> <p>The proposed distance between campsites is 1.8m, this will be in breach of the requirements contained within Schedule 7 clause 8 of the Regulations;</p> <p>The proposed nature based park does not contain a laundry. The applicant must provide notice on all site in order to be compliant with Regulation 19(m). The applicant's website currently does not provide the required notification nor was notification addressed in the application under questions 7.1 and 7.2;</p> <p>The site plan provides the entrance road is a 2-way road 4m wide. This does not comply with the requirements of Schedule 7 clause 16A, which requires an entrance road to be at least 6m wide. Likewise a 2-way road is required to be at least 6m wide. Although the Shire can approve a narrower road</p>	<p>with the Shire's Environmental Health Officer in their preparation of the revised application to have regard for the regulatory requirements.</p> <p>4 Upon receipt of a revised application re-advertise the development for public comment.</p> <p>As per Submission 1</p>

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa				
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
3 (26/5/17)	D & C McLean (104 Hickety Road NABAWA WA 6532)	<p>if the Shire "is satisfied that the management plan for the facility adequately deals with traffic access and egress". (There is a discrepancy between the answer to question 8.3 on the Management Plan and the site plan provided with respect to the proposed entrance road. Clarification may only require to be sought)</p> <p>In addition to the regulatory issues, the Department also has concerns with the lack of detail contained within the Management Plan and the purported steps to address some of the criterion. The most concerning example is the suggested methodology (placement of life buoys) that will be employed to remediate the risks associated with the existing ponds. The placement of life buoys adjacent to or near the ponds does not seem to be a sufficient measure to mitigate the risks involved with small children that may wander into the ponds from their campsite in the middle of the night.</p> <p>Similarly questions should also be raised with respect to rubbish removal, location of the manager, location of and access to the mobile phone in emergencies, the proposed location of the fire extinguisher and the proposed remediation of fire risks to name a few.</p> <p>Ultimately, the approval of this proposal is a matter for the Shire of Chapman Valley although the Department does hold the concerns expressed above about a licence being granted to the applicant based on the Management Plan provided.</p> <p><i>Objection</i> Do we really need another caravan park especially amongst rural land holders? Coronation is close by and Fig Tree Crossing is around the corner, and then we have Drummonds Cove Caravan Park on the edge of Geraldton.</p>		As per Submission 1
		My concern is also the extra traffic that will be going up	Hickety Road is an unsealed 6.5km cul-de-sac road (with	

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
		<p>and down our roads. Hickety Road is very much an unsealed road and the Shire struggles as it is to maintain our road. Does the Shire really need the extra work?</p> <p>My other concern is the fact that Leanne & Wayne don't live out here. How much policing will be happening on campers? Who is going to stop camping for longer periods of stay? How much involvement will the Shire have with the caravan park if it has the go ahead?</p> <p>There is also a lot of natural bush on neighbouring properties, is there a concern about fires?</p> <p>Is there a reason why he would like the caravan park open all year round?</p> <p>My question to the Shire is will the caravan park be beneficial for the landholders in Chapman Valley?</p>	<p>Ahem Place running off it for a further 2.5km). Given that Hickety Road is not a significant haulage route, and has not been identified as having safety concerns it would not be considered eligible for federal or state government funding assistance to seal the road. Sealing of the road therefore would be required to be funded entirely by the local government from its own resources. Hickety Road has not been identified in the Shire's strategic or asset documents for sealing.</p> <p>The proposed nature based park is 550m from the residence and not within direct line-of sight. It is agreed that this presents concern in the ability for the caretaker in the residence to provide surveillance and policing of the facility.</p> <p>The applicant is seeking to operate the nature based park upon Lot 60 all year round. When Council previously considered a nature based park on James Road one of the conditions of approval was that the Management Plan for the facility was to include a Disaster Management and Emergency Response Plan. An aspect of the James Road facility, to address fire risk, was it was proposed to only operate from May to October each year to cater for visitors to the region attracted during wildflower season, and would be closed over summer due to fire risk and the seasonal decline in tourism.</p> <p>The introduction of a caravan park may be beneficial to landowners who operate a tourism related business in Chapman Valley e.g. Lavender Farm, Burnt Barrel, Valley Tavern etc, but would unlikely be of benefit to other landowners.</p> <p>The closest proposed caravan sites are 15m from Hickety Road. It is the Shire's experience with other gravel roads (e.g. Urch Road) that development in proximity to an unsealed road leads to ongoing dust complaints.</p> <p>The toilet block has been placed on-site, and clearing</p>
4 (26/5/17)	N & C Fraser (PO Box 637 GERALDTON WA 6531)	<p><i>Objection</i> Way too close to road. No buffer zone between road and caravan park. Bring more traffic and more problems associated with. Toilet block on-site already is too close to road for caravan park to be 60m from road.</p>	

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
		<p>Is not in keeping with rural setting.</p> <p>They have cleared all natural bush except 2 wattle and 1 banksia (this must be 30m strip)</p>	<p>undertaken, and gravel laid on the proposed nature based park site without approval. The commencement of a development without obtaining prior approval is an offence under Section 214 of the <i>Planning and Development Act 2005</i> and carries a maximum penalty of \$200,000 and in the case of a continuing offence, a further maximum fine of \$25,000 for each and every day during which the offence continues.</p> <p>Council resolved at its 16/3/04 meeting to approve a recreational fishing park and residence upon Lot 60 subject to a 30m wide landscaping strip along the front boundary. Council later approved at its 19/4/05 meeting a kiosk/tearoom and 4 chalets, and at its 23/6/10 meeting an aquaculture facility, processing/packing facilities and 10 chalets, both again subject to a 30m wide landscaping strip along the front boundary.</p> <p>The application proposes a 15m setback for the nature based park.</p> <p>Biosecurity can be an issue when non-rural uses and visitors are introduced to a rural area.</p>
		<p>Tourists potentially bring in disease and virus and different pests.</p> <p>We feel that this does not fit into the area and would prefer it not to go ahead.</p> <p>Why hasn't he built the chalets? and be happy with that.</p> <p>Tourists don't want to be next to working farms with spraying, tractor movements, shooting all through the day and night, so they can potentially complain and make it harder for the farmers, get restrictions on farmers etc. This then stops them from going about their business and hampers any growth and development potentially on their farms.</p>	<p>The previously approved chalets have not been commenced, and approval has lapsed.</p> <p>The conflict between rural land uses and non-rural land uses entering into a rural area is one that has been subject to much planning discussion. The WAPC's 'Rural Planning Guidelines' (2016) notes that:</p> <p><i>"Proximity to agricultural land uses – unforeseen circumstances such as sudden wind shifts may result in accidental spray drift from organic and conventional pesticides. Therefore, collection areas and water storages used for human consumption need to be located away from neighbouring agricultural properties."</i> (Section 5.1, page 7)</p> <p><i>"Western Australia's horticultural industries are highly diverse, producing a variety of fruit, vegetables, nuts, herbs</i></p>

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
		<p>Who is going to check that guidelines that were set previously have been adhered to i.e. 30m nature strip, no clearing, existing waterways aren't disturbed and damaged.</p> <p>As a resident of Hickety Road I just don't want our nice quiet area ruined and changed so that one person gains and everyone else that bought out here (as it was for their slice of the dream) loses.</p> <p>Where is caretaker going to be living? Not in the shed full of tanks that you can't hear a car pull up outside let alone caravan park problems that are way up other end past another heap of aerators making noise. This is flawed as is the site map. How many bays as each map has a different amount?</p> <p>Please don't let this go ahead.</p>	<p>and spices, nursery products, turf, cut flowers and are supplied to the wholesale, retail and food service sectors. Horticultural industries make an important contribution to the State's prosperity, especially in providing food security, health and nutrition; and as a stimulus for regional economies.</p> <p>Crops are grown throughout the year and farming activities generally occur during daylight hours - although packing may be undertaken in sheds at night. Some types of horticulture are highly intensive and often rely on irrigation, fertilisers and pesticides - which can significantly increase the quantity of nutrients, mainly phosphorus and nitrogen, entering groundwater, watercourses and wetlands.</p> <p>Conflicts relating to agricultural chemical spray drift, noise, dust and odour can arise between agricultural activities and sensitive land uses." (Section 6.5, page 13)</p> <p>If there is potential for a development to have a negative impact on the amenity of surrounding areas, some mitigation methods that could be employed are to:</p> <ul style="list-style-type: none"> • avoid the conflict in the first instance by applying separation distances; • use existing or planted vegetation to screen less visually appealing development; • include Scheme provisions relating to landscape and rural character, to address visual amenity; • consider grouping additional dwellings and/or services required for farm operations, to minimise impacts on surrounding land uses; and • minimise amenity impacts by careful siting of development and being mindful of setbacks, building envelopes and exclusion areas." (Section 10.1, page 22)
5 (25/5/17)	E Whyatt (337 Hickety Road NABAWA WA 6532)	<p>Objection</p> <p>I am opposed to the location of this proposed caravan site.</p> <p>We have run a horticultural enterprise directly to the west of the site since 1988, and previously Ridleys did the same. Our business runs tractors and vehicles at very early hours when we are harvesting crops or spraying if we've had very windy conditions and it becomes calm. This obviously causes noise which will</p>	<p>The WAPC's State Planning Policy 2.5 – Rural Planning has the objectives of avoiding and minimising land use conflicts, and provide investment security and support primary production.</p> <p>Section 3.4 of SPP2.5 notes that: "The Department of Health has Guidelines for Separation of Agricultural and Residential Land Uses (2012), which seeks to minimise health and nuisance impacts from chemical use, spray drift and dust. Single residential dwellings</p>
			<p>As per Submission 1</p>

Submission No & Date Rec'd		Submitter & Affected Property	Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickety Road, Nabawa		Recommendation
		Nature of Submission	Comment		
		<p>be hard to sleep through when you are only meters away. There is also a chance of spray drift across the road which we try to control, but freak winds do occur. We also use animal manures on our ground and on application they stink - again not conducive to tourism.</p> <p>Previously the Shire granted permission to expand the pond areas (among other things) and I objected to their proximity to our market garden - the upshot was that they had to be screened by a 30m planting of trees and shrubs alongside the road - this has not been done, with only one line of gum trees planted alongside a vast expanse of gravel before a bit of remnant vegetation beside some ponds. Who is supposed to monitor/police conditions laid down by Council? - Obviously no-one in this case.</p> <p>The caretaker's cottage is situated to the north of all the pond, dam areas and is well away from this proposed site, also it is well away from our growing areas as on our side of the road we have a big swamp area as well as our water dams - this forms a real and tangible barrier between the two properties.</p> <p>To the east of the cottage is a cleared paddock which is overlooked by the cottage. In my opinion this would be the area to locate the caravan park. The caretaker would be on site and could monitor all happenings on the park e.g. camp fires in the summer months. Where the proposed site is at present it is too far away from the caretaker cottage and cannot be supervised from it at all.</p> <p>The park would be well away from market garden activities with so much buffer zone already in place on both sides of Hickety Rd.</p> <p>The dust from traffic on the road would not travel that far - we do have problems when we plant close to the road - on windy days or after heavy vehicular activity we get dirty produce which has to be washed before going to market.</p>	<p>located in land zoned Rural, Agricultural or equivalent in local and regional planning schemes are excluded from the guidelines. These guidelines articulate the Department of Health's position when providing advice on planning referral processes, where there are possible conflicts with existing agricultural land uses. In addition, the use of pesticides is regulated under the Health (Pesticides) Regulations (2011)."</p> <p>Section 5.12.2 of SPP2.5 seeks to limit the introduction of sensitive land uses that may compromise existing and future primary production on rural land, and that in considering these land uses that the extent of a sensitive land use on rural land is a distance (as opposed to a property boundary) from the perimeter of the use that provides a reasonable standard of rural amenity.</p> <p>It is agreed that the area upon Lot 60 to the east of the existing residence may be preferable to the proposed location for the nature based park, as it is setback further from the road, and also provides a significantly improved ability for the residence to police/manage the visitor's activities. The alternative location, as suggested may also be more attractive to visitors given it is further away from the road and has a setting alongside a tributary and native vegetation.</p> <p>The location as suggested by the respondent is considered to better meet the definition of a nature based park as provided under Part 1 Section 3 of the Caravan Parks and Camping Grounds Regulations 1997:</p> <p>"nature based park means a facility in an area that —</p> <p>(a) is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100m for a distance of 500m or more; and</p> <p>(b) has been predominantly formed by nature; and</p> <p>(c) has limited or controlled artificial light and noise intrusion."</p>		

Schedule of Submissions – Proposed Short Stay – 388 (Lot 60) Hickey Road, Nabawa			
Submission No & Date Rec'd	Submitter & Affected Property	Nature of Submission	Comment
6 (26/5/17)	G Ward 1007 Nanson- Howatharra Road NABAWA WA 6532	<i>Objection</i> Road safety and vehicles towing caravans on Hickey Road as well as ongoing maintenance cost to Shire and ratepayers.	It is agreed that the development will have an impact on the condition of Hickey Road over time, which in turn will impact on Council's budget expenditure. Therefore, it is considered justified that, were the application to be approved by Council, a contribution to the future maintenance of Hickey Road be required of the applicant to ease any future financial burden on the Shire, and ensure the applicant provides adequate compensation commensurate with the additional wear imposed by vehicle movements associated with this development.
7 (24/5/17)	Department of Health (PO Box 8172 PERTH WA 6849)	<i>Comment provided</i> All proposed sites are to have access to a sufficient supply of potable water that is of a quality specified under the <i>Australian Drinking Water Quality Guidelines 2004</i> .	Schedule 7 Clause 42 of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> requires that a supply of potable water be provided of at least 300L per day for each site, or such lesser amount/standard as is approved by the local government and Department of Health. The application proposes 28 caravan sites which would require an amount of 8,4000L of potable water to be available per day. It is also noted that the application includes 'Future Camp Site A' and 'Future Camp Site B' to cater for tents and camp trailers, and this would require additional water provision. The applicant proposes to have a 5,000 gallon (18,927L) tank providing potable water. Were the application to be approved by Council, the applicant would be required to carry out regular testing to ensure the supply was potable, this may require ongoing treatment with chlorine or ultra violet light to ensure a constant supply of potable water. Schedule 7 Clause 40 of the regulations requires that a nature based park have a centrally located tap for use by all occupants unless otherwise approved. Should the application be approved by Council it is a requirement that a separate application be lodged for the on-site wastewater system, and that it must also be installed, to the approval of the local government and the Department of Health.

AGENDA ITEM:	10.1.2
SUBJECT:	EXTRACTIVE INDUSTRY (LIMESTONE)
PROponent:	WA LIMESTONE FOR C. & G. BOYS
SITE:	576 (LOT 171) CORONATION BEACH ROAD, OAKAJEE
FILE REFERENCE:	A356
PREVIOUS REFERENCE:	08/07-3
DATE:	12 JUNE 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Copy of Development Application		√
10.1.2(b)	Schedule of Submissions	√	
10.1.2(c)	Copy of received submissions		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of a re-application to operate an extractive industry (limestone) upon 576 (Lot 171) Coronation Beach Road, Oakajee. The application has been advertised for comment and is now presented to Council for its consideration. This report recommends conditional approval.

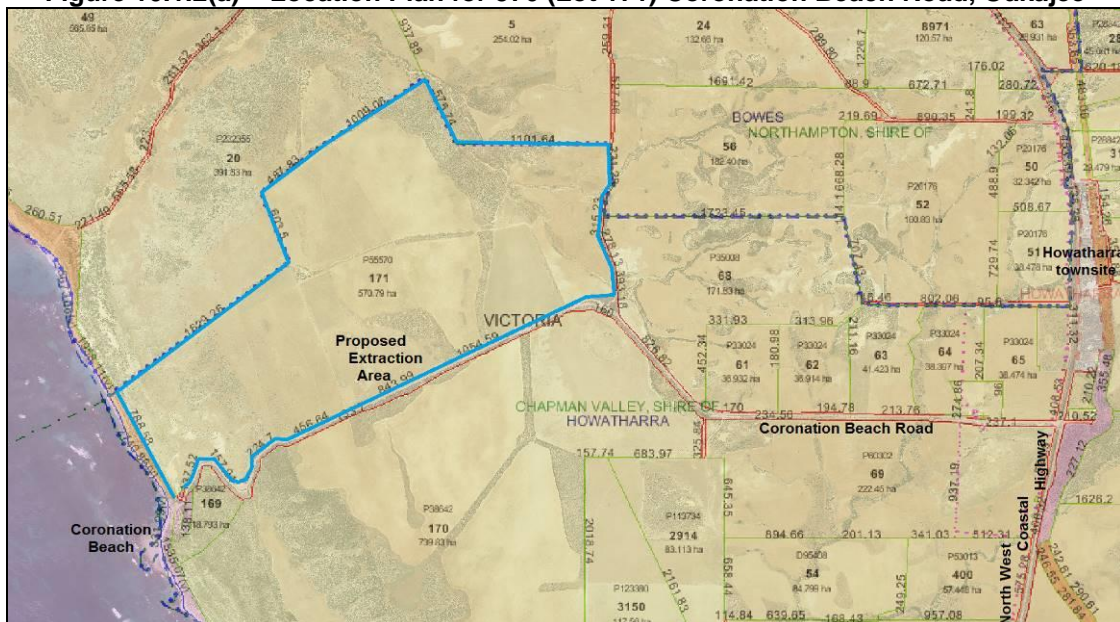
Council previously approved an application for an extractive industry (limestone) upon Lot 171 (formerly Lot 19) Coronation Beach Road, Oakajee at its 15 August 2007 meeting. The development did not commence and the approval lapsed on 15 August 2009. The original approval was as follows:

“That Council resolve to:

- 1 *Grant planning consent for the establishment of a staged extractive industry and limestone block processing plant on Lot 19 Coronation Beach Road Oakajee for a defined period of 20 years (providing the approved development/use has substantially commenced within 2 years), subject to the following conditions:*
 - (a) *The extractive industry and limestone block processing plant shall be developed, operated and managed in accordance with submitted Extraction and Rehabilitation Plan dated May 2007, which forms part of this approval unless otherwise specified by a subsequent condition of this approval listed below;*
 - (b) *A setback distance of 40.0 metres shall be maintained across the frontage of the development area and along the common boundary for extraction areas 6 and 7, with a 5.0 metre wide tree planting program being established within the 40.0 metre setback area devoid of existing remnant vegetation;*
 - (c) *Although this consent applies to all stages of extraction, subsequent stages beyond Stage 1 (numerically based) is not permitted to precede without prior inspection of completed rehabilitation works by Council Officers and written endorsement issued from the Shire’s Chief Executive Officer.*
 - (d) *The crossover between the property gates and Coronation Beach Road pavement shall be constructed to a standard consistent with the road surface (bitumen) and in accordance with the City of Geraldton-Greenough Land Development Specifications – Revision 6.*

- (e) *The proponent is responsible for the installation of warning/safety signage appropriately sited along Coronation Beach Road in accordance with Main Roads specifications, with all costs met by the proponent.*
 - (f) *The proponent is to contribute to the maintenance and upgrading of Coronation Beach Road by way of a negotiated/agreed annual payment to Council based on the number of 'loaded' truck movements. Such agreement is to be prepared by the Shire's solicitors at the proponent's expense.*
 - (g) *The car parking area adjacent to the administration building shall be constructed to a compacted limestone/gravel standard and suitably drained in accordance with the City of Geraldton-Greenough Land Development Specifications – Revision 6 where appropriate.*
 - (h) *The proposed administration building shall be connected to a potable drinking water supply based rainwater catchment with a minimum storage capacity of 92,000 litres or from a ground water supply with a minimum storage ability of 10,000 litres.*
 - (i) *The 'Potential Future Stage' does not form part of this approval and therefore is not permitted to be used for extraction purposes.*
- 2 *Refer correspondence received from the Department of Indigenous Affairs in relation to cultural heritage issues and Department of Water in regard to ground water allocation and licensing to both the proponent and landowners for their information.*
 - 3 *Refer a copy of the Planning Consent to the Department of Industry and Resources for their information and records.*
 - 4 *Refer the proponent to MRWA to discuss the use of North West Coastal Highway and Coronation Beach Road as a main transport route."*

Figure 10.1.2(a) – Location Plan for 576 (Lot 171) Coronation Beach Road, Oakajee



COMMENT

576 (Lot 171) Coronation Beach Road, Oakajee is a 570.7882ha property that contains a residence and outbuildings. Lot 171 is largely cleared with the exception of remnant vegetation on outcrop areas.

The application is for an approximately 30ha excavation area (limestone), with a proposed excavation depth of 5-10m (but may go deeper in some locations depending on the nature of the resource) with an expected excavation period of 20 years. Production is anticipated to be up to 100,000 tonnes per year, with 2-5ha of ground proposed to be open at any one time, and rehabilitation to follow excavation.

Excavation activities would require a bulldozer, rubber tyred loader, 20 tonne water truck or similar for dust suppression when required, and haul truck.

Blasting would be used to form armour rock and core stone. When producing roadbase and other products, blasting would not be required.

A mobile crushing and screening plant would be required when road base or other construction materials were being prepared, but would generally not be required when armour and core stone is being sought.

The material from the quarry would generally be used for public works including roadbase and coastal works, and structural works including footings, retaining walls and for building materials and cement manufacture.

Truck movements are anticipated to be variable with approximately 4 laden trucks leaving the site per hour on average during the filling of contracts, with some days having more transport and other days less. Various truck configurations would be used, depending on the customer's requirements and location. The largest configuration potentially used (i.e. worst case) would be an 8 wheel prime mover with 2 trailers, with a gross weight of 96 tonnes, and not more than 27.5m long.

The extractive industry is proposed to have operating hours of 6:00am–5:00pm Monday to Saturday, with no operation on Sundays or public holidays. The extractive industry would operate on an intermittent, as required basis.

Figure 10.1.2(b) – Proposed limestone extraction area upon Lot 171



A copy of the received application, that provides further information on the proposed development, including a Biodiversity Management and Closure Plan (inclusive of Weed Management Plan), Water Management Plan (inclusive of Fuel Management Plan), Offsite Impacts Plan (inclusive of Visual Management Plan, Noise Management Plan, Dust Management Plan and Blast Management Plan) has been provided as **separate Attachment 10.1.2(a)** due to its size. This information was provided to surrounding landowners and relevant government agencies, inviting comment, and the outcomes of the advertising period are summarised in the Consultation section of this agenda report.

Figure 10.1.2(c) – View looking north-east at proposed limestone extraction area



The proposed limestone quarry site is 1.35km inland/north-east from the Coronation Beach Nature Based Campground, and 1.1km east of the approved, proposed caravan park and campground site upon Lot 171. Whilst the quarry operations would not generally be considered in keeping with the development of a tourism node at Coronation Beach, it is noted that there is in addition to the over 1km horizontal separation, an approximate 90m vertical separation, with the tourism sites at the base of a protecting limestone ridge. The management of extractive industry heavy vehicle movements to ensure that they safely interact with the tourist traffic along Coronation Beach Road (often towing caravans) is a consideration in the assessment of this application.

Lot 171 is located immediately north of the Oakajee Industrial Estate Buffer, and the proposed operation of a limestone quarry would be considered compatible with the land uses able to be developed within the Oakajee Industrial Estate.

Figure 10.1.2(d) – View east along Coronation Beach Road from access point to Lot 171



Figure 10.1.2(e) – View west along Coronation Beach Road from access point to Lot 171



STATUTORY ENVIRONMENT

Lot 171 Coronation Beach Road, Oakajee is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The Zoning Table of the Scheme specifies 'Industry-Extractive' as an 'A' use within the 'Rural' zone, this being a use that is not permitted unless the local government has exercised its discretion by granting planning approval after advertising.

Schedule 1 of the Scheme defines 'Industry-Extractive' as follows:

"means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone, or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which those materials are extracted, but does not include industry-mining."

Section 4.2.6 of the Scheme lists the objective for the 'Rural' zone as being:

- (a) Provide for a variety of agricultural/rural activities;*
- (b) Provide for other land-uses compatible with the predominant use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;*
- (d) Provide appropriate protection from incompatible development for existing land-uses; and*
- (e) Protect the environmental and landscape values of the land."*

POLICY IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 'Extractive Industry' sets the following requirements for the establishment and operation of extractive industries:

- (a) Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour, visual intrusion or contamination.*
- (b) An extractive industry proposed within the Moresby Range as defined by the Moresby Ranges Management Strategy shall be assessed with regard for that development and the Moresby Range Management Plan.*

- (c) *Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.*
- (d) *Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.*
- (e) *Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy.*
- (f) *Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.*
- (g) *The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1000 metres from the closest neighbouring residence upon which the Council may entertain extended operating times:*
 - *Monday to Saturday – 7:00am to 6:00pm*
 - *Sundays and Public Holidays - no operations*
- (h) *The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis.*
- (i) *For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit."*

The application seeks approval to operate from 6:00am to 5:00pm Monday through to Saturday, excluding public holidays. Council's policy specifies that it will not support hours of operation outside 7:00am to 6:00pm, unless it can be demonstrated that there is no neighbouring dwelling within 1km of the proposed operation. The only residence within 1km of the proposed extraction area is the residence upon Lot 171 itself. However, it is recommended that the commencement time of 7:00am be enforced as the Coronation Beach Nature Based Campground is approximately 1.35km to the south-west. It is noted however, that the policy sets a finishing time of 6:00pm which is 1 hour later than that requested by the applicant, which would result in the operations being able to be undertaken for the same number of daily hours as requested by the applicant.

Council's policy generally recommends that extractive industries be approved on a 1 year rolling basis, although it does note that lengthier approvals may be entertained by Council, based on individual merit.

The reason for a limited period of approval as specified in the policy is to ensure imposed conditions, particularly rehabilitation conditions, have been adequately met by the operator prior to the further approval being granted. However, in relation to this matter the proponent has requested an extended period of approval in the order of 10 to 20 years based of the level of capital investment involved and professional approach to this venture. The proponents request is considered reasonable, however, this should be subject to conditions relating to adherence to management plan and the applicant maintaining reporting mechanisms for complaints, and in the event of a substantiated complaint being received the applicant is required to demonstrate a mitigation response that will be deemed a required modification to the management plan.

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 Council would 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 is demonstrated and the variation granted will not set an undesirable precedent for future development.

The applicant has addressed the requirements of the 'Extractive Industry' policy within Section 4.1.2 of their submitted application.

FINANCIAL IMPLICATIONS

It is considered inevitable the development will have an impact on the condition of Coronation Beach Road over time, which in turn will impact on Council's budget expenditure. Therefore, it is considered justified that a contribution to the future maintenance of Coronation Beach Road be negotiated with the proponent to ease any future financial burden on the Shire, and ensure the applicant provides adequate compensation commensurate with the additional wear imposed by heavy haulage movements associated with this development.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

Lot 171 Coronation Beach Road is located within Precinct No.5 – Howatharra West as contained in the Shire of Chapman Valley Local Planning Strategy ('the Strategy').

The Strategy lists Extractive Industry as a land use that can be considered as appropriate in the Howatharra West Precinct, subject to compliance with the provisions of the Scheme and specific policies of Council.

The Strategy lists the following economic objective for the Howatharra West Precinct:

"5.2.5 Support the extraction of basic raw materials (except radioactive materials or minerals), pursuant to the provisions of the Mining Act 1978 and conducted in accordance with the 'Mining Code of Conduct' and 'Farmer Mining Guide'"

The proposed development should be required to comply with the following environmental objectives listed for the Howatharra West Precinct within the Strategy:

"5.3.3 Ensure that land use and development adjacent to and in proximity to coastal and river areas incorporate appropriate environmental protection measures.

5.3.4 Ensure that land use conflicts (i.e. noise, dust, odour, spray drift, vermin etc.) are avoided through appropriate environmental and planning controls."

Council may consider that the applicant should make contribution to the Shire for the repair of Coronation Beach Road arising from their activities to ensure that the following infrastructure objectives listed for the Howatharra West Precinct within the Strategy are upheld:

"5.4.2 Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use/development or subdivision, to avoid burden (financial or otherwise) on the Council's resources.

5.4.3 *Identify, support and facilitate the efficient and coordinated use of existing road linkages.”*

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

The Shire of Chapman Valley Strategic Community Plan was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community Plan lists utilising the land available in the area for a range of new businesses as an economic objective, whilst the approval of this application can be viewed as meeting this objective, the careful management of the development is also required to ensure that it does not impact negatively on Coronation Beach Road which is an important means of showcasing our region to visitors.

CONSULTATION

The original application seeking to commence an extractive industry (limestone) upon Lot 171 (then known as Lot 19, and subsequently amended to Lot 171 when Deposited Plan of Survey 55570 excised land for the purpose of realigning a dangerous bend of Coronation Beach Road) was advertised for comment for a period of 4 weeks in 2007. At the conclusion of the original advertising period 6 submissions had been received, none offering objection to the application.

The re-submitted application was advertised for public comment from 1 May 2017 until 26 May 2017 with the following actions being undertaken inviting comment:

- placement of an advisory sign on-site;
- copy of the application documentation being made available for viewing at the Shire office/library;
- copy of the application documentation being made available for viewing on the Shire website;
- copy of the application documentation being sent to the 10 landowners of the 26 surrounding lots within 5km of the proposed extraction area; &
- copy of the application documentation being sent to the following government agencies; Department of Aboriginal Affairs, Department of Agriculture & Food, Department of Environment Regulation, Department of Health, Department of Fire & Emergency Services, Department of Mines & Petroleum, Department of Water, LandCorp, Main Roads WA, Shire of Northampton, Telstra and Western Power.

At the conclusion of the advertising period 9 submissions had been received. 7 of the submissions expressed no objection or provided technical comment on the application. 2 submissions were received objecting to the application, one from Main Roads WA and one from a landowner to the north.

A Schedule of Submissions that identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues has been provided as **Attachment 10.1.2(b)**.

Copies of the received submissions have been provided to Councillors as **separate Attachment 10.1.2(c)**.

The objection from Main Roads WA advised that whilst it objected to the development at this time, it would reconsider its support and recommendations further once an assessment is completed by its Heavy Vehicles Services section, and a Transport Impact Statement had been completed by the applicant and accepted by Main Roads WA.

The Main Roads WA submission also advised that Coronation Beach Road is currently approved for RAV1 Network Access only, therefore the applicant will need to initiate with its Heavy Vehicles Services section an assessment of the road and intersection with North West Coastal Highway to determine the suitability for the particular type of vehicle and the safety of other road users is not compromised. In addition local government support will also be required for the proposed level of access as part of the review.

The other objection received during the consultation was from a landowner whose closest property boundary to Lot 171 is approximately 3.2km north of the proposed extractive site upon Lot 171, and their residence is located approximately 6km north of the proposed extractive site upon Lot 171.

The ‘Guidance for the assessment of environmental factors – separation distances between industrial and sensitive land uses’ (EPA, 2005) prescribes a buffer distance of 1km for hard rock extractive

industries involving blasting, crushing and screening. The residence upon Lot 171 is approximately 500m from the proposed extraction area. There are no third party residences within 2km of the proposed extraction area. The land to the south of Lot 171 is located within the Oakajee Industrial Estate buffer, owned by LandCorp, and as such there is not ability for third party residences to be developed to the south of the proposed extraction area. The land to the east of Lot 171 is zoned 'Rural' and is not identified for further rezoning/intensification/subdivision within 'Precinct No.5 - Howatharra West' of the Shire of Chapman Valley Local Planning Strategy.

It should also be noted that in addition to the development approval process under the *Planning and Development Act 2005* administered by the local government, the applicant is also subject to the environmental approval process under the *Environmental Protection Act 1986* administered by the Department of Environment Regulation and the Environmental Protection Authority. The applicant must comply with the requirements of the EPA, the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* irrespective of any conditions, related to noise or other factors, applied through the planning approval.

The submitted development application also addresses the issue of separation to residences and handling of complaints procedures in Sections 4.1.5 and 4.3.

RISK ASSESSMENT

Rating 2 (Minor) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR WARR

That Council approve the application for an extractive industry (limestone) upon 576 (Lot 171) Coronation Beach Road, Oakajee subject to compliance with the following:

Conditions:

- 1 Development approval shall be in accordance with the submitted Biodiversity Management and Closure Plan (inclusive of Weed Management Plan), Water Management Plan (inclusive of Fuel Management Plan), Offsite Impacts Plan (inclusive of Visual Management Plan, Noise Management Plan, Dust Management Plan and Blast Management Plan) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 The applicant is to prepare, submit and implement a Traffic Management Plan to the requirements of Main Roads WA and to the satisfaction of the local government.
- 3 The approval is valid for a period of 10 years (until 21 June 2027) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 4 The applicant is to ensure that the location, design and construction of the access point from the development site onto Coronation Beach Road is appropriate for the approved development and the access point shall be constructed to a bitumen sealed standard by and at the expense of the applicant to the satisfaction of the local government.
- 5 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- 7 The installation of Advanced Warning and Trucks Entering Signage along Coronation Beach Road to the requirements of the local government, with all costs met by the applicant.

- 7 The applicant shall at its expense, repair, reinstate or replace any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development.
- 8 Landscaping and Bunding is required to be maintained in proximity to the southern perimeter of the excavation area to the approval of the local government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.
- 9 No remnant vegetation shall be removed as a result of this development (including access to the development) without the prior necessary approvals having been obtained from relevant state government agencies.
- 10 The activities upon Lot 171 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, water or otherwise.
- 11 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:
 - Monday to Saturday – 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- 12 The development must comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act 1986* in respect to noise emissions and should noise or dust monitoring be required in relation to the extractive operations as they take place upon Lot 171, all costs shall be met by the applicant.
- 13 The applicant must undertake post-closure rehabilitation of the development to the approval of the local government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.
- 14 Post closure requirements shall become applicable upon the earlier of the following events:
 - acknowledgement by the landowner that extractive activities are completed; or
 - the approval period for the development having expired.

Notes:

- (i) In relation to condition 1, the applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.
- (ii) In relation to condition 2 the applicant is advised that the local government shall seek advice and comment on the Traffic Management Plan from Main Roads WA. The Traffic Management Plan shall:
 - Incorporate a Transport Impact Statement prepared in accordance with WAPC Transport Impact Assessment Guidelines, the Austroads Guide to Traffic Management Part 12-Traffic Impacts of Developments, and MRWA design geometry standards and review process. The Traffic Impact Statement shall address transportation activities associated with the development and to ensure the intersections and impacts to the road network are addressed.
 - Set out in detail the management commitments applicable to traffic relevant to all installations, activities and processes.
 - Include if required by Main Roads WA or the local government the identification of any necessary road upgrading, and property access construction.

Once approved, the applicant is responsible to ensure that all installations, activities and processes carried out at all times and in all respects are in accordance with the Traffic Management Plan.

- (iii) Main Roads WA have advised that Coronation Beach Road is currently approved for RAV1 Network Access only, therefore the applicant will need to initiate with Main Roads WA's Heavy Vehicles Services section an assessment of the road and intersection with North West Coastal Highway to determine the suitability for the particular type of vehicle and the safety of other road users is not compromised. In addition local government support will also be required for the proposed level of access as part of the review.
- (iv) The applicant is advised that, should any works be proposed within the Main Roads WA network, the applicant must submit an application to Main Roads WA. No works are to commence within the road reserve until Main Roads WA has approved the application seeking to undertake works within the road reserve.
- (v) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, *Environmental Protection Act 1986* and the *Mines Safety and Inspection Act 1994*. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (vi) In relation to condition 7 in the event that the Shire identifies that Coronation Beach Road is subject to undue wear, then the applicant is required to contribute to the maintenance and upgrading of Coronation Beach Road by way of an annual payment to the Shire based on the number of 'loaded' truck movements.
- (vii) The applicant is advised that use of groundwater for commercial purposes i.e. dust suppression may be required to be licensed by the Department of Water. The applicant should contact the Department of Water to discuss this matter if it is intended to use groundwater for extractive activities.
- (viii) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

That Council advise Main Roads WA that it supports the proposed level of access for Coronation Beach Road as outlined in this development application, subject to Main Roads WA Heavy Vehicles Services assessment being supportive of this usage, and the applicant meeting with Main Roads WA requirements pertaining to road network upgrades.

**Voting 5/1
CARRIED
Minute Reference 06/17-3**

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee				
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment	Recommendation
1 (8/5/17)	Telstra (Locked Bag 2525 PERTH WA 6001)	<i>No objection</i> Developers are responsible for telecommunications infrastructure on all developments, i.e. conduits, pits and the cost of the cable installation by Telstra or other carrier. Please dial 1100 (Dial Before You Dig) for location of existing services.	A copy of Telstra's submission was provided to the applicant to ensure their awareness of their responsibilities under separate legislation.	Note submission.
2 (12/5/17)	Department of Mines & Petroleum (100 Plain Street EAST PERTH WA 6004)	<i>No objection</i> Although extractive industry licences fall outside the Mining Act 1978 information on mineral resources including basic raw materials is of importance to the Geological Survey of WA, a division of the DMP. The information is used in our database which is a source of information for our state-wide resource mapping system. The locations and status of basic raw materials extraction sites are also valuable inputs to the Geological Survey's resource assessment and land use planning role. Our aim is for the database to be a comprehensive and up-to-date source of information on all mining activities throughout the state. It is a database that is used to inform other government agencies as well as the general public of the location of mines and mineral resources.	In the event that Council were to approve the application the Shire would advise the DMP to enable it to update the Geological Survey of WA.	Note submission.
3 (12/5/17)	Western Power (363 Wellington Street PERTH WA 6000)	A continuing supply of low-cost basic raw material is an important part of maintaining the lifestyle and infrastructure that all West Australians enjoy. <i>No objection</i> A Danger Zone, Registered Easement, Restriction Zone or Minimum Approach Distance represent areas of high risk when building or working near the Western Power network. Before commencing any work it is essential that you complete a Dial Before You Dig enquiry to obtain the location and voltage of the Western Power network.	A copy of Western Power's submission was provided to the applicant to ensure their awareness of their responsibilities under separate legislation. The applicant was invited to make comment upon the issues raised in relation to their proposal and has provided the following:	Note submission.

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee			
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment
4 (22/5/17)	Department of Aboriginal Affairs (PO Box 3153 EAST PERTH WA 6892)	<p>Areas of high risk include:</p> <ul style="list-style-type: none"> • Danger Zone – Defined by regulation 3.64 of the <i>Occupational Safety and Health Regulations 1996</i>. • Registered Easement - Western Power easements are registered on the Certificate of Title for the property. Easements and conditions are available from Landgate. • Restriction Zone – These are applied in the absence of a registered easement and are calculated in line with the Australian Standard for overhead line design (AS/NZS 7000:2010). • Minimum approach distance. <p>It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets (including those listed above) act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, 'Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).</p> <p>Western Power provides services that may assist persons planning to build or work within high risk areas near transmission or communication assets (refer to your Dial Before You Dig enquiry for location and voltage). These services can be found by visiting the transmission and communication assets section of the Western Power website.</p> <p>No objection</p> <p>Review of the Register of Places and Objects as well as the DAA Heritage Database concludes there are 2 Aboriginal heritage places within Lot 171 but not within the actual proposed works as outlined in the spatial data submitted.</p> <p>The relevant DAA records are:</p>	<p>"It is noted that Western Power makes no significant comments, but rather outlines the standard procedures with locating power lines and cables prior to site works.</p> <p>WA Limestone will complete a due diligence search of the site to determine what, if any, infrastructure is present prior to excavation."</p>
			<p>The <i>Aboriginal Heritage Act 1972</i> addresses the requirements of the applicant in the event that an Aboriginal heritage site is discovered during the development's operation.</p> <p>A copy of DAA's submission was provided to the applicant to ensure their awareness of their responsibilities under separate legislation.</p>
			Note submission.

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee			
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment
5 (23/5/17)	Department of Agriculture & Food (PO Box 110 GERALDTON WA 6531)	<ul style="list-style-type: none"> DAA15859 Coronation Beach Area; & DAA32064 Howatharra Isolated Find. <p>Therefore based on the information held by DAA and the spatial data submitted no approvals under the <i>Aboriginal Heritage Act 1972</i> are required.</p> <p>DAA recommends that for future works that the developers refer to the State's Aboriginal Heritage Due Diligence Guidelines. The Guidelines allow developers to undertake their own risk assessment regarding any proposal's potential to impact Aboriginal heritage.</p> <p>No objection</p> <p>The area is identified as part of the Horrocks Coast agricultural land area in DAFWA's 'High Quality Agricultural Land Assessment' (2013). The analysis shows that it has moderate to low yielding soils with insignificant water resources and is not considered as the most productive or versatile land in the district.</p> <p>The location in question has a concentration of fair to good quality shallower yellow sands over limestone with much rock outcrop. If left with poor surface protection, the loose sandy soils in this area are assessed as having a high wind erosion risk, particularly from strong summer sea breezes, autumn pre-frontal winds and decaying cyclones. Rehabilitation of the reformed surface at the end of mining, as outlined in s6 of Appendix 1, needs to be closely monitored to ensure soil cover is achieved and maintained.</p> <p>DAFWA supports the inclusion of the Weed Management Plan outlined in s3.6 of Appendix 1 of the WA Limestone report. This is important to ensure a minimal biosecurity risk for the land owner, the adjoining farms and along the transport route.</p>	<p>The applicant was invited to make comment upon the issues raised in relation to their proposal and has provided the following:</p> <p>"WA Limestone conducted a DAA database search for registered sites as part of the preparation of the Excavation Management Plan. No sites are recorded which is confirmed by the DAA. The land is cleared farm land that has been used for rural purposes for many years."</p> <p>DAFWA's raise no objection to the proposed development of a limestone quarry upon Lot 171 noting that the land has low agricultural capability, and surface and near surface limestone cap rock.</p> <p>DAFWA's comments in relation to the importance of rehabilitation of the site is noted and echoed by the Shire. The need for rehabilitation of this landform is evidenced by the continued exposed state of the area that was earth worked by Kingstream approximately 7km to the south-east of Lot 171 almost 2 decades ago.</p> <p>The applicant's Biodiversity Management and Closure Plan notes the following in relation to rehabilitation and decommissioning:</p> <p>"Landform Reconstruction and Contouring Pit</p> <ol style="list-style-type: none"> 1. All buildings, equipment and machinery will be removed from site. 2. The final landform will be formed to the interim final concept plan. 3. The excavated surface will be a flat to gently sloping floor at 1:6 vertical to horizontal to enable a productive agricultural end land use with batter slopes at 1:4 vertical to horizontal 4. The perimeter bunds will be pushed down to form the
			<p>Note submission and require that any approval of the development be made conditional to the following:</p> <p>"Development approval shall be in accordance with the submitted Biodiversity Management and Closure Plan (inclusive of Weed Management Plan), Water Management Plan (inclusive of Fuel Management Plan Offsite Impacts Plan (inclusive of Visual Management Plan, Noise Management Plan, Dust Management Plan and Blast Management Plan) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed</p>

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee			
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment
		<p>DAFWA also recommends that the Shire is guided in its consideration of extractive industry development by Sections 5.9 and 5.12 of the current SPP2.5 Rural Planning Policy (2016).</p>	<p>batter slopes. 5. The land surface will be formed to the requirements of the Mines Safety and Inspection Act 1994 and Regulations 1995. 6. Limestone floor will be deep ripped in two directions. The width between rip lines will be 1m intervals. 7. A minimum of 300mm of overburden plus 100mm topsoil will be spread over the surface where available to provide a substrate for revegetation. 8. Experience by WA Limestone on limestone rehabilitation on sites at Hope Valley and Wattleup can be achieved by planting into soft overburden and deep ripped limestone floor, if suitable species are used.”</p> <p>“Vegetation Establishment Pre-Planting/Seeding Weed Control Pre-seeding weed control is only likely to be required where topsoils are used that contain weed species such as in the existing parkland pasture areas. If required, this is normally only conducted after overburden and topsoil have been spread and any seeds have been allowed to germinate. Broadscale weed treatment may be required if the weed load is to be reduced. 1. Any weeds likely to significantly impact on the rehabilitation will be sprayed with Roundup or similar herbicide or grubbed out, depending on the species involved. Weed affected topsoil and overburden will be buried. 2. The Weed Management Plan will form the basis of weed treatment. Depending on the nature of the planting substrate, a broad spectrum spraying program may be used. In areas where grass only is a potential problem, grass specific sprays will be used. In some areas where topsoil from cleared native vegetation is available no spraying may be required. 3. See Weed and Dieback Management Procedures. Pasture</p>
			<p>plans shall not be modified or altered without the prior written approval of the local government.”</p>

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee				
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment	Recommendation
			<ol style="list-style-type: none"> 1. The preferred method of revegetation is to use the pasture seed from existing topsoil on pasture areas. However this may be deficient and additional seed is likely to be required. 2. Topsoil will be spread to increase the total organic carbon fraction, improving soil properties such as resistance to water and wind erosion and moisture retention. 3. Topsoil provides a useful source of seed for rehabilitation when the correct handling of the topsoil is used, stripped and replaced dry (autumn direct return). 4. However if sufficient seed is not available or do not germinate then additional seed will be added. 5. For pasture land in this situation it is essential that the species are matched to the soil types and rainfall. The location falls into the "Lower Rainfall Coastal" planting regime with earthy sand soils. 6. Suitable pastures now being used are subtropical perennial crops for grazing and cereal and other grain crops. The type of crops or pasture will be determined by the land owner. 7. Suitable perennial pasture includes, Phalaris, Digit Grass, Panic, Setaria, Kikuyu, Signal Grass and Rhodes Grass. The species will be selected on advice from a consultant or the Department of Agriculture and Food. 8. The actual species used will be determined by the individual season, nature of the rainfall in the preceding months and stocking/hay production proposed by the landholder which may change from time to time. 9. Seeding rates are 2-5kg/ha depending on the species used; for example some grasses is seeded at 3kg/ha whereas Rhodes Grass is seeded at 4kg/ha. 10. Studies have shown that topsoil stripping and placement is best undertaken in summer for maximum germination, but this raises the potential for additional dust generation from the fine humus particles. 11. If sufficient vegetation does not germinate from the respread top soil, the area will be seeded in early Autumn with a mixture of pasture species. 	

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee			
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment
			<p>Fertiliser</p> <ol style="list-style-type: none"> 1. Fertiliser is not always required and if used, a fertiliser containing low nitrogen, low phosphorous and potassium, and trace elements, is recommended to be spread at rates of up to 50 to 100kg/hectare, applied to rehabilitation areas in the year of planting, matched to the levels of the various nutrients in the reconstructed soils. 2. Further investigation will be needed to determine suitable rates and the timing of fertilisation. It may be possible to integrate seed dispersal and fertilisation into a single pass. The fertiliser will need to supply macro-nutrients, phosphorus, nitrogen and potassium, and other micro-nutrients. <p>Soil Erosion</p> <ol style="list-style-type: none"> 1. Soil erosion occurs when soil is exposed and disturbed by wind or water. Erosion involves soil particles being detached from areas not adequately protected by vegetation, and moved down-slope. This is not normally a significant problem in limestone, which crusts after the first winter. 2. The soils are very permeable and runoff is normally minimal unless surface materials become non-wetting. Even so experience shows that there is minimal non wetting and surface particle movement under such conditions. 3. Water erosion on the batter slopes can be avoided by the permeability of the materials and by leaving the surface soft, rough and undulating, with the undulations running along contour. The final machinery run should be along contour and not down slope. 4. Wind erosion will be controlled by rehabilitating the disturbed ground as soon as practicable. 5. The pasture cover will stabilise the soils pending decisions on the end use of the finished floor. 6. For rehabilitation areas, revegetation will take place as soon as possible following landform and soil reconstruction.

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Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment	Recommendation
6 (26/5/17)	Main Roads WA (PO Box 1653 GERALDTON WA 6531)	<p>Objection</p> <p>The proposed development would generate a higher number of heavy vehicle movements turning onto and off North West Coastal Highway (NWCH) via Coronation Beach Road, with the largest truck vehicle combination being a Restrictive Access Vehicle (RAV) 4 category.</p> <p>Coronation Beach Road is currently approved for RAV1 Network Access only, therefore the applicant will firstly need to initiate MRWA Heavy Vehicles Services to assess the road and intersection with NWCH to determine the suitability for the particular type of vehicle and the safety of other road users is not compromised. In addition local government support will also be required for the proposed level of access as part of the review.</p> <p>Details of the RAV access process are on the MRWA website.</p> <p>MRWA objects to the development at this time, however will consider its support and</p>	<p>Monitoring</p> <ol style="list-style-type: none"> 1. During late summer an assessment of the success of the rehabilitation will be made to determine the rehabilitation requirements for the following winter. 2. Monitoring includes visual assessments and, where necessary, counts to determine the success of the soil stabilisation. 3. As necessary steps will be taken to correct any deficiencies in the vegetation. 4. Rehabilitation of each stage will be monitored to ensure that the revegetation meets the completion criteria of providing self-sustaining pasture cover and will be incorporated into the normal farm programs. 5. In areas of rehabilitation that do not meet the completion criteria measures are to be taken to increase the stem density to achieve the completion criteria. This could include but not be limited to additional seeding or planting. <p>The applicant has advised that the extractive industry would involve 4 laden trucks leaving the site per hour on average during the filling of contracts, and that various truck configurations would be used, depending on the customer's requirements and location. The largest configuration potentially used (i.e. worst case) would be an 8 wheel prime mover with 2 trailers, with a gross weight of 96 tonnes, and not more than 27.5m long.</p> <p>The applicant was invited to make comment upon the issues raised in relation to their proposal and has provided the following:</p> <p>"WA Limestone notes the comments from Main Roads</p> <ol style="list-style-type: none"> 1. Various truck configurations will be used, depending on the customer's requirements and location. The largest configuration potentially used by the quarry is 8 wheel prime mover + 2 trailers. 2. The largest potential configuration has a gross weight of 96 tonnes. <p>WA Limestone maintains MRWAWA Heavy Vehicle</p>	

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee			
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment
		<p>recommendations/conditions further once an assessment is completed by MRWA Heavy Vehicles Services, local government support is obtained, and a Transport Impact Statement is completed by the applicant and is accepted by MRWA.</p> <p>The Transport Impact Statement would ensure that impacts to intersections and the road network are addressed and identify any road upgrades required. To scope the Transport Impact Statement and the extent of the area to be considered the applicant should meet with MRWA. The Transport Impact Statement shall be completed in accordance with WAPC Transport Impact Assessment Guidelines, Austroads Guide to Traffic Management Part 12- Traffic Impacts of Developments, and MRWA design geometry standards and review process.</p> <p>If the Transport Impact Statement identifies that upgrades to the MRWA network are required the construction shall require detailed design and construction to be completed and funded by the applicant of the works.</p> <p>In addition MRWA advises that within the applicant's development application report, the term 'Great Northern Highway' (as used in Figure 1 on page 4, and in Section 51 Project Summary on page 22) should instead read 'North West Coastal Highway'.</p>	<p>Accreditation (WAHVA), and all sites and operations are certified to ISO 9001, ISO 14001 and AS 4801.</p> <p>WA Limestone will work with the Shire of Chapman Valley and Main Roads to ensure that the truck traffic is matched to the current approvals and road network capacity."</p> <p>It is suggested that the following condition and advice notes should be included in the event that Council approves the proposed development:</p> <p>"The applicant is to prepare, submit and implement a Traffic Management Plan to the requirements of Main Roads WA and to the satisfaction of the local government."</p> <p>"In relation to the abovementioned condition, and prior to the commencement of any site works, the applicant is advised that the local government shall seek advice and comment on the Traffic Management Plan from Main Roads WA. The Traffic Management Plan shall:</p> <ul style="list-style-type: none"> i. Incorporate a Transport Impact Statement prepared in accordance with WAPC Transport Impact Assessment Guidelines, the Austroads Guide to Traffic Management Part 12- Traffic Impacts of Developments, and MRWA design geometry standards and review process. The Traffic Impact Statement shall address transportation activities associated with the development and to ensure the intersections and impacts to the road network are addressed. ii. Set out in detail the management commitments applicable to traffic relevant to all installations, activities and processes. iii. Include if required by Main Roads WA or the local government the identification of any necessary road upgrading, and property access construction. <p>Once approved, the applicant is responsible to ensure that all installations, activities and processes carried out at all times and in all respects are in accordance with the Traffic Management Plan."</p>

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Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment	Recommendation
7 (29/5/17)	J van Maanen (PO Box	Objection I object to any mining proposal along Coronation Beach. There is no need to mine at that spot. I find it	<p>"Main Roads WA have advised that Coronation Beach Road is currently approved for RAV1 Network Access only, therefore the applicant will need to initiate with Main Roads WA's Heavy Vehicles Services section an assessment of the road and intersection with North West Coastal Highway to determine the suitability for the particular type of vehicle and the safety of other road users is not compromised. In addition local government support will also be required for the proposed level of access as part of the review."</p> <p>"The applicant is advised that, should any works be proposed within the Main Roads WA network, the applicant must submit an application to Main Roads WA. No works are to commence within the road reserve until Main Roads WA has approved the application seeking to undertake works within the road reserve."</p> <p>"The applicant shall, at its expense, repair, reinstate or replace any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development."</p> <p>"The installation of Advanced Warning and Trucks Entering signage along Coronation Beach Road to the requirements of the local government, with all costs met by the applicant."</p> <p>"That Council advise Main Roads WA that it supports the proposed level of access for Coronation Beach Road as outlined in this development application, subject to Main Roads WA Heavy Vehicles Services assessment being supportive of this usage, and the applicant meeting with Main Roads WA requirements pertaining to road network upgrades."</p> <p>The objector owns Lot 100 Woolawar Road, Bowes. The southern boundary of Lot 100 is located approximately 3.2km north of the proposed extractive site upon Lot 171, and the</p>	Note submission and require that any approval of the development be

Schedule of Submissions - Proposed Extractive Industry (Limestone) – Lot 171 Coronation Beach Road, Oakajee				
Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment	Recommendation
	2688 SOUTH HEDLAND WA 6722)	hard to understand if you wish to promote tourism and rural lifestyle blocks. This application should not have gone this far. Make them mine inland.	<p>residence upon Lot 100 is located approximately 6km north of the proposed extractive site upon Lot 171.</p> <p>Lot 171 is zoned 'Rural' under Shire of Chapman Valley Local Planning Scheme No.2. The Shire of Chapman Valley Local Planning Strategy identifies Lot 171 as being within 'Precinct No.5-Howatharra West' and does not recommend further subdivision for this lot or its rezoning for rural lifestyle purposes.</p> <p>The proposed limestone quarry site is 1.5km inland from Coronation Beach.</p> <p>Lot 171 is located immediately north of the Oakajee Industrial Estate Buffer.</p> <p>The limestone quarry was previously approved in 2007.</p> <p>The applicant was invited to make comment upon the issues raised in relation to their proposal and has provided the following:</p> <p><i>"WA Limestone notes the objection. It is not known where the objector lives or whether they will be directly affected. A South Hedland Post Box is used.</i></p> <p><i>Extraction of basic raw materials is strongly supported by State Planning Policy 2.5 (2016) and extraction must occur where the resources lie and transport is dictated by the existing road network.</i></p> <p><i>The proposed excavation has been designed to minimise or eliminate views from Coronation Beach Road by the use of perimeter screening bunds, and setbacks.</i></p> <p><i>WA Limestone will match the transport configuration to the road capacity and use a trucking policy that matches and limit speeds to the road network and use, uses warning signs, communication and other measures, and does not operate</i></p>	<p>made subject to the following conditions and advice notes:</p> <p>-Development approval shall be in accordance with the submitted Biodiversity Management and Closure Plan (inclusive of Weed Management Plan), Water Management Plan (inclusive of Fuel Management Plan), Offsite Impacts Plan (inclusive of Visual Management Plan, Noise Management Plan, Dust Management Plan and Blast Management Plan) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government."</p> <p>"In relation to the above condition, the applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event</p>

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			<p>of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan. The activities upon Lot 171 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, water or otherwise."</p> <p>"The development must comply with the <i>Environmental Protection (Noise) Regulations 1997</i> and the <i>Environmental Protection Act 1986</i> in respect to noise emissions and should be required in relation to the extractive operations as they take place upon Lot 171, all costs shall be met by the applicant."</p> <p>"The applicant must undertake post-closure</p>

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8 (31/5/17)	Department of Environment Regulation (Locked Bag 33 PERTH WA 6850)	<p><i>Comment provided</i></p> <p>Crushing and screening during extractive industry operations may be a prescribed premises for the purpose of Part V Division 3 of the <i>Environmental Protection Act 1986</i>, if it is carried out at a rate that meets or exceeds the specified production of design capacity of the relevant category under Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p> <p>The applicant indicates that a mobile crushing and screening plant will be required under certain circumstances.</p> <p>Category 12 or 70 prescribed premises are premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated. The production or design capacity of category 12 is 50,000 tonnes or more per year and category 70 is more than 5,000 tonnes but less than 50,000 tonnes per year.</p> <p>The applicant can be advised to determine if its proposal would make the premises prescribed, therefore requiring an application for a works approval.</p>	<p>The application is for an approximately 30ha excavation area (limestone), with a proposed excavation depth of 5-10m (but may go deeper in some locations depending on the nature of the resource) with an expected excavation period of 20 years. Production is anticipated to be up 100,000 tonnes per year, with 2-5ha of ground proposed to be open at any one time, and rehabilitation to follow excavation.</p> <p>The applicant was invited to make comment upon the issues raised in relation to their proposal and has provided the following:</p> <p>"WA Limestone has made commitments in the <i>Management Plan to obtain the necessary Licences for those parts of the Assured company that require processing. They are a Quality safe and compliant operations.</i></p> <p><i>They hold licences from the DER for a number of their other operations and this operation will be no different."</i></p>	<p>rehabilitation of the development to the approval of the local government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape."</p> <p>Note submission and require that any approval of the development be made conditional to the following:</p> <p>"The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Environmental Protection Act 1986 and the Mines Safety and Inspection Act 1994. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully</p>

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Response No. & Date Received	Respondent & Affected Property	Nature of Submission	Comment
		<p>Planning approvals may influence DER's determination of production or design capacity, where an approval has the effect of restricting capacity (such as constraining hours of operation).</p> <p>The purpose of works approval is to allow DER to assess the environmental acceptability of a proposal's potential to cause emissions and discharges against standards and policies. Note that any works approval or licence issued will only regulate emissions associated with the crushing and screening operations (such as dust, noise and contaminated stormwater). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site.</p>	<p>commences."</p>
9 (1/6/17)	Department of Health (PO Box 8172 PERTH WA 6849)	<p><i>No objection</i></p> <p>No objection provided the operation of the development is in accordance with approved management plans.</p>	<p>No additional comment.</p> <p>Note submission.</p>

AGENDA ITEM:	10.1.3
SUBJECT:	NANSON TOWNSITE RIGHT OF WAY CLOSURE
PROPONENT:	L & S BLOOMFIELD
SITE:	LOTS 6 & 7 LAUDER STREET, NANSON
FILE REFERENCE:	A1354
PREVIOUS REFERENCE:	N/A
DATE:	9 JUNE 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Correspondence received from applicant on 16 May 2017	√	
10.1.3(b)	Correspondence received from neighbour on 2 May 2017	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley is in receipt of correspondence from the landowner of Lots 6 & 7 Lauder Street, Nanson seeking support for the closure of the Right of Way ('ROW') to the east and its amalgamation into their property. The landowner on the other side of the ROW has advised in writing that they have no interest in acquiring the ROW and support the applicant's proposal. This report recommends that Council support this request.

COMMENT

Lots 6 and 7 Lauder Street are located at the southern end of the Nanson townsite. The lots are 1,118m² and 1,117m² in area and adjoin a 5m wide ROW to the east.

The applicant is seeking to acquire the 235.362m² portion of ROW that directly abuts them to the east, and amalgamate it into their property to enable the subsequent siting of a shed in this area.

Figure 10.1.3(a) – Lots 6 & 7 Lauder Street, Nanson and adjoining ROW



Shire staff raise no objection to the closure of the portion of the ROW adjoining Lots 6 & 7 Lauder Street and its amalgamation into the adjoining land on the following basis:

- the ROW is considered surplus to Shire requirements;
- the ROW already appears on-ground to form part of the landowner's property;
- the adjoining landowner to the west who may have had an interest in acquiring part or all of the ROW has advised in writing of their support for the applicant's proposal;
- closing the ROW would not inconvenience the surrounding landowners or wider public as the ROW is not required for access purposes;
- disposal of the ROW would remove any Shire responsibility for the land relating to management or liability;
- it is considered that the subject land would be better managed under the private ownership of the adjoining landowner rather than under public ownership;
- closing the ROW would accord with the Shire's strategic direction as contained in the recommendations of the Nanson Townscape Plan.

Figure 10.1.3(b) – View of ROW proposed to be closed to east of Lots 6 & 7 Lauder Street



Council previously supported a ROW closure and disposal at its 18 April and 20 June 2012 meetings relevant to the Nanson Museum (as several Museum buildings were constructed over the ROW). The ROW was also closed that ran between Lots 11 and 12 Lauder Street and Lots 16 and 17 East Terrace (that were all owned by the same landowner). In that instance the landowner sought the closure of the ROW that ran between their 4 titles, and not only the amalgamation of the ROW into their landholding, but also that the survey diagram amalgamate their 4 lots into 1 title.

Figure 10.1.3(c) – Nanson townsite ROW closure precedent

Left: Lots 11, 12, 16 & 17 & ROW prior to process Right: Amalgamated titles following process



(Note: ROW also closed and amalgamated relevant to Nanson Museum)

It might be considered that these previous disposal actions create a precedent and also remove any strategic purpose for the ROW further south in the Nanson townsite (that adjoins Lots 6 & 7) as the ROW no longer connects through to Murphy Street.

On this basis the Shire also wrote to the 2 landowners between Lots 6 & 7, and the previously closed ROW to the north, enquiring whether they would be interested in purchasing the land relevant to their landholding so that the entire ROW length could be advertised for closure in one process. This action may achieve some cost savings by being able to utilise the same surveyor for the 3 jobs. However, no response was received from these landowners and therefore this report confines itself to the length of ROW adjoining Lots 6 & 7 only.

Figure 10.1.3(d) – Nanson townsite southern section illustrating total ROW length



STATUTORY ENVIRONMENT

Section 58 of the *Land Administration Act 1997* provides for the closure of public roads and ROW's and requires a resolution of Council to commence this process.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Should the Department of Lands be in agreement to the closure of the ROW it will request the Valuer Generals Office to set a valuation for the 235.362m² area of Crown land.

The Department of Lands would require the landowner of Lots 6 & 7 Lauder Street to accept the survey and conveyancing expense, and cost of purchase of the closed portion of ROW.

Council's financial involvement would be limited to the minor cost of advertising the ROW closure process only, although there may be some long-term financial benefit to Council in removing an unrequired asset and management responsibility.

- **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

The Nanson Townscape Plan was adopted by Council on 16 March 2004. The purpose of the Townscape Plan is to provide guidance for future development and enhancement of the Nanson townsite and provide a supporting basis for the pursuit of funding for specific projects identified in the Plan.

The Nanson Townscape Plan makes recommendation that the Shire “investigate the possible closure of the right of way (dunny cart lane) with adjacent landowners” between Lauder Street in the north and Eastough Street in the south, and this proposal accords with this strategic vision.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting. It is not considered that the determination of this matter by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

Should Council initiate the ROW closure, it is required under Section 58 of the *Land Administration Act 1997* to be publicly advertised for a period of 35 days. This would include the following actions:

- Notice being placed in a locally circulating newspaper detailing the proposed ROW closure;
- Letters being sent to surrounding landowners;
- Letters being sent to relevant service/government authorities (in this instance this would be considered to be Alinta Gas, Department of Fire and Emergency Services, Telstra, Water Corporation and Western Power); &
- A sign detailing the proposed ROW closure being erected onsite.

At the conclusion of the advertising period the proposal is required to be returned to a meeting of Council for its final determination.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

That Council pursuant to Section 58 of the *Land Administration Act 1997*, initiate closure action of the portion of Right of Way adjoining Lots 6 & 7 Lauder Street, Nanson (to enable their subsequent amalgamation with Lots 6 & 7 Lauder Street, Nanson).

**Voting 6/0
CARRIED
Minute Reference 06/17-4**

Lloyd & Sue Bloomfield
34 Farmer Way
Parmelia
W.A 6167
0421555223
0427479838

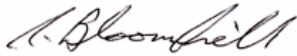
Simon Lancaster
Deputy Chief Executive Officer
Shire of Chapman Valley
Nabawa W.A 6532
99205011
99205104

16 May 2017

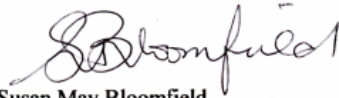
To The Shire Council

We Lloyd and Susan Bloomfield being the land owners of Lot 6 and 7 Lauder Street would like the Council to formerly start proceedings for the purchase of the R.O.W (dunny lane) for amalgamation into our lots

Yours
Sincerely



Lloyd Allen Bloomfield



Susan May Bloomfield

RECEIVED
02 MAY 2017

Record No CR 1712526

KM Jones & MP Jones
1 East Terrace, Nanson
Box 18
NABAWA WA 6532
Telephone: 9920 5585
9961 5272

FILE No.	A1354
CEO	
CORPORATE SERVICES	
PLANNING	
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

Attention: Simon Lancaster
Planner
Shire of Chapman Valley
NABAWA WA 6532
Telephone: 9920 5011
9920 5104

1st May, 2017.

To Whom It May Concern:

We wish to inform you that we have no interest in acquiring any part of the former "dunny lane" that is adjacent to Lots 6 & 7 Lauder Street Nanson WA and which is also adjacent to our block of land being Lot 22 Eastough Street, Nanson WA.

We fully support Lloyd and Susan Bloomfield in their request to purchase the whole of this lane that is adjacent to their Lots 6 & 7 Lauder Street Nanson WA, and which is also adjacent to our Lot 22 Eastough Street Nanson WA.

Yours sincerely,



(Maureen Patricia Jones).



(Keith Malcolm Jones).

Cc. Lloyd & Susan Bloomfield. bloomls@bigpond.net.au

AGENDA ITEM:	10.1.4
SUBJECT:	ROAD NAME CORRECTION
PROPONENT:	SHIRE OF CHAPMAN VALLEY & SHIRE OF NORTHAMPTON
SITE:	BEATTIE HASLEBY ROAD
FILE REFERENCE:	1001.90
PREVIOUS REFERENCE:	N/A
DATE:	1 JUNE 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Nil

DISCLOSURE OF INTEREST

Nil

BACKGROUND

It has been brought to the attention of the Shire of Chapman Valley and the Shire of Northampton that the street sign for Beattie Hasleby Road is incorrectly labelled as 'Beatty Haselby Road'. When this issue was checked against the Department of Lands' Landgate database it was revealed that the road reserve is formally titled 'Beatty Haselby Road' which is a misspelling of both names. This report recommends that Council endorse the name 'Beattie Hasleby Road' and forward this corrected road name to the Department of Lands' Geographic Names Committee for formal approval.

COMMENT

Beattie Hasleby Road is a 3.75km long no-through road reserve that runs east off Blue Well Road in the localities of Naraling and Nolba. The road is formed on-ground for 2km of the total road reserve length.

The initial (western) 500m length of Beattie Hasleby Road is in the Shire of Northampton and the remaining 1.5km length is within the Shire of Chapman Valley.

Figure 10.1.4(a) – Aerial Photograph of Beattie Hasleby Road



The Beattie family have an association with farming in this area, with the Beattie Hasleby Road alignment having been originally formed on-ground by the late Alexander Beattie to provide access to

his farm in the late 1950's/early 1960's. The street sign, and official road name as recorded by the Department of Lands, is 'Beatty' and requires correction to 'Beattie'.

The Hasleby family have a long association of farming in the surrounding area, arriving from England in 1868, and purchased the Beattie farm in 1977. Whilst the street sign is correctly spelt as Hasleby, the official road name as recorded by the Department of Lands is 'Haselby' and requires correction to 'Hasleby'

Figure 10.1.4(b) – Existing Street Sign



STATUTORY ENVIRONMENT

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

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

Beattie Hasleby Road meets with these criteria.

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

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

- (1) *If a person delivers a diagram or plan of survey of a subdivision of land approved by the Planning Commission to a local government, and the proposed subdivision includes the provision of a road for use by the public, that person must also deliver to the local government the name proposed to be given to the road.*
- (2) *The local government may require the person so subdividing the land —*
 - (a) *to propose a name for the proposed road or, if a name has already been proposed, to alter that name; and*

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

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

POLICY IMPLICATIONS

Shire Policy CP-012 ‘Road Names’ provides a Council pre-approved list of road names for application to new roads in the Shire of Chapman Valley.

The Shire Policy notes a preference for road names that

- derive from a pioneer of the locality, a previous owner of the land, a traditional name for the property, a physical feature within, adjacent to, or nearby the land;
- names that have traditionally been applied by residents of the area to the road and which is suggested by a person owning land adjacent to the road; or
- any name on the Council pre-approved list of road names.

Beattie Hasleby Road meets with these criteria.

FINANCIAL IMPLICATIONS

The decision of Council arising from this report will not have a budgetary impact. The street sign will require replacing to reflect the road name correction, however, this minor cost will be attended to by the Shire of Northampton as the Blue Well Road/Beattie Hasleby Road intersection is within the Shire of Northampton.

• **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

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

• **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting. It is not considered that the determination of this matter by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

The Shire of Chapman Valley has worked with the Shire of Northampton in addressing this matter, given the road reserve straddles the local government boundary.

The Shires of Chapman Valley and Northampton have contacted representatives of the Beattie and Hasleby families respectively to confirm the correct family name spelling and past association with this area.

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR MALUISH

That Council advise the Shire of Northampton and the Department of Lands’ Geographic Names Committee that it supports the assigning of the road name ‘Beattie Hasleby Road’ in place of the incorrectly spelt ‘Beatty Hasleby Road’ in recognition of the past and present association of the Beattie and Hasleby families with this area and their formation of the road alignment.

**Voting 6/0
CARRIED
Minute Reference 06/17-5**

10.2 Finance June 2017

Contents

10.2 AGENDA ITEMS

- 10.2.1 Financial Reports for May 2017
- 10.2.2 2017/2018 Proposed Fees & Charges

Cr Farrell declared a Financial Interest and left Chambers at 9.18am

Mrs Raymond entered Chambers at 9.20am

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR MAY 2017
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	21 JUNE 2017
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

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

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The monthly financial statements for May 2017 have been provided as a **separate attachment** for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

There are no policy implications

FINANCIAL IMPLICATIONS

As presented in May 2017 financial statements.

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

No significant effect on the LTFF

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. The Risk Rating is Level 1 Insignificant.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council receives the financial report supplied under separate attachment for the month of May 2017 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Significant Accounting Policies
- Note 2 – Explanation of Material Variances
- Note 3 – Net Current Funding Position
- Note 4 – Cash & Investments
- Note 5 – Budget Amendments
- Note 6 – Receivables
- Note 7 – Cash Backed Reserves
- Note 8 – Capital Disposals
- Note 9 – Rating Information
- Note 10 – Information on Borrowings
- Note 11 – Grants & Contributions
- Note 12 – Trust
- Note 13 – Capital Acquisitions
- Appendix A – Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

**Voting 5/0
CARRIED
Minute Reference 06/17-6**

Cr Farrell re-entered Chambers at 9.25.am

AGENDA ITEM:	10.2.2
SUBJECT:	2017/2018 PROPOSED FEES & CHARGES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.00
PREVIOUS REFERENCE:	NIL
DATE:	21 JUNE 2017
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.2.2	Proposed 2017-18 Fees & Charges		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and programs and to raise revenue through rates and fees and charges. In preparation for the compilation of the 2017/2018 Annual Budget the Proposed Schedule of Fees and Charges for 2017/2018 is attached for review and approval to list in the 2017/2018 Draft Budget.

COMMENT

Proposed changes to the attached Draft Fees & Charges have been broadly based on appropriate percentage increases, cost recovery and/or benchmarking with similar local governments. The percentage increases being similar to either the Local Government Cost Index forecasting of 2% or known cost percentage increases from contractors. Fees and charges associated with Planning and Building are set by legislation outside of the local governments control with increases as per relevant legislation available to date.

STATUTORY ENVIRONMENT

Section 6.16 is the primary piece of legislation under the Local Government Act 1995 that requires fees and charges to be reviewed and adopted as part of the budget process.

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

- (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.
- * *Absolute majority required.*
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
- (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.

- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

POLICY/PROCEDURE IMPLICATIONS

Shire of Chapman Valley 2017/2018 Draft Budget

FINANCIAL IMPLICATIONS

Shire of Chapman Valley 2017/2018 Schedule of Fees and Charges.

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

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

Nil

CONSULTATION

All senior staff have been consulted and reviewed the attached Draft 2017/2018 Schedule of Fees & Charges.

RISK ASSESSMENT

Associated risk would be a failure to comply with the Local Government Act 1995 and relevant Financial Management Regulations with a potential risk rating Minor (2) rating.

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

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

The Fees and Charges as presented to Council are adopted and included into the 2017/2018 Budget in accordance with the requirements of the Local Government Act, 1995.

**Voting 5/1
CARRIED
Minute Reference 06/17-7**

10.3 Chief Executive Officer June 2017

Contents

10.3 AGENDA ITEMS

- 10.3.1 Roads 2020 – Significant Roads Valuations
- 10.3.2 Dedicated Internet Services
- 10.3.3 Discussion Paper – Registration of farmer firefighting units
- 10.3.4 Management Licence – Chapman Valley Football Club

Cr Warr declared a proximity interest in this item and left Chambers at 9.30am

AGENDA ITEM:	10.3.1
SUBJECT:	ROADS 2030 – SIGNIFICANT ROAD EVALUATIONS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NOLBA RD/NOLBA STOCK ROUTE; & OGILVIE EAST RD
FILE REFERENCE:	1003.05
PREVIOUS REFERENCE:	MINUTE REFERENCE: 03/17-22 & 04/17-24
DATE:	21st JUNE 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

		Attached to Report	Under Separate Cover
10.3.1(a)	CEO's Evaluation Table	√	
10.3.1(b)	Greenfield Technical Services Report	√	
10.3.1(c)	Shire of Northampton correspondence	√	

DISCLOSURE OF INTEREST

Cr Warr declared a Proximity Interest at the March and April 2017 OCMs when this matter was discussed by Council.

BACKGROUND

At the March 2017 OCM the following was resolved:

“Council endorses the Road Hierarchy Policy (IP-006) as presented with the following request:

Chief Executive Officer investigate the possibility of:

- a) Nolba Road and Nolba Stock Route; and*
- b) Durawah/Station/Station Valentine Route*

being consider Significant Local Government Roads and report back for further consideration on the Shire's hierarchal level of these roads.”

At the April 2017 OCM the following was resolved:

“Council:

- 1. Endorse a submission to the Mid West Regional Road Group (based on more up to date traffic data) for the Durawah Rd/Station Rd/Station Valentine Rd Route to be recognised as a Significant Road to be included into the Roads 2030 Regional Strategies for Significant Local Government Roads document.*
- 2. Continue the investigation into Nolba, Nolba Stock Route roads through to the Ogilvie East Road into the Shire of Northampton and bring back to Council for consideration.*

*Voting 5/0
CARRIED
Minute Reference 04/17-24”*

COMMENT

The initial evaluation, based upon the Mid West Regional Road Group’s (MWRRG) criteria, has been undertaken by the CEO in consultation with the Shire’s consultant engineers on the roads/routes mentioned in the resolution with the results being as follows:

- Nolba Road and Nolba Stock Route – Not considered as being eligible for recognition as a Significant Roads;
- Durawah Road/Station Road/Station Valentine Road Route – Has some chance of being recognised as a Significant Road as it links two existing inter-regional roads/routes (i.e. Chapman Valley & Valentine Roads). The traffic volume and type is also far more favourable for this route to be recognised.

The CEO’s evaluation report is shown at **Attachment 1** for Council information and discussion.

The consultant engineers (Greenfield Technical Services) evaluation report is shown at **Attachment 2** for Council information and discussion.

The Shire of Northampton undertook an evaluation of the Nolba Road/Nolba Stock Route/Ogilvie East Road and also came to the conclusion this route does not meet the MWRRG assessment criteria and therefore they do not support an application for the roads associated with this route to be considered as regionally significant (see **Attachment 3**).

STATUTORY ENVIRONMENT

Mid West Regional Road Group Guidelines are directly linked the State Advisory Committee for funding distribution from the State to Local Government.

POLICY/PROCEDURE IMPLICATIONS

Council Policy (IP-006) shown below is what will be effected by any MWRRG endorsed application for a road to be recognised as a *Significant Road* included into the *Roads 2030 Regional Strategies for Significant Local Government Roads* document.

The Shire’s Road Hierarchy identifies the priority roads into the following categories:

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

POLICY NO	IP-006
POLICY	ROAD HIERARCHY
RESPONSIBLE DIRECTORATE	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	15.200
LEGISLATION	STATE ROAD COUNCIL / REGIONAL ROAD GROUP
RELEVANT DELEGATIONS	

OBJECTIVES:

To establish an agreed road hierarchy for roads under the control of the Shire of Chapman Valley

POLICY STATEMENT/S:

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

ROAD NO.	ROAD NAME	/	ROAD NO.	ROAD NAME
<u>A - MAIN ARTERIAL ROADS</u>				
19	Balla Whelarra		130	Chapman Valley Road
34	Coronation Beach		8	Dartmoor
21	Dartmoor Lake Nerramyne		12	East Bowes
150	East Chapman		16	East Nabawa
10	Nanson Howatharra		7	Narra Tarra
131	Northampton – Nabawa		132	Yuna – Tenindewa
13	Valentine			
<u>B - MAIN FEEDER ROADS</u>				
1	Durawah		7	Naraling - East Yuna
6	Nolba Road (to Nolba Stock Route Junction)	51	51	Nolba Stock Route
14	Station Valentine		4	Wandana
5	Wandin		95	White Peak
<u>C - MINOR FEEDER ROADS</u>				
52	Balaam		98	Baugh
68	Bella Vista		23	Bindoo
133	Calder Place		50	Cannon Whelarra
125	Coffee Pot Drive		47	Coonawa
70	David		18	East Dartmoor
151	Eliza Shaw Drive		135	Green Drive
67	Hickety		11	Indialla Road (Townsite)
37	James		94	Kerr Dartmoor
126	Mills Place		9	Murphy Norris
99	Murphy Yetna		82	Nabawa Yetna
96	Nolba Rockwell		22	North Dartmoor
39	St John		15	Station
114	Tenindewa North		97	Wheeldon - Hosking
108	Yuna South			
<u>D – MAJOR ROAD ACCESS</u>				
45	Binnu East		44	Brooks
40	Burton Williamson		42	Campbells
46	Dartmoor Harris		27	Dindiloa
35	Durawah Northern Gully		24	Forrester Brooks
100	East Terrace		20	Marrah
60	Mt Erin - Nabawa		49	Murrays
31	Newmarracarra		69	Oakajee
28	Olsen		55	Parks
121	Richardson		127	Ridley
30	South Whelarra		88	Scott
53	Urch		41	Valentine Williamson
93	Wandana Exten		128	Wokarena
<u>E – MINOR ACCESS ROADS</u>				
136	Ahern Place		75	Angels
115	Badgegong		134	Baston Close
72	Beatty Hasleby		162	Brown Lane
149	Bunter Way		112	Burges
80	Butcher Knife		178	Cahill Rise
43	Caratti		147	Carey
163	Cargeeg		154	Carol
113	Cooper St (Nanson)		177	Copperhill Junction
154	Cogley		159	CV Access (Nabawa)

61	Crabbe	140	Dillistone
143	Dixon Place	138	Dolby Place
173	Dune Vista	100	East Terrace
153	East Terrace Acc	71	Eastough Yetna
58	Fairview Farm	91	Farrells Back
160	Flavel	56	Fong
32	Forrester	124	Goodletts
105	Gould	73	Gray Dindiloa
148	Hackett	170	Harmony Place
36	Hayward	78	Heelan Maloney
79	Heelan Mellish	156	Hester
172	Hilltop Loop	63	Hipper
86	Hotel	64	Jacky Jupp
158	James Eastough Close	179	Joon Vista
139	Kennedy	144	Lacey
101	Lauder	89	Lewis
76	Lorimer	122	Marrah Spur
25	McGauran	59	McKay
26	McNaught Mazzuchelli	164	Merino Fairway
110	Mills	54	Morcom
171	Mumbelarra Drive	111	Murphy
38	Thompson-Reidy	120	Norman's Well
87	Norris	65	O'Donnell
84	Old Nabawa Northampton	107	Old Nolba
175	Patten Place	165	Parmelia Boulevard
166	Pitchford Crest	120	Post Office
66	Protheroe	167	Redcliffe
109	Reynolds	146	Rewell
121	Richardson	85	Post Office
141	Royce	129	Richards
152	River	142	Smith
106	Snell	168	Stirling
57	State Farm	117	Warr
145	Wells	176	Westlake Place
62	Whitehurst –Tetlow	123	Wicka
118	Williamson	169	Wittenoorn Circle
104	Yarra		

In addition to the aforementioned Policy Council also has the following Management Procedure (IMP-017) in regards to the *Road Funding Allocation Process*:

MANAGEMENT PROCEDURE No.	IMP-017
MANAGEMENT PROCEDURE	ROAD WORK FUNDING ALLOCATION PROCESS
RESPONSIBLE DIRECTORATE	GOVERNANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	15.220
RELEVANT DELEGATIONS	

OBJECTIVES:

To set guidelines and procedures for categorising road hierarchy network and funding allocation priorities

MANAGEMENT PROCEDURE STATEMENT/S:

1. Council review existing Road Hierarchy List based upon Councillor(s) submissions and staff recommendation(s).

2. Council review existing Regional Road Group priorities based upon Councillor(s) submissions and staff recommendation(s).
3. Council reviews other grant programs (e.g. Black Spot, R2R) based upon Councillor(s) submissions and staff recommendation(s).
4. Taking into account the delegations under Infrastructure Policy IP-003, Council review existing Heavy Haulage Roads.
5. Council review existing Program of Road Works based Councillor(s) submissions and upon staff recommendation(s).
6. Councillors retain the right to present, and justify, changes to any of the above either via Chief Executive Officer's report or directly to the meeting.
7. No changes to be made to any of the above unless fully endorsed by Council.

FINANCIAL IMPLICATIONS

Road works is the largest 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 activity are maximised.

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

The intention is the *Road Hierarchy* should complement the *Road Works Programs*, which should also complement the current LTFP.

STRATEGIC IMPLICATIONS

As previously reported, 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 MWRRG only);
- B. Main Feeder Roads;
- C. Minor Feeder Roads;
- D. Major Access Roads; and
- E. Minor Access Roads

It is also important *Management Procedure IMP-007* 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

The Chief Executive Officer consulted with the Manager Works & Services, the Shire's consultant engineers and the Shire of Northampton when developing this Agenda Report.

RISK ASSESSMENT

There is a risk the integrity of the Road Hierarchy is compromised if the conditions listed in *Management Procedure IMP-007* to amend the Road Hierarchy are not adhered to. However; as this process is currently robust I believe the risk is **insignificant** i.e.

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR MALUISH

Council not support a submission being made the Mid West Regional Road Group for the Nolba Road/ Nolba Stock Route and Ogilvie Road route to be recognised as a *Significant Road* to be included into the *Roads 2030 Regional Strategies for Significant Local Government Roads* document.

Voting 5/0

CARRIED

Minute Reference 06/17-8

Cr Warr re-entered Chambers at 9.37am

ATTACHMENT 10.3.1(a)

EVALUATION CRITERIA	Nolba Road	Nolba Stock Route	Durawah/Station/Station Valentine Route
FREIGHT & COMMUNITY ACCESS			
1.1 Roads connecting areas of significant population (>500).	NO	NO	NO
1.2 A road which performs a district distributor function in major urban centres.	NO	NO	NO
1.3 A road which forms part of an inter-regional route.	NO	NO	YES
1.4 A road which links inter-regional or regional routes.	NO	NO	YES
1.5 The development of parallel routes should be avoided.	NO	NO	NO
1.6 A road which connects major transport terminals or connects a major transport terminal to a major route.	NO	NO	NO
1.7 A road which serves a major resource or industrial site.	NO	NO	NO
1.8 A road providing access to regional institutions or community service centres.	NO	NO	NO
1.9 A road used for hauling grain from an off road rail bin to a rail head.	NO	NO	NO
1.10 A road which forms part of a regional heavy haulage route.	NO	NO	NO
1.11 A road which provides access to a remote community with a population of more than 250.	NO	NO	NO

1.12	A road which is the only land access between a remote community (population more than 50) and at least one town centre.	NO	NO	NO
TOURISM/RECREATION				
2.1	Roads which provide access to tourist attractions or recreation areas of State or regional significance.	NO	NO	NO
2.2	Roads which form part of a State or regionally significant tourist drive.	NO	NO	NO
2.3	Roads which have a high visual quality proven through a formal visual assessment using a methodology approved by the Australian Institute of Landscape Architects.	NO	NO	NO
2.4	Roads which connect the region with a significant tourist destination and give travel time and distance savings	NO	NO	NO
ENDORSED		NO	NO	YES

CRITERIA FOR ROADS OF REGIONAL SIGNIFICANCE

1. Freight & Community Access

- 1.1 Roads connecting areas of significant population (>500).
- 1.2 A road which performs a district distributor function in major urban centres.
- 1.3 A road which forms part of an inter-regional route.
- 1.4 A road which links inter-regional or regional routes.
- 1.5 The development of parallel routes should be avoided.
- 1.6 A road which connects major transport terminals or connects a major transport terminal to a major route.
- 1.7 A road which serves a major resource or industrial site.
- 1.8 A road providing access to regional institutions or community service centres.
- 1.9 A road used for hauling grain from an off road rail bin to a rail head.
- 1.10 A road which forms part of a regional heavy haulage route.
- 1.11 A road which provides access to a remote community with a population of more than 250.
- 1.12 A road which is the only land access between a remote community (population more than 50) and at least one town centre.

2. Tourism/Recreation

- 2.1 Roads which provide access to tourist attractions or recreation areas of State or regional significance.
- 2.2 Roads which form part of a State or regionally significant tourist drive.
- 2.3 Roads which have a high visual quality proven through a formal visual assessment using a methodology approved by the Australian Institute of Landscape Architects.
- 2.4 Roads which connect the region with a significant tourist destination and give travel time and distance savings.

3. Road Function

Whether the road services predominantly through traffic or local traffic.

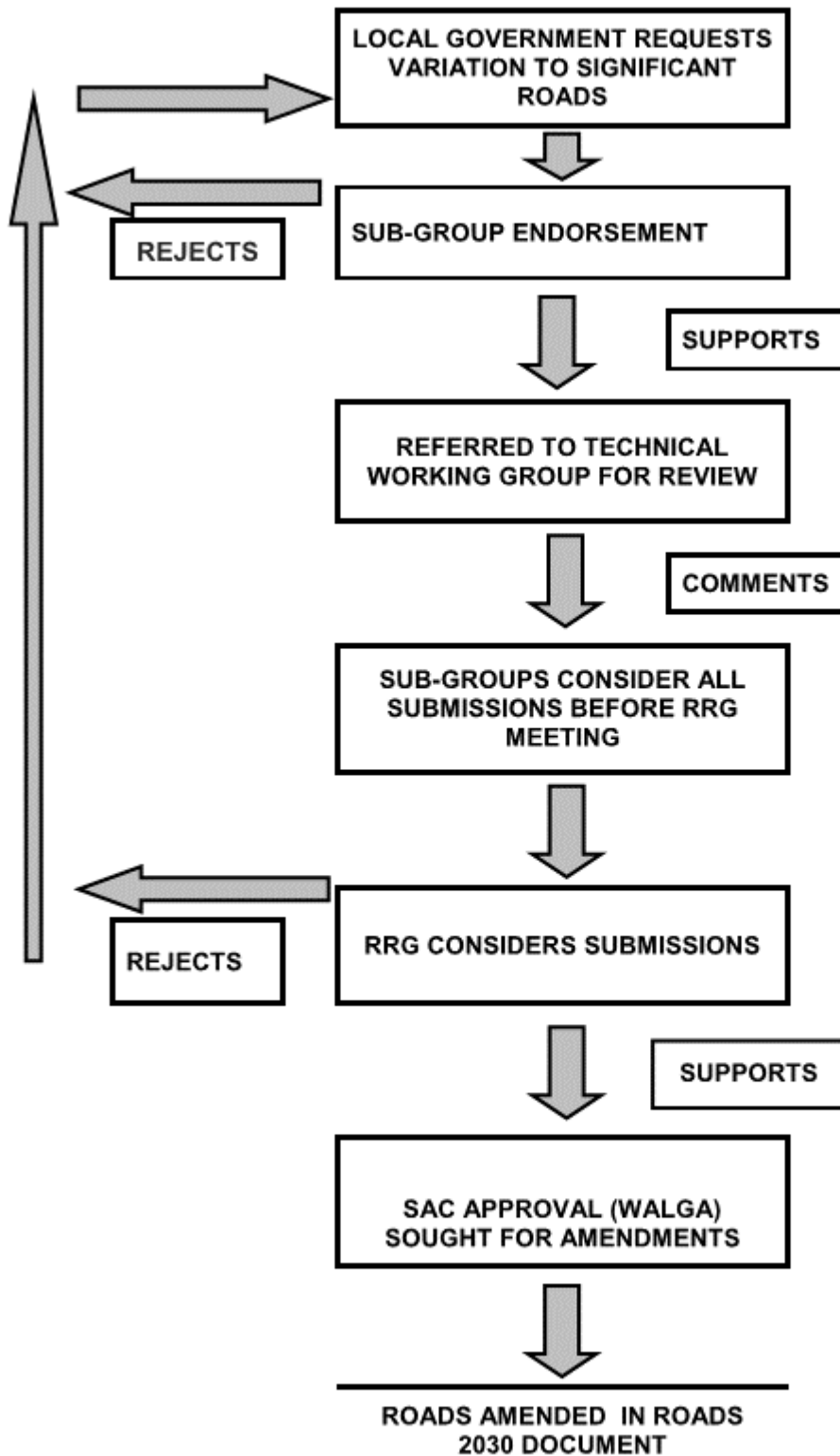
DEFINITIONS

Regional Route: Shall be defined as a road that provides a connection between inter-regional routes or between areas of significant population.

Inter-Regional Route: Shall be defined as a road that provides the main connection between this region, other regions in the State and interstate.

Major Route: A road which provides both regional and inter-regional access.

PROCESS FOR VARIATION TO ROADS OF REGIONAL SIGNIFICANCE



GREENFIELD TECHNICAL SERVICE ANALYSIS & REPORT**DURAWAH RD (18.46KM) – STATION RD (8.90KM) – STATION VALENTINE RD (13.65KM)**

The proposed route provides access to the agricultural industry and is a direct link between Chapman Valley Road and Valentine Road. It is also an alternative route between the Nanson region and Mullewa.

These three roads are all included in the Network 6 route in the Main Roads RAV network.

Of the six Main Roads road hierarchy types, the roads within this proposed network are all classed as Local Distributor. There are four road categories above this road type.

The Regional Road Group (RRG) has six different road types ranging from Type 2 (*Formed road*) to Type 7 (*Sealed passing lane*). The road types are based on traffic data as summarised below.

Road Type & Description	2 Formed	3 Gravel	4 Sealed	5 Sealed	6 Sealed	7 Sealed
Seal Width			4.0 m	7.0 m	7.0 m	Passing Lane
AADT Range (veh/day)	0-30	31-50	51-100	101-500	501-1000	> 1000
Daily ESA Range (per day)	0-5	6-20	21-40	41-60	> 60	

Durawah Rd (27/11 to 11/12/2015)

AADT on is 47.5 veh/day (both ways) with 29.9 ESAs.

This road is currently Type 4 for approx 12.8km and Type 3 for the remaining 5.66km.

Based on this traffic count the warrant for this road is Type 4.

Station Rd – No counts available***Station Valentine Rd (22/11 – 07/12/2004)***

AADT on is 42.3 veh/day (both ways) with 58.5 ESAs.

This road is currently Type 3 for the full 13.65km.

Based on this traffic count the warrant for this road is Type 5 however the traffic count is quite old and is not likely to be accepted. RRG requires traffic counts be no older than 3yrs from date of submission.

The route contains approx 28.2km of unsealed pavement that has been constructed using locally sourced natural materials. In various sections along the route the local materials are quite scarce, and given that there is high seasonal agricultural traffic, the maintenance demands in these sections can be quite high.

Given that this route has a high seasonal agricultural traffic there is a need to improve the route to a consistent Type 4 – Sealed road standard capable of providing access in all weather conditions.

It is expected that there would be an increase in traffic if the road were to be developed.

COMMENT: *The lack of a traffic count on Station Rd, as well as the lack of a recent count on Station Valentine Rd, mean that the route cannot be properly assessed. If current traffic data on Station Valentine Rd is comparable to the 2004 counts then that would go a long way to establish the warrant for approval of the route. However the traffic volumes on Station Rd would need to be similar to those on the other two roads to establish the connectivity of the route.*

NOLBA RD (20.96KM) – NOLBA STOCK ROUTE RD (9.50KM)

The proposed route commences at Chapman Valley Road and ends at the Northampton Shire Boundary. This route provides access to the agricultural industry but does not link up with any other distributor routes.

These two roads are all included in the Network 6 route in the Main Roads RAV network.

Of the six Main Roads road hierarchy types, the roads within this proposed network are all classed as Local Distributor. There are four road categories above this road type.

The Regional Road Group (RRG) has six different road types ranging from Type 2 (*Formed road*) to Type 7 (*Sealed passing lane*). The road types are based on traffic data as summarised below.

Road Type & Description	2 Formed	3 Gravel	4 Sealed	5 Sealed	6 Sealed	7 Sealed
Seal Width			4.0 m	7.0 m	7.0 m	Passing Lane
AADT Range (veh/day)	0-30	31-50	51-100	101-500	501-1000	> 1000
Daily ESA Range (per day)	0-5	6-20	21-40	41-60	> 60	

Nolba Rd (01/11 to 15/11/2011)

AADT on is 23.5 veh/day (both ways) with 8.4 ESAs.

This road is currently Type 3 for the full 20.96km.

Based on this traffic count the warrant for this road is Type 3.

Nolba Stock Route Rd (23/09 –07/11/2010)

AADT on is 12.2 veh/day (both ways) with 3.0 ESAs.

This road is currently Type 3 for the full 9.50km.

Based on this traffic count the warrant for this road is Type 2.

The route contains approx 30.46km of unsealed pavement that has been constructed using locally sourced natural materials. In various sections along the route the local materials are quite scarce, and given that there is high seasonal agricultural traffic, the maintenance demands in these sections can be quite high.

It is not expected that there would be an increase in traffic if the road were to be developed.

COMMENT: *The lack of recent counts on both roads mean that the route cannot be properly assessed. The traffic counts are quite old and not likely to be accepted. RRG requires traffic counts be no older than 3yrs from date of submission. If current traffic data on Nolba Rd and Nolba Stock Route Rd are comparable to the above counts, there does not appear to be clear warrant established for approval of the route.*



RECEIVED

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Our Ref: 12.1.7/OCR28786

Record No CR 1712572

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

FILE No.	1003.05
CEO	MB
CORPORATE SERVICES	
PLANNING	
WORKS & SERVICES	
RAN/SR	
PROPERTY MAINTENANCE	
EXECUTIVE ASSISTANT	

Dear Maurice,

ROADS OF REGIONAL SIGNIFICANCE

I refer to your correspondence 27 April 2017 which was considered at the recent meeting of the Northampton Shire Council.

I advise that the Council resolved that due to the Ogilvie East Road and Nolba Road not meeting the assessment criteria to be recognised as a road of regional significance, Council advises the Shire of Chapman Valley that it does not propose to lodge an application nor does it consider there is any merit in lodging an application Mid West Regional Road Group to have the Nolba Road, Nolba Stock route and Ogilvie East Road assessed as Roads of Regional Significance.

Attached is our assessment of the two roads as per the criteria to determine a road of regional significance.

Should you wish to further discuss the above please do not hesitate to contact me.

Yours faithfully

GARRY L KEEFFE
CHIEF EXECUTIVE OFFICER

22/05/2017

Desktop evaluation report – Northampton

EVALUATION CRITERIA	Nalba Road	Ogilvie West Road
FREIGHT & COMMUNITY ACCESS		
1.1 Connects areas of significant population (>500)	No	No
1.2 Performs District Distributor function in major urban centres	No	No
1.3 Forms part of an inter-regional route	No	No
1.4 Links regional and inter-regional routes	No	No
1.5 Connects a major transport terminal or connects a major transport terminal to a major route	No	No
1.6 Serves a major resource or industrial site		
1.7 Provides access to regional institution or community service centre	No	No
1.8 Services off-rail grain storage facility	No	No
1.9 Part of a regional heavy haulage route	No	No
1.10 Access to remote community (Pop >250)	No	No
1.11 Sole access between a remote community (Pop>50) and nearest town	No	No
1.12 A road which is the only land access between a remote community (POP >50) and at least one town centre	No	No
TOURISM & RECREATION		
2.1 Access to tourist attraction/recreational area of State/Regional significance	No	No
2.2 Part of State or Regional significant tourist drive	No	No
2.3 High visual quality proven through formal visual assessment	No	No
2.4 Connects region with significant tourist destination and gives travel time and distance savings.	No	No

Cr Warr declared an impartiality interest in this item.

AGENDA ITEM:	10.3.2
SUBJECT:	DEDICATED INTERNET SERVICES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	206.05
PREVIOUS REFERENCE:	MINUTE REFERENCE: 06/16-26
DATE:	21ST JUNE 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Councillors may recall the decision made to the April 2016 and June 2016 OCMs in regards to the establishment of line-of-sight fixed wireless internet service to the shire between Mt Fairfax and Nabawa, generally following the alignment of the Chapman Valley Road.

The following resolutions on this issue were made

April 2016

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

June 2016

MOVED: CR FORRESTER

SECONDED: CR FARRELL

Council:

1. Endorse the reallocation of \$10,000 budgeted for in 2015/2016 under COA 0682 for "ICT Shared Services with the Northern Country Zone" to the establishment of a dedicated fixed wireless service specifically for the Shire Administration Offices in Nabawa;
2. If the funds reallocated in Item 1 above are not spent in 2015/2016 then this full amount, or the unspent residual amount, be quarantined in the 2016/2017 Budget to complete this dedicated fixed wireless service;
3. The Chief Executive Officer to establish maintenance agreements/arrangements with an external contractor(s) for all assets associated with the dedicated fixed wireless service and bring this back to Council for consideration prior to implementing the establishment of the dedicated fixed wireless service;
4. If the Mid West Development Commission grant application is successful for the Internet Pilot Project then Council retain its endorsed position (as per Minute Reference: 04/16-6) to quarantine a cash contribution of \$20,000 towards the Pilot Project in the 2016/2017 Budget to improve community internet services.

Voting 8/0
CARRIED
Minute Reference: 06/16-26

I have continued to work with those in the Information & Communication Technology (ICT) and Internet Service Provider (ISP) industry over the past twelve months for both the dedicated internet service to Nabawa and with the CEO Working Group on a proposal for establishing a regional service across the Northern Country Zone area. Unfortunately this process has taken much longer than initially anticipated.

COMMENT

As resolved, an application was lodged with the MWDC for the Internet Pilot Project with the outcome of the applications being unsuccessful. The application was for a \$70,000 project with The Shire contributing \$20,000 and the MWDC Grant for \$50,000. After the closure of applications I was approached by the MWDC requesting the Shire adjust its contribution to \$35,000 (i.e. 50% of the estimated project costs). As the NCZ Internet Project was gaining momentum at the time and there was in-principle support from the local parliamentarians (aligned to the previous State Government) the MWDC suggestion to increase the Shire's contribution from \$20,000 to \$35,000 was not considered appropriate. The problem I also had was the 2016/2017 Budget only had a total of \$30,000 allocated to internet services i.e.

- \$20,000 – allocated as the Shire's contribution to the MWDC Pilot Project Internet Service; &
- \$10,000 – Allocated to a dedicated internet service.

With the State Government changing in March 2017 the support for the NCZ Internet Project was deferred and to date is yet to be recognised by the new State Government as a worthy project. However; the NCZ CEO Working Group continue to work on this project.

As previously stated, I have been working with various local ICT/ISP organisation to determine if a dedicated fixed wireless internet service can be established through existing Shire owned infrastructure (i.e. Bushfire Radio Tower) to service the Shire Administration Offices at Nabawa. This would hopefully solve the Shire's internet service being provided solely through the Telstra 4Gx network.

Though the dedicated fixed wireless is proposed to address the internet service at the Shire administration building it is also hoped the infrastructure established for this service could be used to accommodate businesses and residents within proximity and line-of-sight of the proposed towers (e.g. Burnt Barrel, Lavender Farm, Nukara).

The alternative to a line-of-sight fixed wireless service is the Satellite NBN (SkyMuster) being advocated by the Commonwealth Government as the internet solution to remote areas of the country. The SkyMuster service is not being portrayed by many ICT/ISP experts as a satisfactory solution due to high costs to customer, time lags/delays, minimal capacity, capped download/upload speeds and volumes.

The technical logistics of the dedicated fixed wireless service to the Shire Administration Office has been developed by the local ICT/ISP organisations who have provided the costs estimates to install and commission this service.

The scenario being pursued with one of the ISP providers is they are to establish the fixed wireless infrastructure (i.e. towers, solar panels, batteries, etc.) with the Shire would contributing towards the initial costs. Once this dedicated service has been established to the Shire Administration in Nabawa all new clientele would need to cover the costs required for any additional infrastructure needed for them to access the service. This scenario creates a situation where the Shire's initial contribution to establish internet service to the Shire Office could also be seen as a defacto *Community Service Obligation* to assist some businesses and residents along the ISP route from Moresby to Nabawa.

My thoughts are a Management Agreement would need to be established between the Shire and the preferred ISP for the dedicated internet service, which (I believe) should stipulate the ISP as being responsible for the ongoing maintenance and replacement/upgrade of all assets associated with providing the service. It is yet to be determined if such an agreement can be reached with an ISP and this will determine if the dedicated internet service will proceed or not as I do not believe Council would want to be left with the responsibility of maintaining, replacing or upgrading the infrastructure.

STATUTORY ENVIRONMENT

Local Government Act, 1995

Local Government (Functions & General) Regulations, 1996

POLICY/PROCEDURE IMPLICATIONS

Council Purchasing Policy (CP-024) states purchase between \$15,000 and \$40,000 requires at least three verbal or written quotes. However; in this instance I believe the Policy condition should be waived as this matter has been investigated at length with two local ISP with varying methodology being recommended to provide the internet service, which results in varying costs associated with the infrastructure advocated by each.

I am seeking Council authority to waive the aforementioned section of CMP-024 and rely on the Chief Executive Officer's investigation and due diligence to determine the best infrastructure type and cost to establish the dedicated internet service to the Shire Office in Nabawa, if this is the course taken.

POLICY NO	CP-024
POLICY	PURCHASING
RESPONSIBLE DIRECTORATE	FINANCE
PREVIOUS POLICY No.	5.90
LEGISLATION	LOCAL GOVERNMENT ACT, 1995 LOCAL GOVERNMENT (FUNCTIONS & GENERAL) REGULATIONS, 1996
RELEVANT DELEGATIONS	DELEGATION No. 3004

OBJECTIVES:

- To provide compliance with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.
- To deliver best practice approach and internal purchasing processes for the Shire of Chapman Valley.
- To ensure consistency for all purchasing activities within the Shire of Chapman Valley.

POLICY STATEMENT/S:

Why do we need a Purchasing Policy?

The local government is committed to setting up efficient, effective, economical and sustainable processes in all purchasing activities.

This policy:

- Provides the local government with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the local government receives value for money in its purchasing.
- Ensures that the local government considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the local government is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the local government's purchasing practices that withstand probity.

Ethics and Integrity

All officers and employees of the local government shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the local government.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money.
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the local government policies and Code of Conduct.
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently.
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed.

- any information provided to the local government by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the local government. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Sustainable Procurement

“Sustainable Procurement” is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Chapman Valley is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Chapman Valley's sustainability objectives.

Practically, sustainable procurement means the Shire of Chapman Valley shall endeavour at all times to identify and procure products and services that:

- have been determined as necessary.
- demonstrate environmental best practice in energy efficiency and/or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- demonstrate environmental best practice in water efficiency.
- are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage.
- where products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- for motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range.
- for new buildings and refurbishments – where available use renewable energy and technologies.

Supporting local industry

The Shire of Chapman Valley recognises that it has a role in the economic development of the local community and in assisting local industry in accessing opportunities to conduct business with the Shire.

In supporting or encouraging local industry, matters relating to:

- Value for money;
- Environmental performance;
- National Competition Policy; and
- Transparency of decision-making must be addressed.

In order to assist local industry to conduct business with the Shire, the following steps shall be undertaken:

- Procurement shall be undertaken in accordance with the Procurement Policy and within the guidelines for “Purchasing Thresholds” of this Policy.
- All tenders and requests for expressions of interest shall be advertised in **The Geraldton Guardian** newspaper, placed on noticeboards in the Shire's libraries and administration centre.
- All tenders and requests for expressions of interest will be available to access and, where applicable, download through the Shire's website.
- A Request for Quotation process shall be investigated that will enable effective communication with the local business community of the Shire's upcoming requests for quotation.

The major considerations in accepting any tender or quotation for provision of goods or service shall be:

- Capacity to deliver the goods or services according to the Shire's specification and the contract conditions; and
- Value for money.

Any canvassing of the Shire's Elected Members or staff shall disqualify businesses seeking to do business with the Shire.

Local Purchasing

Local businesses may be used for the supply of goods and services in accordance with the Shire's *Regional Price Preference Policy (CP-025)*.

Purchasing Thresholds

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

	Amount of Purchase	Purchase Conditions	Recording Conditions
Standard Purchases			
A	Up to \$5,000	Direct purchase from suppliers	Standard Purchase Order
B	\$5,001 - \$15,000	Obtain two verbal quotations.	Endorse Purchase Order verbal quotes obtained
C	\$15,001 - \$40,000	Obtain at least three verbal or written quotations.	Verbal - Endorse Purchase Order verbal quotes obtained; or Written Quotes – Copies Attached to Purchase Order
D	\$40,001 - \$50,000	Obtain at least three written quotations.	Written Quotes – Copies Attached to Purchase Order
E	\$50,001 - \$149,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).	Written Quotes – Copies Attached to Purchase Order
F	\$150,000 and above	Conduct a public tender process or use the WALGA Preferred Suppliers process.	Tender Register Requirements & Filing of Tender Documents
Registered Aboriginal Business – Local Government (Function & General Reg. 11(h))			
G	Up to \$5,000	Direct purchase from suppliers	Standard Purchase Order

H	\$5,001 - \$15,000	Obtain two verbal quotations.	Endorse Purchase Order verbal quotes obtained verbal quotes obtained
I	\$15,001 - \$40,000	Obtain at least three verbal or written quotations.	Verbal - Endorse Purchase Order verbal quotes obtained; or Written Quotes – Copies Attached to Purchase Order
J	\$40,001 - \$50,000	Obtain at least three written quotations.	Written Quotes – Copies Attached to Purchase Order
K	\$50,001 - \$249,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).	Written Quotes – Copies Attached to Purchase Order
L	\$250,000 and above	Conduct a public tender process or use the WALGA Preferred Suppliers process.	Tender Register Requirements & Filing of Tender Documents
Australian Disability Enterprises - Local Government (Function & General Reg. 11(i))			
M	Up to \$5,000	Direct purchase from suppliers	Standard Purchase Order
N	\$5,001 - \$15,000	Obtain two verbal quotations.	Endorse Purchase Order verbal quotes obtained verbal quotes obtained
O	\$15,001 - \$40,000	Obtain at least three verbal or written quotations.	Verbal - Endorse Purchase Order verbal quotes obtained; or Written Quotes – Copies Attached to Purchase Order
P	\$40,001 - \$50,000	Obtain at least three written quotations.	Written Quotes – Copies Attached to Purchase Order
Q	> \$50,001	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).	Written Quotes – Copies Attached to Purchase Order

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the legislated thresholds. If a decision is made to seek public tenders for contracts of less than legislated thresholds, a “Request for Tender” process that entails all the processes for tendering outlined in this policy must be followed in full.

Purchasing value not greater than \$5,000

Where the value of procurement of goods or services does not exceed \$5,000, purchase is subject to budget allocation. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained. This purchasing method is suitable where the purchase is relatively small and low risk.

Purchasing value between \$5001 and \$15,000

This category is for the procurement of goods or services where the value of such procurement ranges between \$5001 and 15,000. At least two verbal quotations are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the local government employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

Record keeping requirements must be maintained in accordance with record keeping policies.

The **Local Government Purchasing and Tender Guide** contains sample forms for recording verbal and written quotations.

Purchasing value between \$15,001 and \$40,000

For the procurement of goods or services where the value exceeds \$15,001 but is less than \$40,000, it is required to obtain at least three verbal or written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The **Local Government Purchasing and Tender Guide** contains sample forms for recording verbal and written quotations.

Purchasing value between \$40,001 and \$50,000

For the procurement of goods or services where the value exceeds \$40,001 but is less than \$50,000 it is required to obtain three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The **Local Government Purchasing and Tender Guide** contains sample forms for recording written quotations.

Purchasing value between:

- ~ **\$50,001 and \$149,999 (Standard Purchases)**
- ~ **\$50,001 and \$249,999 (Registered Aboriginal Businesses Purchases)**
- ~ **> \$50,000 (Australian Disability Enterprises Purchases)**

For the procurement of goods or services for the abovementioned value ranges it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and consideration shall be given to qualitative factors such as quality, stock availability, environmental performance, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organisation's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the legislated threshold. If a decision is made to seek public tenders for Contracts of less than the legislated threshold, a Request for Tender process that entails all the processes for tendering outlined in this policy must be followed in full.

Purchasing value:

- ~ **\$150,001 (Standard Purchases)**
- ~ **\$250,001 (Registered Aboriginal Businesses Purchases)**

Public tender process to be undertaken in accordance with legislations and this Policy.

OR

Obtain quotations directly from a tender exempt and pre-qualified panel of suppliers which include WALGA Preferred Supply Contracts. It is recommended that wherever possible, the Local Government source multiple competitive quotations (at least three Preferred Suppliers) using a formal Request for Quotation process either through eQuotes or directly in writing.

The general principles for verbal and written quotations shall be followed as noted in this Policy.

General principles for obtaining verbal quotations

- Ensure that the requirement / specification is clearly understood by the Shire of Chapman Valley employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- The responsible officer shall demonstrate due diligence when seeking quotes and shall comply with the Shire's record keeping policies and audit requirements.

All documents relating to the quotation process must be saved in the Shire's Electronic Management System (i.e. SYNERGY).

General principles relating to written quotations

- The request for written quotation should include as a minimum: An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - o Written Specification
 - o Selection Criteria to be applied
 - o Price Schedule
 - o Conditions of responding
 - o Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

The **Local Government Purchasing and Tender Guide** produced by the Western Australian Local Government Association (WALGA) should be consulted for further details and guidance.

(Amended ref 21/03-10)

Regulatory Compliance

- *Tender Exemption*

In the following instances public tenders or quotation processes are not required regardless of the value of expenditure):

- o An emergency situation as defined by the **Local Government Act 1995**.
- o The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another local government.
- o The purchase is under auction which has been authorised by Council.
- o The contract is for petrol, oil, or other liquid or gas used for internal combustion engines.
- o Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

Anti-Avoidance

The Shire of Chapman Valley shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of any legislated threshold, thereby avoiding the need to publicly tender.

Tender Criteria

The Chief Executive Officer shall determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established by the Chief Executive Officer

Advertising Tenders

Tenders are to be advertised in a state wide publication, e.g. *The West Australian* under the "Local Government Tenders" section, with preference on a Wednesday or Saturday.

The tender must remain open for at least fourteen (14) days after the date the tender is advertised. Care must be taken to ensure that fourteen (14) **full** days are provided as a minimum.

The notice must include:

- a brief description of the goods or services required
- information as to where and how tenders may be submitted
- the date and time after which tenders cannot be submitted
- particulars identifying a person from who more detailed information as to tendering may be obtained
- detailed information shall include:
 - such information as the local government decides should be disclosed to those interested in submitting a tender
 - detailed specifications of the goods or services required
 - the criteria for deciding which tender should be accepted
 - whether or not the local government has decided to submit a tender
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addenda or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Chapman Valley not to compromise its Duty to be fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised tender deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the tender deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and preferably at least one other Council officer. The details of all tenders received and opened shall be recorded in the "Tenders Register".

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as "commercial-in-confidence" to the local government. Members of the public are entitled to be present.

The tenderer's offer form, price schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two local government officer's present at the opening of tenders.

No Tenders Received

Where the Shire of Chapman Valley has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained
- the process follows the guidelines for seeking quotations between \$50,001 & \$149,999 (listed above)
- the specification for goods and/or services remains unchanged
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Chapman Valley by means of a written evaluation against the pre-determined criteria. The tender evaluation panel (as determined by the Chief Executive Officer) shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Chapman Valley may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Chapman Valley and tenderer have entered into a contract, a minor variation may be made by the Shire. A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
 - The total value of consideration of the winning offer
- The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation
- Internal documentation
- Evaluation documentation
- Enquiry and response documentation
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation
- Internal documentation
- Order forms and requisitions.

Register of Policies

Record retention shall be in accordance with the minimum requirements of the **State Records Act 2000**, and the Shire of Chapman Valley's internal records management policy.

FINANCIAL IMPLICATIONS

Council had the following two amounts listed in the 2016/2017 Budget, which have not be spent for these specific purpose due to the continued investigations being undertaken i.e.

- i. MWDC Pilot Project for fixed wireless internet service - \$20,000 contribution (COA 3132/Job CD017); and
- ii. Dedicated fixed wireless internet service - \$10,000 (COA 3132/Job No CD018).

If Council endorse the Staff Recommendation the above total amount of \$30,000 will be a saving in 2016/2017 and therefore will form part of the June 30th 2017 end of year financial position.

By endorsing the Staff Recommendation to allocate an amount of \$30,000 in the 2017/2018 Budget will result in the overall effect over the two financial years being nil.

- **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 this 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.

- **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
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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
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CONSULTATION

There has been dialogue over the past twelve months (or more) between ICT/ISPs and shire staff on how to improve the internet services to the Shire's Administration in Nabawa. The current Telstra 4Gx service is working; however, there is a need to improve the service and hopefully address some of the poor (or no) services to the Office and in some areas between the Moresby and Nabawa.

The consultation has also included discussions with the MWDC and two local ISP organisations to assist with the technical aspects and cost estimate of the internet service project.

In regards to the NCZ Regional Internet Project the CEO has been part of a Working Group comprising of three NCZ CEOs to investigate options to progress this concept over the past twelve months. This has involve consultation with ICT/ISP providers, MWDC and parliamentarians.

RISK ASSESSMENT

It is considered there is a risk in the Shire becoming an Internet Service Provider (ISP) and/or being responsible for the maintenance of assets associated with such a service. Hence the reason I have been working towards the ISP taking on these responsibilities and the Shire simply assisting with funding the installation of the initial infrastructure required to provide the service. This aspect of the project is still being developed. Therefore, in this instance I see the risk as being **moderate** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

Council:

1. Discontinue with the expenditure allocations made in the 2016/2017 Budget for:
 - i. MWDC Pilot Project for fixed wireless internet service - \$70,000 expenditure (COA 3132/Job CD017) and \$50,000 revenue MWDC Grant (nett saving of \$20,000); and
 - ii. Dedicated fixed wireless internet service - \$10,000 expenditure (COA 3132/Job No CD018).
2. Endorse the allocation of \$30,000 to be budgeted for in 2017/2018 for either:
 - i. The establishment of a dedicated fixed wireless service to the Shire Offices, Nabawa, with the ability for the infrastructure installed to be added to if local businesses/residents wish to also use this Internet Service Provider (ISP) service in the future; and/or
 - ii. The establishment of a regional internet service to the Northern Country Zone region.
3. The Chief Executive Officer to establish a maintenance agreements/arrangements with the preferred ISP as a contribution towards assets associated with either service mentioned in Item 2 above and bring this back to Council for consideration prior to implementing the establishment of the any internet service;
4. Council waiver the condition in Purchasing Policy CMP-024 stating purchases between \$15,000 and \$40,000 requiring at least three verbal or written quotes and in this instance rely on the Chief Executive Officer's investigations and due diligence to determine the best infrastructure type and cost to establish the internet service under the condition the cost come within budget.

**Voting 6/0
CARRIED
Minute Reference 06/17-9**

AGENDA ITEM:	10.3.3
SUBJECT:	DISCUSSION PAPER - REGISTRATION OF FARMER FIREFIGHTING UNITS
PROPONENT:	OFFICE OF EMERGENCY MANAGEMENT
SITE:	WHOLE OF STATE
FILE REFERENCE:	601.00
PREVIOUS REFERENCE:	NIL
DATE:	21ST JUNE 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	OEM Letter		√
10.3.3(b)	OEM Discussion Paper		√
10.3.3(c)	OEM Feedback Form		√

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Correspondence **(10.3.3(a) provided under Separate Cover)** was received from the Office of Emergency Management (OEM) on the 12th May 2017 advising of a Discussion Paper they have released on the “*Registration of Farmer Firefighting Units*” and seeking Council and community feedback by the 12th June 2017.

I requested through the OEM for the closing date for submission to be extended to the end of August 2017 to allow seeding to finish in the agricultural areas and more time for Councils and communities to read the Paper and offer comments. This was initially refused by the OEM with their comments being:

“...We have consulted with the WA Farmers federation, and they will be engaging with the farmers. We are meeting with the Farmers’ Federation again in a couple of weeks, and I will discuss your concerns with them at that point...”

Being unhappy with the response from the OEM I then approached the Western Australian Local Government Authority (WALGA) and Batavia Regional Local Emergency Management Committee (BRLEMC) seeking their support to lobby the OEM for an extension to the closing date for submissions on the Paper.

The outcome has been the OEM has agreed to extend the closing date for submissions on the Discussion Paper to the 24th July 2017. Not as long as I would have hoped, yet an extension just the same.

COMMENT

The Discussion Paper **(10.3.3(b) provided under Separate Cover)** poses a number of issues and the following three options:

OPTION	ADVANTAGES	DISADVANTAGES	OTHER RECOMMENDATIONS ADDRESSED
<p>Option 1 Increasing the understanding of existing processes.</p>	<ul style="list-style-type: none"> • Enhanced agency understanding of non-contract resources. • Possible increase of resources pool. • Enhanced understanding of existing processes and procedures by community. • Potential pool of resources able to be used by Incident Management. • Opportunities for increased community engagement and key stakeholders. • A number of administrative systems are already in place. 	<ul style="list-style-type: none"> • Possible limited up take due to harvesting, and other farming works. • Limited resource development. • Limited or no safety standards. • Reduced processes for determining fit for purpose. • Resources may not be available during times of need if approached in an ad-hoc manner. • Potential for double dipping (via invoices) • Unknown condition and capability of community resources. 	
<p>Option 2 Improving current processes and practices.</p>	<ul style="list-style-type: none"> • LEMC's have an understanding of equipment & resources within their community. • Enhanced understanding of community capacity. • Templates already developed. • Meetings already scheduled and operational 	<ul style="list-style-type: none"> • Resource intensive for LEMC's. • LEMA resource list may become too large. • Limited understanding of resources (Type, use, transportation etc.). • No processes for determining fit for purpose 	<p>Recommendation 10 Recommendation 13</p>
<p>Option 3 Pre-registration of farmer firefighting equipment.</p>	<ul style="list-style-type: none"> • Meets the needs of Recommendation 9 of the Ferguson Inquiry. • Current stakeholders preferred program. (Farmers' Federation, Forestry Industries, Bushfire Brigade Association etc.). • Meeting of Safety Standards. • Operators understanding of command structures and fire prevention strategies. • Equipment used is fit for purpose. • Operators will be provided with appropriate training and Personal Protective Clothing. • Incident Controllers and IMT's have up to date records of community resources & equipment. • Tracking of resources during incidents. • Opportunities for community engagement and key stakeholders 	<ul style="list-style-type: none"> • Program requires resources and support from management. • Education program required to be developed. • Sponsorship may be required from fire services 	<p>Recommendation 9 Recommendation 10 Recommendation 13 Recommendation 14</p>

STATUTORY ENVIRONMENT

The concern is the outcomes of the Discussion Paper consultation process will lead to amendments to the Emergency Management and/or Bush Fire Acts and Regulations or to Standard Operating Procedures set under this legislation. Such changes, as being proposed will result in even greater compliance burden on local government authorities and opening the organisation up to litigation as a result of non-compliance.

The other fear is any introduction of additional burdens and compliance on volunteer firefighters may create a situation of less volunteers being willing to take on the roles of Fire Control Officers.

POLICY/PROCEDURE IMPLICATIONS

If the operating procedures and compliance processes are introduced Council will need to review a number of its existing Policies and Procedures and resources allocated to this area of the organisations operating costs.

FINANCIAL IMPLICATIONS

I can see additional resources being required from the local government authority to address the proposed changes being advocated in the Discussion Paper and doubt very much these resources will be provided by the State Government.

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

There will be an effect on the operational aspect of the Shire's LTFP if the changes being proposed are introduced under legislation or as Standard Operating Procedures and are not resourced externally (e.g. Emergency Services Levy).

STRATEGIC IMPLICATIONS

It is imperative Council and the community provide feedback on the Discussion Paper as I feel there is change imminent in the area of bushfire fighting and emergency management.

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

Objective	Strategy	Outcome
We need good services to support our development as a Shire	Maintain and improve existing services and facilities and look at what additional services the community require	Essential services help us to grow and prosper as a community

CONSULTATION

The OEM correspondence, Discussion Paper and Feedback Form have been emailed to all Councillors and Fire Control Officer on two occasions seeking feedback. At the time of writing no comments have been received; however, some may have decided to comment directly to the OEM, rather than through the Shire.

I have also had discussions with WALGA, BRLEMC and the OEM on seeking an extension to the closing date for submissions to be made.

RISK ASSESSMENT

It is difficult to determine what the actual risk may be in this instance as it is unsure what new legislation and/or Standard Operating Procedures may be introduced as a result of the consultation process being undertaken by the OEM and therefore what the additional resource requirements may be. Depending on the outcomes and the risk of the Shire not being in a position or adequately resourced to comply the risk could range anywhere between **Moderate** and **Catastrophic** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Moderate (3)	Medical type injuries	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than \$150,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

VOTING REQUIREMENTS

Simple Majority

Cr Forrester left Chambers at 10.07am and re-entered at 10.10am

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

Council endorse the following comments to be made to the Office of Emergency Management on the "Registration of Farmer Firefighting Units" Discussion Paper:

PAGE	SECTION/NUMBER/HEADING	PARAGRAPH NUMBER	COMMENT
4	5 Current Situation	4	Have these been distributed based on the suitability of vehicle? If so who determined this standard.
5	6 Farmer Firefighting	1	Road Blocks are rarely put in place for Level 1 fires. Is there an expectation for an IMT & IC to be in place for Level 1 fires and for all farmer firefighting vehicles to register with the IC before entering the fire ground? If so then this is not practicable as most farm fires are put out long before an IMT/IC is established. How is compliance and inspections of farm vehicle & equipment to be resourced? How often does farm vehicle & equipment have to be inspected to ensure compliance is maintained?
6	6.3 Legislation	Note	Is this indicating unless the LGA has authorised a vehicle as being

			suitable and a sticker is attached, along with the need to ensure the driver/operators are fully aware of the SOP, they are not covered by the LGAs insurance? If so then this is not supported.
7	7.1 SA Model	2	<p>It is considered the SA Model conditions for vehicle & equipment legal requirements would render a majority of farm units in WA ineligible i.e.</p> <ul style="list-style-type: none"> • Equipment/vehicles must not be overloaded (i.e. the gross vehicle mass must not be exceeded). This is a critical safety issue as an overloaded vehicle will be less stable, be harder to steer and have reduced braking capacity. • Any load, including tanks, pumps, hose reels and fittings must be secured. • Water tanks are to be fitted with baffles to reduce the movement of water inside tanks, improving stability. • All vehicles including trailers must be registered and roadworthy, as they may be used on public roadways when participating in firefighting operations. • Firefighting equipment including pumps, tanks, hose reels and fittings must be mechanically sound and in good working order. • Vehicles should have a first aid kit and burn over blanket for personal protection. • Vehicles should be equipped with an amber rotating beacon to enable operators to “see and be seen”). • If personnel are operating from a tray they must have rails to ensure safety of operators. • Vehicles/equipment must have an adequate communications system.

8	7.2 Potential WA Model	2	<p>The proposed dress & equipment standards will be difficult to introduced and sustain in broadacre agricultural areas of the State i.e.</p> <ul style="list-style-type: none"> • Cotton or natural fibre overalls with long sleeves or cotton or natural fibre long sleeve work shirt and trousers; • Sturdy leather gloves; • Safety Helmet with chin strap; • Safety goggles; • Dust mask and hearing protection (may be required for some tasks); • Safety boots (leather); and • High visibility vest (particularly for working on road ways).
8	7.2 Potential WA Model	3	<p>Who is to determine the capacity of the person as proposed and how often i.e.</p> <p><i>“The physical characteristics required of an individual performing firefighting duties should include a moderate level of aerobic capacity (ability to perform long duration work to exhaustion), sound musculoskeletal function of the upper and lower extremities (the ability to lift safely from below the knees, to shoulder height and above the head) and strong load carriage abilities (being able to transfer an object of substantial weight from one position to another).”</i></p> <p><i>“Appropriate physical preparedness in respect to hydration, nutrition and sleep hygiene are also critical factors which impact on health, safety and performance of fire responders (although it is understood these factors cannot always be proactively addressed prior to an incident).”</i></p>
		5	<p>Does it insist all CBFCO, DCBFCO and Brigade FCOs are to be trained in the following: Safety Procedures;</p> <ul style="list-style-type: none"> • Basic Fire Suppression Training; • Log On Log Off Procedures; and

			<ul style="list-style-type: none"> Command, Control & Communication Procedures. <p>It is difficult enough finding volunteers to fill these position and I believe this will only make it harder.</p>
		6	When the paper refers to “..firefighting units being registered as capable..” is this referring to the person and the vehicle. If it referring to both then how is a local government going to determine if the person driving the vehicle at the time is capable?
13	Attachment 1 – Option Summary	Table	It is obvious the author of the Discussion Paper is recommending Option 3.
16	Ferguson Report		This will create yet another level of bureaucracy and absorb already limited resources as well as making it even more difficult to attract volunteers.
OTHER COMMENTS:			
<ul style="list-style-type: none"> i. Council fears the process will become too onerous and resource hungry for many of the level 1 type stubble and crop fire situation we deal with in the broad-acre farming areas; ii. The local governments have limited resources available to implement the proposals being suggested (specifically Option 3) and would insist any proposed new legislative and/or Standard Operating Procedure burden to be placed on farmers and local government authorities is fully funded (both upfront capital and ongoing recurrent expenditures) through the Emergency Services Levy; iii. Will the proposals identified in the Discussion Paper diminish an already dwindling volunteer base to draw on; and iv. Can a tiered approach be considered for specific area and fire types (i.e. a forest fire would be far more process/procedure focused than a stubble fire). 			

**Voting 6/0
CARRIED
Minute Reference 06/17-10**

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That the meeting be adjourned at 10.16am to allow for Concept Forum Session discussion with Anthea Kalazich.

**Voting 6/0
CARRIED
Minute Reference 06/17-11**

Mrs Raymond left Chambers at 10.16am.

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That the meeting be reconvened at 10.45am

**Voting 6/0
CARRIED
Minute Reference 06/17-12**

Mrs Raymond re-entered at 10.48am

AGENDA ITEM:	10.3.4
SUBJECT:	MANAGEMENT LICENCE – CHAPMAN VALLEY FOOTBALL CLUB
PROPONENT:	CHAPMAN VALLEY FOOTBALL CLUB
SITE:	LOT 3/3320; LOT 29 & LOT 21 CHAPMAN VALLEY ROAD, NABAWA
FILE REFERENCE:	803.01
PREVIOUS REFERENCE:	NIL
DATE:	21ST JUNE 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

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

DISCLOSURE OF INTEREST

Nil

BACKGROUND

I have been working with the Chapman Valley Football Club (CV Football Club) members on developing a Management Licence for the use of the existing facilities located on Lot 3/3320; Lot 29 & Lot 21 Chapman Valley Road, Nabawa, with a copy of the *Draft Management Licence* provided at **Attachment 10.3.4(a)**.

COMMENT

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

It also will be noted at Item 5 of the Schedule attached to the Licence the Licence Fee has been set at the current annual amount in the 2016/2017 Budget (i.e.\$1,635.00 GST Exclusive) for the CV Football Club's use of the facilities. This amount will be reviewed as part of the 2017/2018 budget and future budget processes.

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

STATUTORY ENVIRONMENT

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

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

POLICY IMPLICATIONS

Council has a number of Policies/Procedures, which deal with specific conditions associated with the use of properties under the control/ownership of the Shire. It is anticipated the ongoing process of developing Management Licences for the various land/facilities under the Shire ownership or control will incorporate some of these Policies/Procedures and therefore requiring these to be removed as policy/procedures.

The following Management Procedures have been incorporated into the draft Management Licence and are therefore now being recommended for deletion from the Shire's Policy & Procedures Manual as they are specific to the CV Football Club:

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.

ADDITIONAL EXPLANATORY NOTES:

MANAGEMENT PROCEDURE No.	CMP-013
MANAGEMENT PROCEDURE	CHANGE ROOMS & ASSOCIATED AREAS – CHAPMAN VALLEY FOOTBALL CLUB
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 and associated areas.

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 Shire 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.

ADDITIONAL EXPLANATORY NOTES:

The Management Procedure below is not specific to the CV Football Club; however, a minor amendment is being recommended (**highlighted in RED**). This amendment has been agreed to by the CV Football Club.

MANAGEMENT PROCEDURE No.	CMP-014
MANAGEMENT PROCEDURE	SPORTS GROUND
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 **unless otherwise determined by the Shire.**

ADDITIONAL EXPLANATORY NOTES:

FINANCIAL IMPLICATIONS

The recurrent cost to Council in accordance with the Management Licence will be incorporate into future operational budgets of the Shire.

• Long Term Financial Plan (LTFP):

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

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

3.6 No alterations Capital Upgrades and/or Replacement

- (1) *The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.*
- (2) *Any alteration, capital upgrades/replacements or installation effected by the Club will be at the sole cost of the Club. (see Clause 4.4 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).*
- (3) *The Club agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Licensee' cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Club on demand and recoverable in a Court of competent jurisdiction.*

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

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

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

RISK ASSESSMENT

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

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

1. Endorses the "*Management Licence for the use of Portion of Lot 3/3320; Lot 29 & Lot 21 Chapman Valley Road, Nabawa*" between the Shire of Chapman Valley and the Chapman Valley Football Club as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions immediately;
2. Endorse the deletion of the following Management Procedures as these are specific to the Chapman Valley Football Club and will now be incorporated in the Management Licence:
 - a) CMP-011 – Nabawa Oval Arena Fence; and
 - b) CMP-013 - Change Rooms & Associated Areas – Chapman Valley Football Club
3. Council amend Management Procedure CMP-014 to read:

"The area defined for the sports oval be used solely for the purpose of pedestrian team sports unless otherwise determined by the Shire."

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

Council:

1. Endorses the "*Management Licence for the use of Portion of Lot 3/3320; Lot 29 & Lot 21 Chapman Valley Road, Nabawa*" between the Shire of Chapman Valley and the Chapman Valley Football Club as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions immediately;

2. Endorse the deletion of the following Management Procedures as these are specific to the Chapman Valley Football Club and will now be incorporated in the Management Licence:
 - c) CMP-011 – Nabawa Oval Arena Fence; and
 - d) CMP-013 - Change Rooms & Associated Areas – Chapman Valley Football Club
3. Council amend Management Procedure CMP-014 to read:

“The area defined for the sports oval be used solely for the purpose of pedestrian team sports unless otherwise determined by the Shire.”
4. The naming rights of the oval to be included as a clause in the management licence to be endorsed by Council.

Voting 6/0
CARRIED
Minute Reference 06/17-13

Reason for deviation for Staff Recommendation: Council required inclusion of naming rights for the Nabawa Oval to be endorsed by them.

Management Licence for use of portions of Nabawa Recreation Centre Complex

(Lot 3/3320; Part of Lot 29 & Part of Lot 21
Chapman Valley Road, Nabawa)

Shire of Chapman Valley

Chapman Valley Football Club



McLEODS

Barristers & Solicitors

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

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

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Ref: TF:CHAP 33687.1

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Details

Parties

Shire of Chapman Valley

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

Chapman Valley Football Club

of PO Box 302, Geraldton, Western Australia, 6530
(Club)

Background

The Shire is the owner and management body of the Lot 3/3320; Lot 29 & Lot 21 Chapman Valley Road, Nabawa, upon which the Nabawa Recreation Centre Complex (**Complex**) is located.

- A The Shire has agreed to grant to the Club a licence to use that part of the Complex, described in **Item 1** of the schedule (**Licensed Area**), together with any additional rights that are specified in this Licence.
- B In addition, if the Shire considers it necessary, the Shire and the Club may agree to form a Management Committee, with other users of the Complex, to deal with the day to day management of the Complex.
- C The Shire and the Club enter into this agreement to set out the terms and conditions of their agreement.

Agreed terms

1. Definitions

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

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

Club means the Chapman Valley Football Club to which this licence is granted;

CEO means the Chief Executive Officer of the Shire;

Commencement Date means the date that the Licence commences;

Common Area means any part of the Complex not listed as *Licensed Areas* or *Other Amenities* the Club is permitted to use in conjunction with other users as stated in Item 4 of the Schedule.

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Complex means Lot 3/3320; Part of Lot 29 & Part of Lot 21 Chapman Valley Road, Nabawa, known as the Nabawa Recreation Centre Complex as indicated on the sketch annexed hereto as **Annexure 1**;

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

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

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

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

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

Management Committee means the management committee established pursuant to **clause 5** of this Agreement;

Other Amenities means any part of the Complex not listed as *Licensed Areas* that the Club is permitted to use in conjunction with the other users of the Complex, as specified in **Item 4** of the Schedule;

Outgoings means

- (a) local government rubbish collection charges for the Complex (only if applicable);
- (b) water, drainage and sewerage rates, charges for disposal of stormwater, meter rent and excess water charges (only if applicable);
- (c) telephone, electricity, gas and other power and light charges including but not limited to meter rents and the cost of installation of any meter, wiring or telephone connection;
- (d) premiums and other costs arising from the insurance obtained by the Shire pursuant to **clause 4.1** (only if applicable). For the avoidance of doubt, the parties agree such insurance will include insurance for the full replacement value of the buildings constructed on the Complex; and
- (e) any other consumption charge or cost, statutory impost or other obligation incurred or payable by the Shire in respect of the Complex, yet does not include equipment.

Schedule means the schedule to this Licence;

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

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

2. Grant of Licence

2.1 Use of Licensed Areas & Common Use Areas

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

2.2 Use of Other Amenities

The Licence includes the right to use the Other Amenities subject to prior approval by the Shire.

2.3 Common Use Areas

All areas (other than identified *Licensed Areas* and *Other Amenities*) are to be considered Common Use within the Complex available to all user.

2.4 Agreed Hours

- (1) The Club is to use the Licensed Areas and Common areas only on days and during the Agreed Hours.

Conditional upon the Shire being able to authorise use of Complex facilities by others at their discretion;

- (2) The Club must advise the Shire in writing of their preferred hours of use prior to the Club's forthcoming season in each year of the term for use of the Licensed Areas and Common Use Areas.

3. Club's Obligations

3.1 Licence Fee for Licensed Areas

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

3.2 Fees for Other Amenities

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

3.3 Permitted Purpose of Licensed Areas and Common Use Areas

The Club agrees to ensure that the use of the Licensed Areas and Common Areas is at all times consistent with the Permitted Purpose (see Item 6 of the Schedule).

3.4 Condition of Licensed Areas and Common Areas

The Licensed Areas and Common Areas are made available to the Club initially in the condition that they are in at the Commencement Date and at the beginning of each of the Club's forthcoming seasons thereafter.

3.5 Compliance with Legislation

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

3.6 No alterations Capital Upgrades and/or Replacement

- (1) The Shire is not obliged to make any alterations to the Complex or install any fixtures or fittings that are additional to those installed at the Commencement Date.
- (2) Any alteration, capital upgrades/replacements or installation effected by the Club must have prior Shire approval and will be at the sole cost of the Club (see Clause 4.4 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).
- (3) The Club agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Club's cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Club on demand and recoverable in a Court of competent jurisdiction.

3.7 Security of Licensed Area Licensed Areas and Common Areas and its contents

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

3.8 Indemnity

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

3.9 Insurance

- (1) The Club must take out and maintain for the Term, a public liability insurance policy with an insurer approved by the Shire.

- (2) The insurance policy identified in paragraph (1) above must cover both the Shire and the Club for any public liability claim that arises out of, or is connected in any way with, the Club's use of the Licensed Area, Other Amenities or the Complex generally.
- (3) The amount of the cover given by the insurance policy identified in paragraph (1) above must be a minimum of \$10,000,000 for any one claim or such greater amount as the Shire may reasonably require from time to time.
- (4) The Club must not do anything in the Licensed Areas, Other Amenities or the Complex generally that may affect any insurance taken out by the Shire, or render any such insurance void.
- (5) The Club shall effect and keep effected policies of insurance in relation to any risk relating to the Club's ownership or interest in the Complex.

3.10 Entry and Inspection

The Club must permit the Shire to enter the Licensed Areas, Other Amenities or the Complex generally at any reasonable time to inspect and view the area, to carry out any maintenance work or to rectify any breach of the conditions of this Licence.

3.11 Outgoings

- (1) The Shire will be responsible to pay all Outgoings for the Complex.
- (2) In respect of the recovery of excessive outgoing costs, the parties agree as follows:
 - (a) the Shire will seek to recover such outgoing costs from Club in regards to its use of the Complex on the basis of an appropriate apportionment determined by the Shire acting reasonably;
 - (b) where an outgoing is incurred due to the Club's specific use of the Licensed Areas, Other Amenities or the Complex generally, the Shire will seek (where appropriate) for the Club to pay that outgoing; and
 - (c) the Club must pay any invoice issued by the Shire pursuant to paragraph (2) within 30 days of receipt.

3.12 Maintenance and Cleaning

- (1) The Club agrees during the Term to maintain, replace, repair, clean and keep the Licensed Area, Other Amenities and Common Areas used clean and in Good Repair.
- (2) The Club must keep the Licensed Area, Other Amenities and Common Areas used clean, tidy and free from rubbish.
- (3) The Club must leave the Licensed Area, Other Amenities and Common Areas used at the end of each event and period of use in the condition those areas were in at the beginning of the event and period of use.
- (4) The Shire will take all reasonable steps to ensure that any third party leaves the Licensed Areas, Other Amenities or the Complex generally at the end of each period of use in the condition those areas were in at the beginning of the period of use.

- (5) Maintenance for the purposes of Licenced Areas Licensed Areas, Other Amenities and Common Areas referred to in paragraph (1) and the standard of the maintenance and the frequency of the repairs and replacements will be the responsibility of the Club and covers (yet not necessarily limited to):
- (a) Comply with the Shire's Management Procedure regarding responsibilities for the hire of the Complex area. The Management Procedure is periodically reviewed by Council and the Club will be required to comply with the requirements of the Management Procedure, as amended. A copy of the Management Procedure at the time of developing this Management Licence is attached at **Annexure 2**;
 - (b) Comply with the Shire's Management Procedure regarding responsibilities for the use of the Stadium Change Rooms. The Management Procedure is periodically reviewed by Council and the Club will be required to comply with the requirements of the Management Procedure, as amended. A copy of the Management Procedure at the time of developing this Management Licence is attached at **Annexure 3**;
 - (c) ensure the Oval Perimeter Fence and all attachments to the fence are maintained and repaired to a standard required by the Chief Executive Officer;
 - (d) Ensure Dug Outs, Scoreboard and Windsock & Structure and attachment to these areas be maintained and repaired to a standard as determined by the Chief Executive Officer;
 - (e) general building repairs and maintenance; and
 - (f) the ongoing repair and replacement of all fixtures and fittings relevant to the Club's use.

3.13 Subletting, Assignment or Hire

- (1) The Club will not assign, hire or sublet the Licensed Areas, Other Amenities and Common Areas.

3.14 Club's equipment and possessions

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

4. Shire's Obligations

4.1 Building Insurance to be Effected by Shire

The Shire shall effect and keep effected policies of insurance in relation to any risk relating to the Shire's ownership or interest in the Complex and buildings owned by the Shire located on the Complex.

4.2 Shire responsible for Complex

The Shire will maintain the Complex and the Other Amenities in accordance with the Shire's maintenance standards.

4.3 Shire responsible for Outgoings

Subject to **clause 3.11**, the Shire agrees to be responsible for the Outgoings for the Complex.

4.4 Consider request for financial assistance

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

5. Management Committee

5.1 Establishment

If considered necessary by the Shire, the parties shall establish a Management Committee to advise and assist the Shire in the management of the Complex.

In the event a Management Committee is established the balance of Clause 5 of this Licence is to be used to establish and operate this Management Committee i.e.

5.2 Role of Committee

The parties acknowledge and agree that the role of the Management Committee is to make recommendations to the Shire in respect of the:

- (a) day-to-day management of the Complex;
- (b) development of the Complex;
- (c) the use of the Complex, including the grant of leases, licences and management agreements over parts of the Complex; and
- (d) rules and regulations in relation hire of the Licensed Area, the Complex and the Other Amenities.

5.3 Representatives

- (1) The parties agree that the Management Committee will be comprised of the following representatives:
 - (a) two councillors of the Shire, appointed by the Council of the Shire;
 - (b) two representatives from the Club appointed annually by the Club at its annual general meeting; and
 - (c) any other representative(s) from other user groups appointed pursuant to **clause 5.4**.
- (2) A Party may change its nominated Committee Member by written notice to the Shire.
- (3) The Chairperson of the Management Committee meetings will be one of the Shire's representatives.
- (4) The CEO (or a senior Shire officer as his or her proxy in the event they are unable to attend) will attend the meeting and perform the function of minute taker and advisor to the meeting.

5.4 Additional user groups

- (1) The parties acknowledge and agree that the Management Committee may from time to time by written notice to the other parties, appoint additional community groups to be a member of the Management Committee.
- (2) Upon a community group being appointed by the Management Committee pursuant to paragraph (1), that community group will be entitled to nominate up to two Committee Members.

5.5 Voting

Each Committee Member will have one vote.

5.6 Timing of Meeting

- (1) Meetings of the Management Committee must be held at least once annually, unless otherwise agreed by the Management Committee.
- (2) The Chairperson in consultation with the CEO will schedule and call meetings of the Management Committee.

5.7 Attendance

Each Party must use all reasonable endeavours to ensure that its Committee Member attends all meetings of the Management Committee.

5.8 Chairperson's obligations

The Chairperson is responsible for:

- (a) ensuring that minutes of all meetings of the Management Committee are kept;
- (b) arranging and co-ordinating minutes of the meetings;
- (c) providing notice of meetings to Committee Members; and
- (d) ensuring that reports are provided to the Shire and all other Management Committee members after each meeting.

5.9 Notice of meetings

A notice of meeting of the Management Committee:

- (a) must be given to each Committee Member of the parties at least 5 Business Days prior to the meeting;
- (b) must describe the business to be conducted at the meeting; and
- (c) In the case of an emergency (as determined by the Chairperson) the Chairperson may call an urgent meeting with prior notice being less than stipulated in clause 5.9(a).

5.10 Reporting

The Management Committee must report any decisions made by it to the Shire.

5.11 Decisions not binding on Shire

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

6. Default

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

7. Dispute Resolution

- (1) Any dispute between the Club and the Shire in regard to anything arising from the Licence or this agreement is to be addressed in the first instance by a meeting between representatives of the Club, appointed for that purpose, and the officer of the Shire responsible for administering the Complex.
- (2) If the dispute cannot be resolved, in a manner that is satisfactory to both parties through such a meeting, the Club agrees that the CEO of the Shire will have the power to make a final determination in resolution of the dispute, but only after giving due consideration to all of the matters discussed at the meeting referred to in paragraph (1) above and setting out in writing the reasons for his or her decision.
- (3) The Club may request the CEO consider the use of an independent arbitrator other than the CEO, which the CEO may take to the Shire for consideration if he/she consider this appropriate.

8. Acknowledgements

The Club acknowledges and agrees that:

- (a) it only has use of the Complex during the Agreed Hours and that other users of the Complex may be permitted to use the Complex;
- (b) the Club must book in advance its use of the Complex through the Shire's booking system;

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- (c) the Agreed Hours may for the use of the Complex be modified from time to time provided any proposed modification is agreed in advance with the Shire and recorded in the Shire's booking system;
- (d) this Licence will automatically terminate if the Shire tenure over the Complex is distinguished;
- (e) if the Licence is terminated in accordance pursuant to paragraph (d) above the Club will not be entitled to any form of compensation or damages as a result of the termination; and
- (f) the Club must not obstruct any person or other organisation from using the Complex;
- (g) if the Licence is terminated in accordance pursuant to paragraph (d) above the Club will be given 30 days (or an alternative period determined by the Shire) to remove buildings, structure, etc. from the Complex if requested to do so by the Shire.

9. General Provisions

9.1 Acts by Agents

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

9.2 Governing Law

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

9.3 Severance

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

9.4 Variation

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

9.5 Moratorium

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

9.6 Further Assurance

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

9.7 Interpretation

- (1) In this Licence, unless expressed to the contrary -

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

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

Schedule

Item 1 Licensed Area

- (i) Stadium (excluding the indoor Basketball Court area);
- (ii) Change Rooms;
- (iii) Dug Outs
- (iv) Oval and Oval Perimeter Fence;
- (v) Ticket Box
- (vi) Scoreboard
- (vii) Windsock & Structure

located at Lot 3/3320; Part of Lot 29 & Part of Lot 21 Chapman Valley Road, Nabawa, known as the Nabawa Recreation Centre Complex and generally labelled on the sketch annexed hereto as **Annexure 1**.

Item 2 Commencement Date

_____ 2016

Item 3 Term

20 years commencing on _____ 2016 and expiring on _____ 2036.

Item 4 Other Amenities

- (i) Community Centre;
- (ii) Indoor Basketball Court Area;
- (iii) Playground & Half Court;

Common Use Areas

All other area not listed as *Licensed Areas* or *Other Amenities* within the Complex area.

located at Lot 3/3320; Part of Lot 29 & Part of Lot 21 Chapman Valley Road, Nabawa, known as the Nabawa Recreation Centre Complex on the sketch annexed hereto as **Annexure 1**.

Item 5 Licence Fee

An annual fee set at a commencement amount of \$1,635.00 (GST Exclusive) to be review annually at the time Council considers its Budget for the forthcoming year.

Item 6 Permitted purpose

Pedestrian Recreational purposes and uses reasonably ancillary thereto only unless otherwise determined by the Shire.

Item 7 Licence Fee Review Dates

At least annually at the time Council considers its Budget for the forthcoming financial year.

Item 8 Agreed Hours

The Club may use the Licensed Areas and Common Use Areas generally in accordance with the requirements of this Licence by providing prior written notice of hours required.

The Other Amenities within the Complex can only be used at times agreed by the Shire in writing and booked through the Shire as required.

The Club may be required to use the Licenced Areas, Other Amenities and Common Use Areas generally within the Complex in common with other members of the public at times when the Complex Area is open to the public.

Signing page

EXECUTED

2016

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

President

Chief Executive Officer

THE COMMON SEAL of **Chapman Valley Football Club**

was hereunto affixed pursuant to the constitution of the Chapman Valley Football Club in the presence of each of the undersigned each of whom hereby declares by the execution of this document that he or she holds the office in the Chapman Valley Football Club indicated under his or her name-

Office Holder Signature

Name:

Address:

Office Held:

Office Holder Signature

Name:

Address:

Office Held:

G:\040 Governance\411 Council Documents\Agendas\Ordinary Meetings of Council\2017\6 - June 2017\CEO\10.3.5(a) - CVFC Football Club Management Licence - Nabawa Rec Ctr (June 2017).doc

Annexure 1 - Sketch of Licensed Area, Other Amenities & Common Use Areas



LICENCED AREAS

OTHER AMENITIES

(Note: unmarked areas are to be considered *Common Areas*)

Annexure 2 - Hire Conditions Management Procedures

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 Shire. An additional licence must be obtained from the Department of racing & Gaming 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 the Shire 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 Shire 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 the Shire 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 Shire 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. 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 Shire Chief Executive Officer has the authority to impose or waiver this charge on any hirer, regardless of whether alcohol is consumed or not.

DRAFT

Annexure 3 – Facilities Management Procedures

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 the Shire 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. The Shire to hand over buildings and facilities 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.

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

13.0 DELEGATES REPORTS

13.1 - Cr Warr attended the Chapman Valley Agricultural Society meeting.

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

Council close the meeting to the public at 10.57am for the following Agenda Items 15.1 and 15.2 in accordance with the Local Government Act, 1995 Section 5.23(2)(a) as it is considered matters affecting an employee.

Voting 6/0

CARRIED

Minute Reference 06/17-14

Mr Lancaster, Mrs Raymond and Mrs McKay left Chambers at 10.57am

15.1 Renewal of Contract – Building Surveyor/Project Officer

AGENDA ITEM:	15.1
SUBJECT:	RENEWAL OF CONTRACT – ANTHONY ABBOTT
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	908.90
PREVIOUS REFERENCE:	MINUTE REF: 10/12-20 & 07/14-6
AUTHOR:	MAURICE BATTILANA

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR MALUISH

Council:

1. Endorse the extension of the employment contract of Mr. Anthony Abbott to the position of Building Surveyor/Project Officer for the Shire of Chapman Valley for the period of five years commencing on the 28th November 2017 in accordance with section 5.37 and 5.39 of the *Local Government Act 1995* superseding previous contracts;
2. Endorse the following amendments to the employment contract:
 - a) Increase the hourly rate as to \$45.00 effective from the commencement of the new contract (i.e. 28th November 2017) and amend Clause 6.2 accordingly;
 - b) Amend Clause 6.1.4(d) to read as follows:

The Local Government must pay any liability with respect to fringe benefits tax incurred as a result of –

- (a) a payment of any component of the Remuneration Package;
- (b) a payment of any Additional Remuneration Benefits; or
- (c) a payment or reimbursement of expenses incurred by You in performing the Functions.

(Interpretation – “Functions” include the powers, duties, responsibilities and authorities that apply to the Position)

- c) Amend Clause 6.3 regarding use of the vehicle to the reflect the following:
- Restricted to the area within the South West Land Division bordered by Perth Metropolitan area to the South and Northampton Shire to the North;
 - Employee is to cover fuel costs for journeys to & from the Perth Metropolitan area;
 - Permitted private use during periods of Annual Leave, unless otherwise determined by the Chief Executive Officer. Employee is to cover all fuel costs for such use; and
 - No Private use of the vehicle during extended periods of other types of leave unless otherwise determined by the Chief Executive Officer. Employee is to cover all fuel costs for such use approved by the Chief Executive Officer.”
 -

Voting 3/3
CARRIED BY PRESIDENT’S CASTING VOTE
Minute Reference 06/17-15

Meeting adjourned at 11.36am

Councillors and Staff visited Nabawa weighbridge site during the adjournment.

Meeting reconvened at 12.52pm

15.2 Deferral of Long Service Leave

AGENDA ITEM:	15.2
SUBJECT:	DEFERRAL OF LONG SERVICE LEAVE
PROPONENT:	VARIOUS STAFF
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	VARIOUS PERSONAL FILES
PREVIOUS REFERENCE:	MINUTE REFERENCE 09/14-13
DATE:	21st JUNE 2017
AUTHOR:	MAURICE BATTILANA

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

1. Council agree, in accordance with the provisions of the Local Government (Long Service Leave) Regulations, the taking of Long Service Leave by the following staff being deferred for a period as determined by the CEO yet must be taken within twelve months from date of this resolutions:
 - ~ Marty Elks – Due 05/07/2014; and
 - ~ Trevor Jeffery – Due 13/02/2016 (Leave to be partially cleared by July/August 2017)
2. Council agree such leave, when taken, shall be paid at the applicable ordinary time rate (excluding allowances) as being paid to the employees at the commencement date for the clearance of the Long Service Leave by these employees.

Voting 6/0
CARRIED
Minute Reference 06/17-16

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

That the meeting be re-opened to the public at 1.04pm

**Voting 6/0
CARRIED
Minute Reference 06/17-17**

16.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and closed the meeting at 1.04pm.