



SHIRE OF

Chapman Valley

love the rural life!

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 20 September 2017
at the Shire Chambers Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

SEPTEMBER 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, faint, circular watermark or background mark.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

INDEX

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS
- 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER
- 3.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)
 - 3.1 APOLOGIES
 - 3.2 PREVIOUSLY APPROVED LEAVE OF ABSENCE
- 4.0 PUBLIC QUESTION TIME
 - 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
 - 4.2 PUBLIC QUESTION TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 DISCLOSURE OF INTEREST

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

Section 5.60A:

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

Section 5.60B:

*"a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."*

Regulation 34C (Impartiality):

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

Item No.	Member/Officers	Type of Interest	Nature of Interest

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
 - 7.1 PETITIONS
 - 7.2 PRESENTATIONS
 - 7.3 DEPUTATIONS

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council – 16 August 2017
(Previously provided under separate cover)

8.2 Special Meeting of Council – 29 August 2017
(Previously provided under separate cover)

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS PAGE NO.

10.1 MANAGER OF PLANNING 8

- 10.1.1 Proposed Outbuilding and Patio – T & M Kipling
- 10.1.2 Geraldton Outer Bypass / Oakajee Narngulu Infrastructure Corridor – B & H Wallace
- 10.1.3 Realignment of Naraling East-Yuna Road Intersections with Yuna-Tenindewa Road and Wheeldon Hosking Road

10.2 FINANCE 38

- 10.2.1 Financial Reports for August 2017

10.3 CHIEF EXECUTIVE OFFICER 41

- 10.3.1 Honour Awards
- 10.3.2 Council Meeting Dates 2018
- 10.3.3 Management Licence – Chapman Valley/Northampton Cricket Club
- 10.3.4 Community Growth Fund - Applications

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

13.0 DELEGATES REPORTS

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

- 15.1 CEO Performance Appraisal

16.0 CLOSURE

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 Pauline Forrester	North East Ward
Cr Peter Humphrey	South West Ward
Cr Ian Maluish	South West Ward
Cr Trevor Royce	North East Ward
Cr Kirrilee Warr	North East 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 9.05am)

c. Visitors

Name	
Bernie Wallace	Item 10.1.2

Apologies

Name	

3.2 Previously Approved Leave of Absence

Name	

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
10.3.4	Cr Maluish	Impartiality Interest	Member of the Parkfalls Residents Association
10.3.4	Cr Warr	Impartiality Interest	Secretary of the Yuna Primary School P & C who have submitted a Community Growth Fund application
15.1	Maurice Battilana	Financial Interest	Employee contract and remuneration package

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 16 August 2017

That the minutes of the Ordinary Meeting of Council held Wednesday 16 August 2017 be confirmed as a true and accurate record.

**Voting 7/0
CARRIED**

Minute Reference: 09/17-1

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

8.2 Special Meeting of Council held on Wednesday 29 August 2017

That the minutes of the Special Meeting of Council held Wednesday 29 August 2017 be confirmed as a true and accurate record.

**Voting 7/0
CARRIED**

Minute Reference: 09/17-2

9.0 ITEMS TO BE DEALT WITH EN BLOC

Nil

10.0 OFFICERS REPORTS

10.1

Manager of Planning

September 2017

Contents

10.1 AGENDA ITEMS

- 10.1.1 Proposed Outbuilding and Patio – T & M Kipling
- 10.1.2 Geraldton Outer Bypass / Oakajee Narngulu Infrastructure Corridor – B & H Wallace
- 10.1.3 Realignment of Naraling East-Yuna Road Intersections with Yuna-Tenindewa Road and Wheeldon Hosking Road

AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED OUTBUILDING AND PATIO
PROPONENT:	SHORELINE OUTDOOR WORLD FOR T & M KIPLING
SITE:	5 (LOT 120) DUNE VISTA, BULLER
FILE REFERENCE:	A1886
PREVIOUS REFERENCE:	N/A
DATE:	7 SEPTEMBER 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1	Submitted site, elevation and floor plans	√	

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to construct an outbuilding and patio upon 5 (Lot 120) Dune Vista View, Buller that exceeds the delegated authority of Shire staff in relation to the proposed outbuilding height and patio setback. The application has been advertised for comment and no objections were received. This report recommends approval of the application.

COMMENT

Lot 120 is a 4,002m² property located on the eastern side of Dune Vista in the Wokarena Heights subdivision. The property slopes downwards from the 50m contour in the rear, north-eastern corner to the 45m contour in the front, south-western corner.

The applicant is seeking approval to construct a patio to the south of their residence, and an outbuilding to the south-east of their residence. A copy of the submitted site, elevation and floor plans have been included as **Attachment 10.1.1**.

Figure 10.1.1(a) - Location Plan for 5 (Lot 120) Dune Vista, Buller



Figure 10.1.1(b) – Aerial Photograph of 5 (Lot 120) Dune Vista, Buller



The applicant is seeking approval for a shed with a wall height of 4.3m and a total height of 5m (at the roof apex). The outbuilding would be set in cut earthworks to provide a level building pad. The cut works at the shed's north-eastern corner would result in its floor level being 0.6m below natural ground level, and 0.5m below natural ground level in its south-eastern corner, resulting in a wall height of 3.8m as measured from natural ground level in the south-eastern corner, and a gable height of 4.45m as measured from natural ground level on its eastern elevation.

The floor level of the shed would be 0.3m below natural ground level in its north-western corner, and the shed would be situated at ground level in its south-western corner, resulting in a wall height of 4.3m in the south-western corner, and a gable height of 4.85m, as measured from natural ground level at its western elevation.

The Shire 'Outbuildings' Local Planning Policy establishes that the maximum outbuilding height in the Wokarena Heights (R2.5 zone) subdivision under which Shire staff may approve an application is for a 3.5m wall height and 4.5m overall height, as measured from natural ground level. Given that the proposed outbuilding would exceed the maximum wall height under which staff may approve the application under delegated authority by 0.8m at its south-western corner, and the maximum total height by 0.35m at its western gable, it has been presented to Council for its deliberation.

The outbuilding is also proposed to be sited 4.7m from the side (southern) boundary at its closest point (with the setback distance increasing to 5m as the boundary line angles away from the shed). Council has generally been accepting of sheds at a setback of 5m from the side boundary in the Wokarena Heights subdivision, and this application proposes only minor variation to this. It is noted that Council has approved an outbuilding with a lesser 2m side boundary setback previously in the Wokarena Heights subdivision, at 5 (Lot 129) Heights View, Buller at its 20 July 2016 meeting.

The application also seeks to erect a patio connecting the shed to the residence, and it is proposed to be setback 5m from the side (southern) boundary at its closest point. The state-wide Residential Design Codes of Western Australia ('R-Codes') recommends a side boundary setback of 7.5m for residences, including outdoor living areas, in the R2.5 zone, and this aspect of the application also exceeds the delegated authority of Shire staff and is required to be presented to Council for its deliberation.

In support of their application the landowner has advised as follows:

*"The shed is to be positioned, cut in and flush to patio and house for a wind break to back yard and privacy.
I am after the extra height to store a goose neck caravan and large boat for security reasons and keep out of public eye to maintain tidy street appearance.
The western peak and south west corner are affected by the height policy. The rear and northern ends are under or on natural ground level for height policy.
I feel where the shed will be positioned, it will blend in with our house and patio height etc.
I have positioned pvc pipe at the correct heights and levels for neighbours to view."*

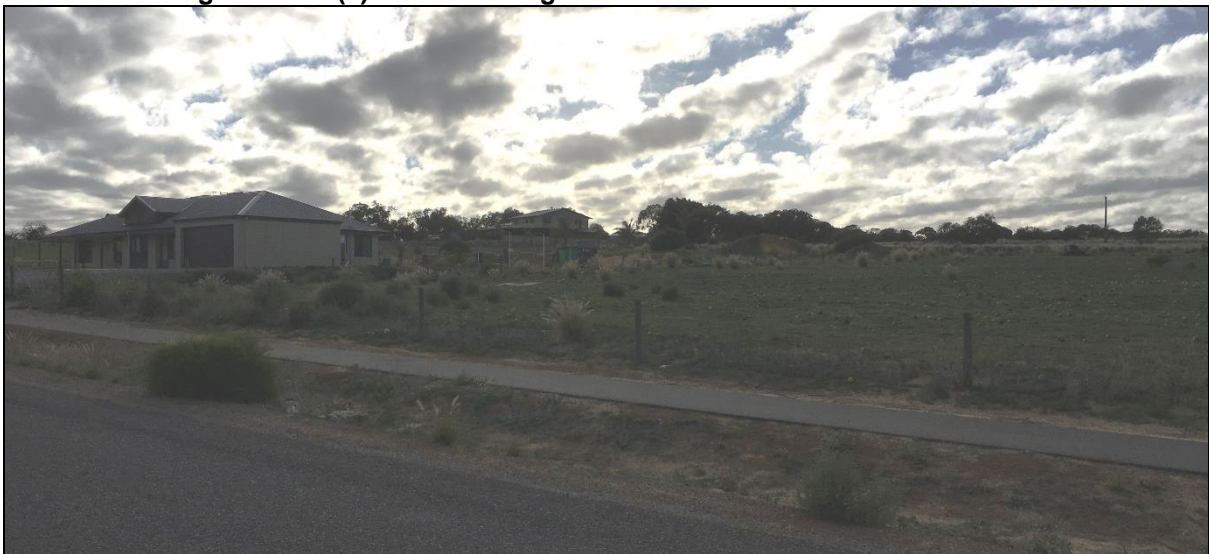
Figure 10.1.1(c) – View looking north from Hilltop Loop across to Lot 120



Figure 10.1.1(d) - View looking east along southern boundary of Lot 120



Figure 10.1.1(e) - View looking north-east from Dune Vista at Lot 120



STATUTORY ENVIRONMENT

5 (Lot 120) Dune Vista, Buller is zoned 'Residential R2.5' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The application has been brought before Council for its consideration as it exceeds the delegated authority of Shire staff in relation to its policy requirements pertaining to outbuilding height and R-Code requirements pertaining to boundary setbacks.

The applicant is seeking to site the patio 5m from their side/southern boundary at its closest point. Section 5.4.1.C1.1.i and Table 1 of the R-Codes recommends that the minimum setback for the patio (R2.5 zone) should be 7.5m.

The front gabled section of the patio, to the south of the existing garage, is likely to serve a role more as a carport than a patio. However, given that this section would be raised up to 500mm above natural ground level to achieve the same finished floor level as the residence, it has been assessed as a patio/outdoor living area as it has the potential to serve this function also. The R-Codes considers that an outdoor living area has an impact equal to, and usually greater than those of indoor living areas and hence ought to be treated similarly in terms of setting back from boundaries. Section 5.4.1.C1.1(i) of the R-Codes recommends a 7.5m boundary setback in such an instance.

Council might consider that this portion of the patio (or indeed the entire southern elevation of the patio) should be subject to requirement that it have visual screening to protect the visual privacy of the neighbouring landowner to the south. However it might also be considered that the built form for this area, with its open 'rural' fencing, existing boundary setbacks, and commonplace outlooks to the west and south-west to take advantage of the coastal and city views is established, and the proposed development would be in keeping with this.

Section 4.2.1 of the Explanatory Guidelines for the R-Codes make the following relevant observations:

“Exceptions to basic setback provisions

Consideration of setbacks should have regard to the natural ground level, shape, development and orientation of adjoining lots.

A reduction to the R-Codes deemed-to-comply setback requirements should only be considered where it can be demonstrated this is preferable for practical or aesthetic reasons, and will not be to the detriment of the amenity of adjoining properties, particularly where the reduced setback may result in increased overshadowing, overlooking or lack of privacy.

In these situations the building design would need to address the design principles of clause 5.1.3.”

Section 4.2.1 of the Scheme lists the objectives of the 'Residential' zone as being:

- “(a) Provide for residential development to meet the needs of a range of household types; and*
- (b) Provide for other land-uses compatible with a high level of residential amenity.”*

Section 5.2 of the Scheme notes the following:

“Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform with the provisions of those Codes.”

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

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

- ...(y) any relevant submissions received on the application;...
- ...(za) any other planning consideration the local government considers relevant.”

The applicant has sought to be mindful of the surrounding landowners' views by siting the development within cut earthworks at the same finished floor level as their residence. The proposed patio and outbuilding would be matching colours to the existing residence and of a lower total height than the pitch of the existing residence.

Section 4.4 of the Explanatory Guidelines of the R-Codes gives some consideration to how the issue of views might be managed in residential zoned areas:

“Obtaining and keeping views is a significant issue, particularly where a locality’s housing values place a premium on an outlook or featured landscape views.

Because views are an important part of the amenity shared and enjoyed by many people in certain areas, a proponent should take into account the desirability of protecting those views enjoyed by neighbours, and the public to the extent that it is possible to design the dwelling to enjoy the view, but not to the exclusion or detriment of others.

While the R-Codes cannot guarantee the protection of views, the decision maker may exercise a degree of control by primary and secondary street setbacks and height controls enhanced by local planning policies as permitted under clause 7.3.1 of the R-Codes. Alternatively the decision-maker may consider the development of local planning policies or local development plans which target the protection of views. This approach would identify views ahead of potential development and may require visual assessment and reliance on technical opinion rather than advertisement for public comment and objections to specific proposal(s).”

POLICY IMPLICATIONS

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

The Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ has the following objectives:

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

The outbuilding proposed for 5 (Lot 120) Dune Vista, Buller, would be 0.8m in excess of the maximum outbuilding wall height policy requirement in its south-western corner, and 0.35m in excess of the maximum total height at its western gable. Due to the outbuilding being proposed to be set in an area of cut earthworks, it would comply with the policy requirements for much of its eastern elevation, despite the outbuilding possessing a 5m gable height which is 0.5m in excess of the maximum total outbuilding height, as the policy allows for the height to be measured from natural ground level.

The proposed outbuilding area of 133.43m² would comply with the 180m² maximum outbuilding area established by the policy for the R2.5 zone.

The proposed outbuilding would be sited 4.7m-5m from the southern side boundary, and the R-Codes recommend a 7.5m side boundary setback for the R2.5 zone. Section 4.9(b) of the Outbuildings Local Planning Policy states that:

“For ‘Residential’ lots zoned R2.5 and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope.”

However, it is noted that Council has generally set a 5m side boundary setback requirement for outbuildings in its R2.5 zone (e.g. the Wokarena Heights area and the 9 lots backing onto Bill Hemsley Park) as this is consistent with the 5m side boundary setback permitted for the much larger lots in its rural-residential areas.

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

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting. It is not considered that the determination of this application by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

- **Strategic Community Plan:**

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

CONSULTATION

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

Section 5.5 of the Scheme and Section 4.1 of the R-Codes also note that when considering an application for planning approval, where, in the opinion of the local government, the variation is likely to affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government may consult with the affected parties, and have regard to any expressed views prior to making its determination.

The Shire wrote to the 10 landowners surrounding Lot 120 on 11 August 2017 providing details of the application and inviting comment upon the proposal prior to 4 September 2017, a sign was also erected on-site to advise of the received application and the opportunity for comment. At the conclusion of the advertising period no objections had been received.

RISK ASSESMENT

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

VOTING REQUIREMENTS

Simple majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

That Council grant formal planning approval for an outbuilding and patio upon 5 (Lot 120) Dune Vista View, Buller subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 20 September 2017 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.

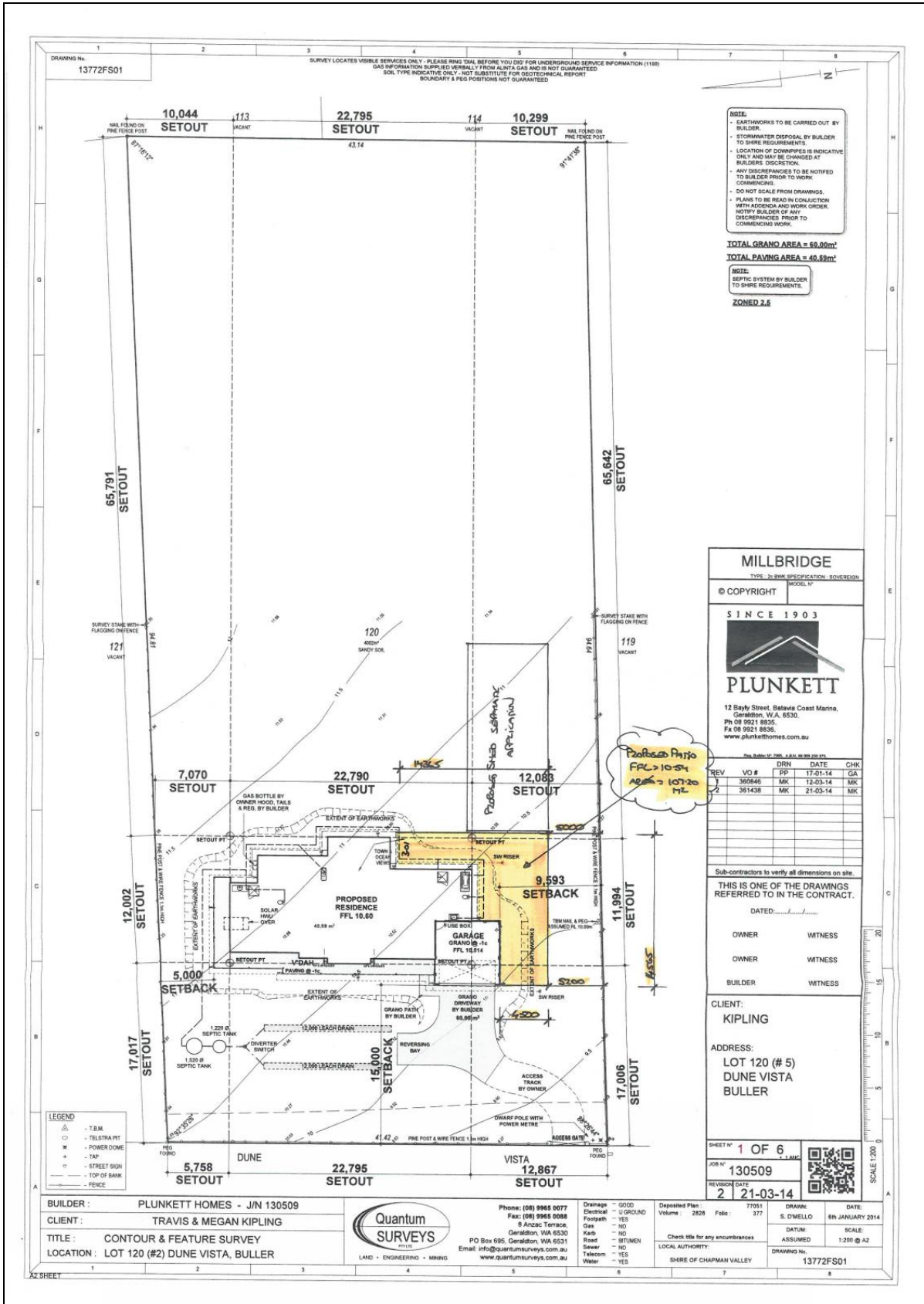
- 2 Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and planning approval for that use/addition.
- 3 The materials used for the patio and outbuilding are to be consistent or complementary in colour to the main residence, and to a finish, to the approval of the local government.
- 4 Stormwater runoff is to be managed on-site to the approval of the local government.
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 6 This approval is valid for a period of two (2) years from the date of approval and will deemed to have lapsed if the development has not substantially commenced before the expiration of this period.

Advice Notes:

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

Voting 7/0
CARRIED
Minute Reference: 09/17-3

ATTACHMENT 10.1.1



- NOTE:**
- EARTHWORKS TO BE CARRIED OUT BY BUILDER.
 - STORMWATER DISPOSAL BY BUILDER TO SHIRE REQUIREMENTS.
 - LOCATION OF DOWNPIPS IS INDICATIVE ONLY AND MAY BE CHANGED AT BUILDER'S DISCRETION.
 - ANY DISCREPANCIES TO BE NOTIFIED TO BUILDER PRIOR TO WORK COMMENCING.
 - DO NOT SCALE FROM DRAWINGS.
 - PLANS TO BE READ IN CONJUNCTION WITH ADDENDA AND WORK ORDER. NOTIFY BUILDER OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK.

TOTAL GRASS AREA = 60.00m²
 TOTAL PAVING AREA = 40.69m²

NOTE:
 SEPTIC SYSTEM BY BUILDER TO SHIRE REQUIREMENTS.
ZONED 2.6

MILLBRIDGE
 TYPE: 2U BWM SPECIFICATION: SOVEREIGN
 © COPYRIGHT MODEL N°
SINCE 1903
PLUNKETT
 12 Bayly Street, Bateau Coast Marina,
 Geraldton, W.A. 6530.
 Ph 08 9521 8830.
 Fx 08 9521 8836.
 www.plunketthomes.com.au

REV	VO #	DRN	DATE	CHK
1	305646	PP	17-01-14	GA
2	361438	MK	21-03-14	MK

Sub-contractors to verify all dimensions on site.
 THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.
 DATED:.....
 OWNER: _____ WITNESS: _____
 OWNER: _____ WITNESS: _____
 BUILDER: _____ WITNESS: _____

CLIENT:
KIPLING
 ADDRESS:
**LOT 120 (#5)
 DUNE VISTA
 BULLER**

SHEET N° **1 OF 6**
 JOB N° **130509**
 REVISION DATE **21-03-14**



- LEGEND**
- T.B.M.
 - TELETRA PNT
 - POWER DOME
 - TAP
 - STREET SIGN
 - TOP OF BANK
 - FENCE

BUILDER: **PLUNKETT HOMES - J/N 130509**
 CLIENT: **TRAVIS & MEGAN KIPLING**
 TITLE: **CONTOUR & FEATURE SURVEY**
 LOCATION: **LOT 120 (#2) DUNE VISTA, BULLER**



Phone: (08) 9565 0077
 Fax: (08) 9565 0088
 8 Ancas Terrace,
 Geraldton, WA 6530
 PO Box 695, Geraldton, WA 6531
 Email: info@quantumsurveys.com.au
 www.quantumsurveys.com.au

- Drainage: GOOD
 Electrical: U GROUND
 Footpath: YES
 Gas: NO
 Kerb: NO
 Sewer: YES
 Telecom: YES
 Water: YES

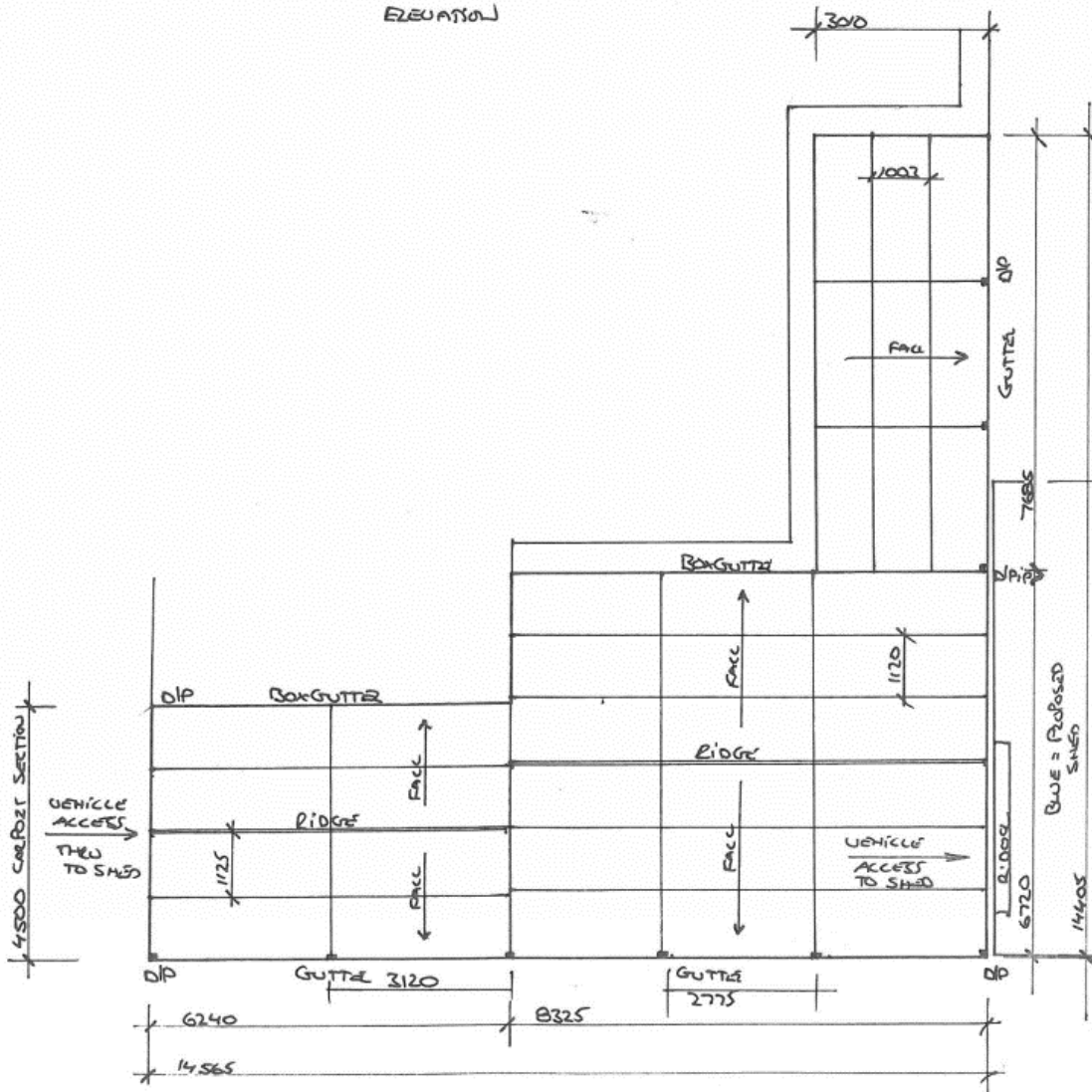
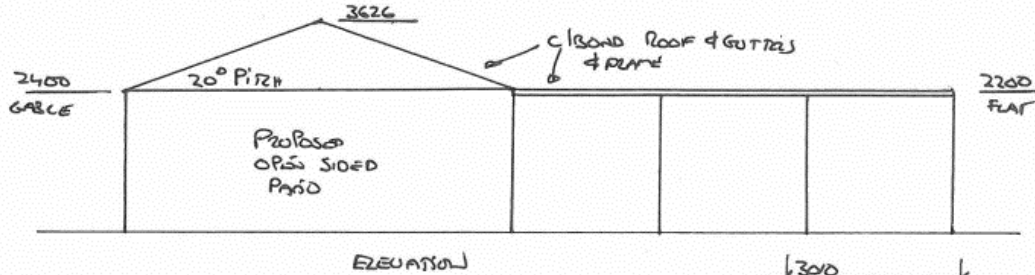
Deposited Plan: 77051
 Volume: 2826
 Folio: 377
 Check title for any encumbrances
 LOCAL AUTHORITY: SHIRE OF CHAPMAN VALLEY

DATE: 6th JANUARY 2014
 DRAWN: S. O'NEILL
 SCALE: 1:200 @ A2
 DRAWING N°: 13772FS01

Shoreline Out Door World
 66 Flores Road , Geraldton . WA 6530
 PO Box 3223 , Bluff Point , Geraldton WA
 Tel. 99644447 Fax 99217119
 leon@shorelineodw.com.au

Owner - TRAVIS & MEGAN KIRLING
 Address - #5 LOT 120 DUNE VIEW WAKARINA
 Proposed - Paris
 Scale 1: 100
 Block M2 area - 4002 m²

All storm water run off is to be directed away from footings and boundaries by the owner



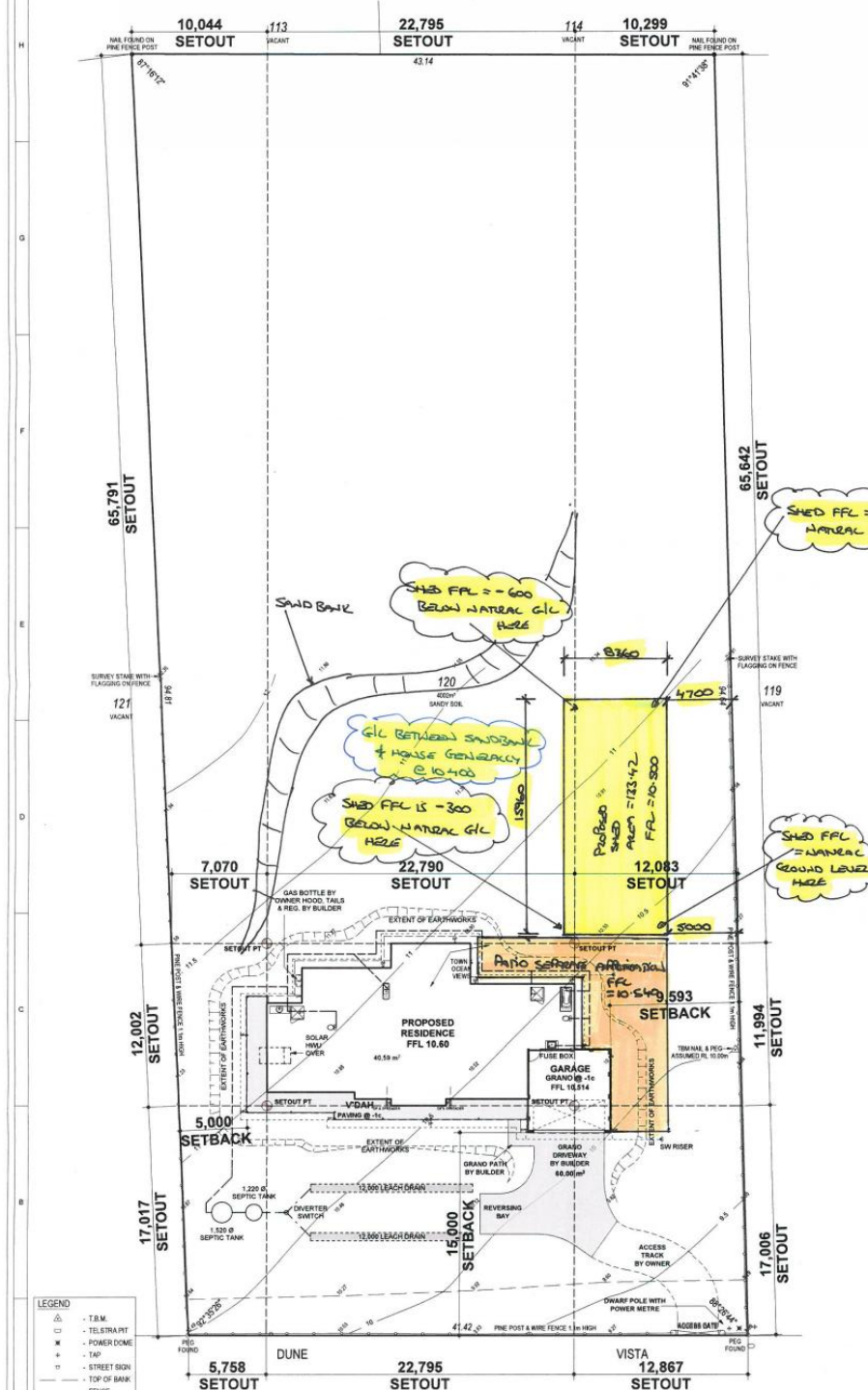
DRAWING No. 13772FS01

SURVEY LOCATES VISIBLE SERVICES ONLY - PLEASE RING DIAL BEFORE YOU DIG FOR UNDERGROUND SERVICE INFORMATION (1100)
 GAS INFORMATION SUPPLIED VERTICALLY FROM ALPHA GAS AND IS NOT GUARANTEED
 SOIL TYPE INDICATIVE ONLY - NOT SUBSTITUTE FOR GEOTECHNICAL REPORT
 BOUNDARY & PEG POSITIONS NOT GUARANTEED

NOTE:
 - EARTHWORKS TO BE CARRIED OUT BY BUILDER
 - STORMWATER DISPOSAL BY BUILDER TO SHIRE REQUIREMENTS
 - LOCATION OF DOWNPIPES IS INDICATIVE ONLY AND MAY BE CHANGED AT BUILDERS DISCRETION
 - ANY DISCREPANCIES TO BE NOTIFIED TO BUILDER PRIOR TO WORK COMMENCING
 - DO NOT SCALE FROM DRAWINGS
 - PLANS TO BE READ IN CONJUNCTION WITH ADDRESS AND WORK ORDER. NOTIFY BUILDER OF ANY DISCREPANCIES PRIOR TO COMMENCING WORK.

TOTAL GRASS AREA = 80.00m²
TOTAL PAVING AREA = 40.68m²

NOTE:
 SEPTIC SYSTEM BY BUILDER TO SHIRE REQUIREMENTS.
ZONED Z.8



MILLBRIDGE
 TYPE: 20 BAY SPECIFICATION, SOVEREIGN
 © COPYRIGHT MODEL N°
SINCE 1903
PLUNKETT
 12 Bayly Street, Batavia Coast Marina,
 Geraldton, W.A. 8530.
 Ph 08 9921 8835.
 Fx 08 9921 8836.
 www.plunkett.com.au

REV	VO #	PP	DATE	CHK
1	380846	MK	17-01-14	GA
2	381438	MK	21-03-14	MK

Sub-contractors to verify all dimensions on site
 THIS IS ONE OF THE DRAWINGS REFERRED TO IN THE CONTRACT.
 DATED.....
 OWNER: WITNESS
 OWNER: WITNESS
 BUILDER: WITNESS
 CLIENT: KIPLING
 ADDRESS: LOT 120 (# 5) DUNE VISTA BULLER
 SHEET 1 OF 6
 JOB NO: 130509
 REVISION DATE: 21-03-14

BUILDER: PLUNKETT HOMES - J/N 130509
 CLIENT: TRAVIS & MEGAN KIPLING
 TITLE: CONTOUR & FEATURE SURVEY
 LOCATION: LOT 120 (#2) DUNE VISTA, BULLER



Phone: (08) 9965 0077
 Fax: (08) 9965 0088
 8 Anzac Terrace,
 Geraldton, WA 8530
 PO Box 695, Geraldton, WA 8531
 Email: info@quantumsurveys.com.au
 www.quantumsurveys.com.au

Drainage - GOOD
 Electrical Footpath - U-GROUND
 Gas - NO
 Kable - NO
 Road - SETBACK
 Sewer - YES
 Telecom - YES
 Water - YES

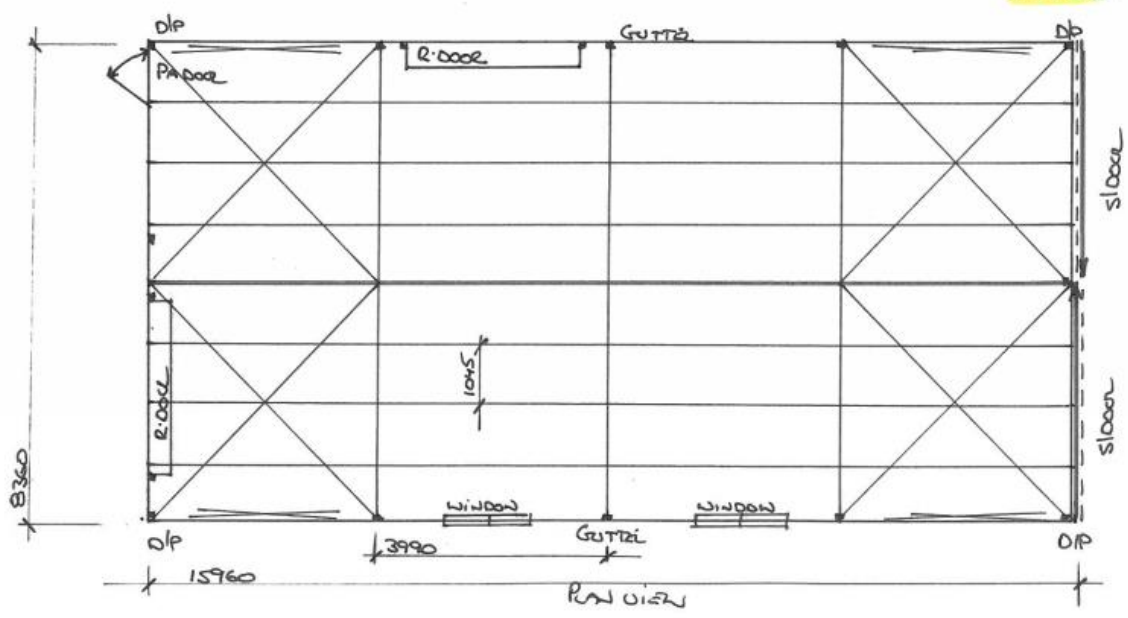
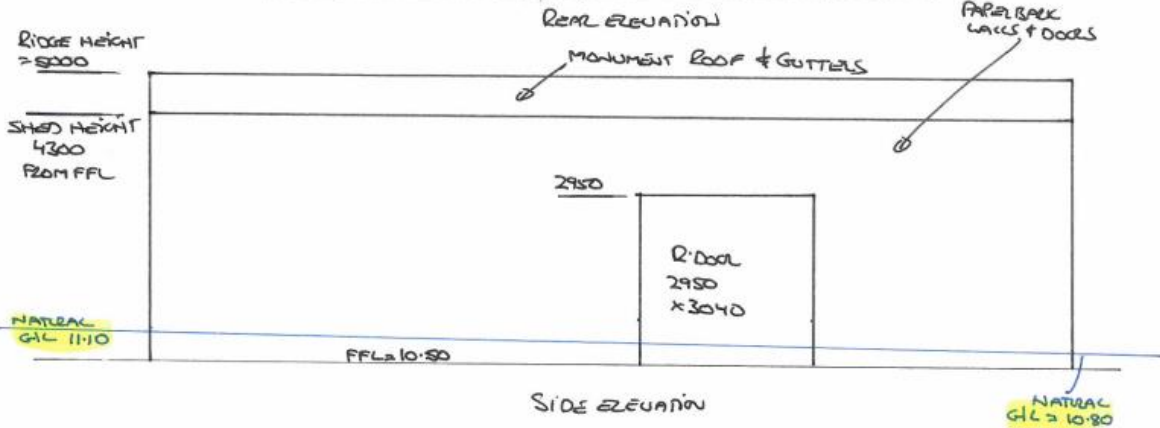
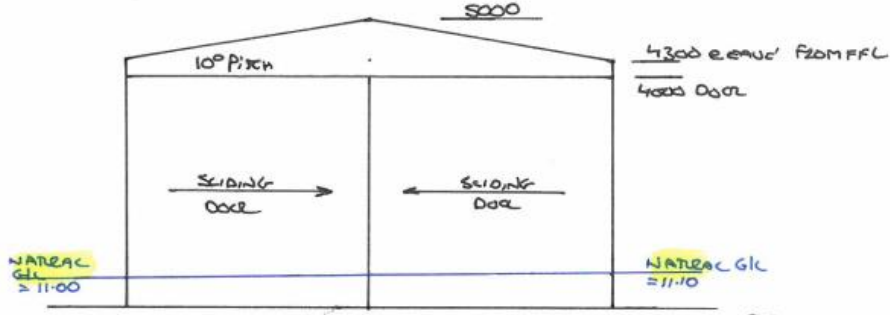
Deposited Plan: 77551
 Volume: 2828
 Folio: 377
 Check site for any encumbrances
 LOCAL AUTHORITY: SHIRE OF CHAPMAN VALLEY

DRAWN: S. D'CELLO
 DATE: 6th JANUARY 2014
 SCALE: 1:200 @ A2
 DRAWING No: 13772FS01

Shoreline Out Door World
 66 Flores Road , Geraldton . WA 6530
 PO Box 3223 , Bluff Point , Geraldton WA
 Tel. 99644447 Fax 99217119
 leon@shorelineodw.com.au

Owner - TRAVIS & MEGAN KIPRING
 Address - #5 LOT 120 DUNEVIEW WOKARINA
 Proposed - SHED
 Scale 1:100
 Block M2 area - 4002 m²

All storm water run off is to be directed away from footings and boundaries by the owner



Mrs Raymond entered Chambers at 9.05am

AGENDA ITEM:	10.1.2
SUBJECT:	GERALDTON OUTER BYPASS / OAKAJEE NARNGULU INFRASTRUCTURE CORRIDOR
PROPONENT:	B & H WALLACE
SITE:	LOT 2462 WHITE PEAK ROAD, WHITE PEAK
FILE REFERENCE:	A104 & 204.16.07
PREVIOUS REFERENCE:	03/14-3, 09/15-10, 10/15-2 & 3
DATE:	7 SEPTEMBER 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.2(a)	Oakajee Narngulu Infrastructure Corridor alignment	√	
10.1.2(b)	Dongara to Northampton Corridor alignment options (northern section)	√	
10.1.2(c)	Proposed Land Exchange Map – Lot 2462 White Peak Road	√	

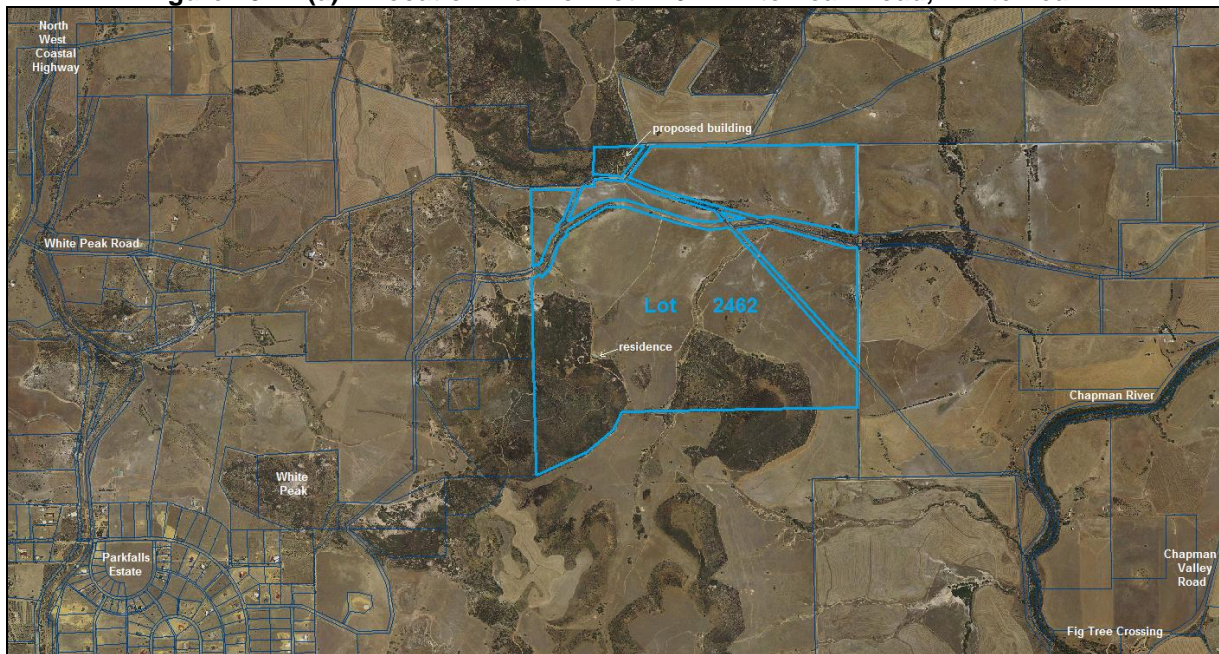
DISCLOSURE OF INTEREST

Nil

BACKGROUND

The landowner of Lot 2462 White Peak Road has approached the Shire seeking its assistance in resolving the issue of the Geraldton Outer Bypass / Oakajee Narngulu Infrastructure Corridor ('ONIC') alignment which runs through their property. This report recommends that Council formally raise the landowner's plight with the Minister for Transport, Planning and Lands as it is considered that they have reasonable hardship grounds to be considered for state acquisition of the alignment. The report also notes that there is the ability to reduce the cost to the state through entering into a land exchange with the landowners of Lot 2462.

Figure 10.1.2(a) – Location Plan for Lot 2462 White Peak Road, White Peak



COMMENT

426 (Lot 2462) White Peak Road is a 339.143ha property located at the eastern end of the constructed portion of White Peak Road that is owned by Bernie & Heather Wallace.

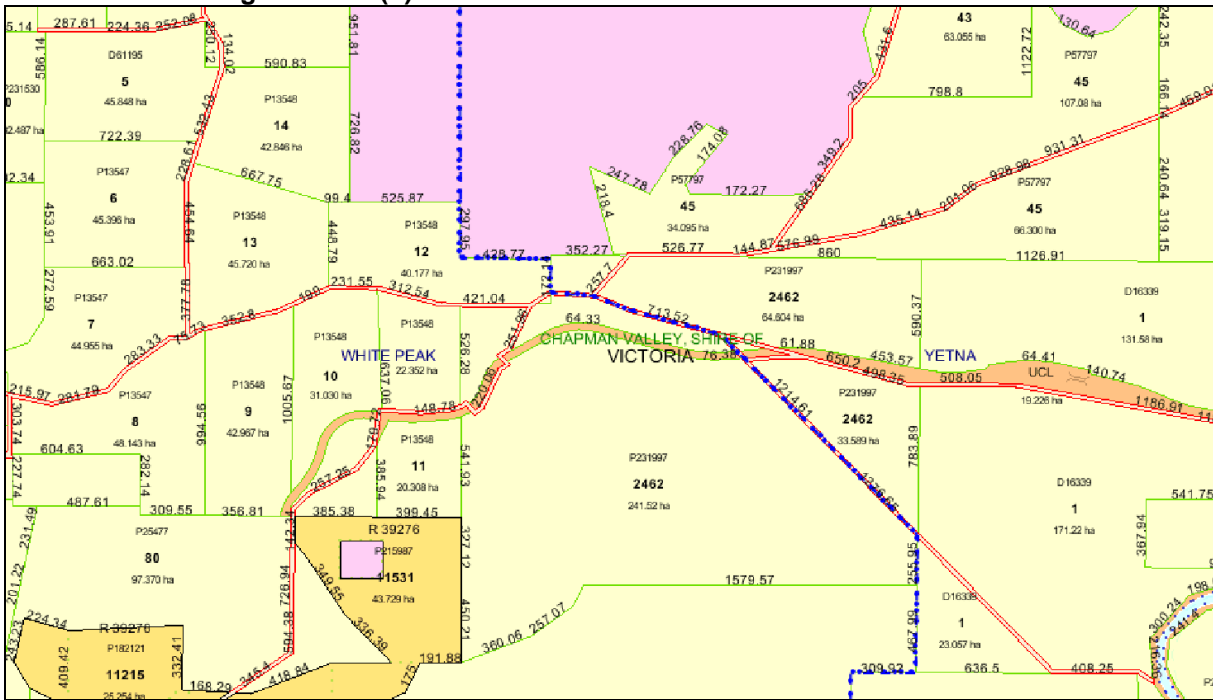
Lot 2462 contains a 2.1km long (46.11ha) section of the Geraldton Outer Bypass/ONIC alignment.

The landowner of Lot 2462 White Peak Road has approached the Shire to express their hardship circumstances, with the size of the property (and its deemed worth) impacting their retirement options and their preference which is to remain living in their home upon Lot 2462. Due to the Geraldton Outer Bypass/ONIC running through the property this has also impacted their ability to rezone/subdivide their land that may have assisted them in their addressing their asset rich/income poor position.

The burden of having the Geraldton Outer Bypass/ONIC over the land also limits their ability to obtain a reasonable sale price should they consider selling Lot 2462, as it currently has a proposed state corridor over it, that has no timeframe as to when it will be bought by the state, no indication on what a purchase price might be, and no indication on which state government agency or which process might be responsible for the acquisition process.

It is considered that this is an unfair position for the landowner to be held in, and one that Council may wish to explore whether it can provide some level of assistance to its ratepayer.

Figure 10.1.2(b) – Cadastre Plan for Lot 2462 White Peak Road



ONIC Background Information

The ONIC is the final land acquisition component (with the Oakajee Industrial Estate and buffer having now been acquired by the state government) of the broader Oakajee Mid West Development Project which is coordinated by the Department of State Development ('DSD'), with the aim to establish an integrated port and industrial estate at Oakajee; supporting rail and infrastructure corridors to facilitate the development of the resources sector in the Mid West; and ensure the long-term prosperity of the region.

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

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

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

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

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

The development of strategic level industry at the Oakajee Industrial Estate is dependent on a range of macro-economic factors and DSD have advised that there is currently not sufficient demand to support the development of a port at Oakajee, and it is not clear when these circumstances might change. OPR/Mitsubishi is not advancing any proposal for port, rail or mining in the Mid West, and no longer holds any right to develop port/rail infrastructure at Oakajee. Further if circumstances were to change and mining projects advance in the region it is not certain that the port would develop in the same manner as planned by OPR.

The acquisition and construction of the ONIC may encourage strategic industrial projects that do not require deep water port access to establish at the Oakajee site, rather than be lost to the Mid West region due to the Narngulu Industrial Estate being constrained by its cumulative emissions modelling. Further general/lighter industrial uses might consider the Oakajee Industrial Estate a viable location were the ONIC to be in place and providing suitable road and power servicing.

A map illustrating the ONIC alignment is provided as **Attachment 10.1.2(a)**.

Geraldton Outer Bypass Background Information

However, the greatest driver of relevancy at the present for the ONIC is its role as the Geraldton Outer Bypass alignment, which is seeking to establish an alignment that will enable triple road-trains to travel south from their current termination point at Carnarvon to continue through to north of Perth. The united position of the 4 local governments is for the ONIC to be formally identified as the Dongara to Northampton Corridor Alignment. This position is understood to be shared by DSD and LandCorp who recognise that the Geraldton Outer Bypass along the ONIC would also benefit the Oakajee Industrial Estate as it then has potential to be attractive to significant logistics/transport/industrial uses.

The securing of the Geraldton Outer Bypass/ONIC across Lot 2462 would not only benefit the effected landowner but also provide another crucial step in achieving the Geraldton Outer Bypass link through the Wokatherra Gap between the existing North West Coastal Highway and Morrell Road (noting that the alignment west of Lot 2462 is already under state ownership through LandCorp).

Further background on the 4 local government’s reasons for supporting the ONIC alignment, as the Geraldton Outer Bypass route, is provided in the Strategic Implications section of this report.

It should also be noted that in addition to the wider strategic supporting reasons, the Council’s stance in relation to the Dongara to Northampton Corridor Alignment seeks to avoid another 12 of its ratepayers/landowners (or another 15 lots) being dragged into the same limbo that the landowners of Lot 2462 have been stuck in for decades. This number does not include those landowners within the other local government areas that are directly effected by the other alignments favoured by the Mid West Development Commission and Main Roads WA (and opposed by the 4 local governments) nor the landowners within the Shire of Chapman Valley many of whom are zoned Rural Smallholding immediately abutting, and therefore indirectly impacted by, the opposed alignments.

A map illustrating the Dongara to Northampton Corridor alignment options (northern section) is provided as **Attachment 10.1.2(b)**.

Proposed Land Exchange and Acquisition

There is the ability for the state to offset the cost of purchasing the 46.11ha Geraldton Outer Bypass/ONIC alignment in Lot 2462 by in return providing to the landowner 14.88ha of unrequired Crown Land that runs across Lot 2462 (this Crown Land being unconstructed and unrequired local road reserves that are south of the ONIC that are within Lot 2462, and the former Yuna rail reserve which would be superseded by the east-west ONIC acquisition).

Providing the landowner of Lot 2462 with 14.88ha of Crown Land for amalgamation into their property would reduce the valuation area for which the state would need to reimburse the landowner to 31.23ha. This exchange would enable the state to acquire the 46.11ha Geraldton Outer Bypass/ONIC land area for the reduced valuation amount of 31.23ha and also dispose of surplus-to-requirements Crown Land. This exchange would also then enable the landowner of Lot 2462 to have greater certainty over their future by having the Geraldton Outer Bypass/ONIC become a finite, cadastral entity that has been formally excised from their property.

A map illustrating the potential land exchange is provided as **Attachment 10.1.2(c)**.

The state acquisition of land for road alignments is ultimately overseen by the Minister for Transport and Planning, whilst the disposal of Crown Land, and the ability to include the disposal in a land exchange, is ultimately overseen by the Minister for Lands. Given that, following a state government departmental restructure post-election. All of these portfolios now fall under the same Minister it is hoped that there may be the ability to progress the suggested land exchange and acquisition.

Figure 10.1.2(c) – View of Geraldton Outer Bypass/ONIC alignment through Wokatherra Gap looking south-east across Lot 2462 from White Peak Road



STATUTORY ENVIRONMENT

Lot 2462 White Peak Road, White Peak is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme') and also lies within the 'Moresby Ranges Landscape Protection Special Control Area' zone.

Section 1.6 'Aims of the Scheme' lists the following aim considered to be of relevance to this application:

- "(i) Provide for the orderly and proper development of the Oakajee Industrial Estate, including the establishment of supporting infrastructure such as port facilities, roads and railways, and electricity, gas and water supplies, and the protection of the Buffer from incompatible development."*

POLICY IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 16.190 'Development adjacent to the proposed Oakajee to Tallering Peak and Oakajee to Narngulu Rail Corridors' seeks to prevent incompatible development in vicinity to the ONIC. The policy has the following objectives and policy requirements:

Objective

- 3.1 *To prevent incompatible development adjoining the proposed Oakajee to Tallering Peak and Oakajee to Narngulu rail corridors and protect future residents from adverse noise and vibration impacts as a result of train movements on any future railway.*

Policy Statement

- 4.1 *Applications for planning consent on land adjacent to the Oakajee to Tallering Peak and Oakajee to Narngulu rail corridors shall not be determined by Council until such time as advice has been received from the Environmental Protection Authority, Department of Planning, and the Department of State Development. Council shall refuse any such application should any of those agencies object to the proposal; and the objectors agree to cover all compensation costs resulting from Council's refusal of the application.*
- 4.2 *This policy shall affect any application for a habitable building within 250m of the centre line of the railway (this distance is based on the 65dB(A) Noise Contour Line) and any application for a non-habitable building within 150m of the centre line of the railway (this distance is based on the 75dB(A) Noise Contour Line).*
- 4.3 *For the purposes of this policy, the centre line of the railway corridors shall be as defined in the alignment definition study prepared by the Department of Planning and in the recommendation report prepared by the Environmental Protection Authority."*

FINANCIAL IMPLICATIONS

The 2015 State Budget included an allocation of \$10.3 million to commence compulsory land acquisition for the ONIC, and DSD supported by Main Roads WA were to be the lead agencies in this process, this budget allocation was later withdrawn.

Main Roads WA have previously advised there are opportunities to fund land acquisition where a hardship case can be built and it is suggested that Council should lobby for this avenue to be used by the state to purchase the Geraldton Outer Bypass/ONIC alignment relevant to Lot 2462.

It is also suggested that there is the ability for the state to offset the cost of purchasing the 46.11ha Geraldton Outer Bypass/ONIC alignment from the landowner of Lot 2462 by entering into a land exchange that in return provides to the landowner 14.88ha of unrequired Crown Land that runs across Lot 2462.

• **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting, Section 1 of the Plan 'The Challenges We Face' notes that:

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

STRATEGIC IMPLICATIONS

In 2015 Main Roads WA released the draft Dongara to Northampton Corridor Alignment Selection Study that considered a range of alignment options to enable triple road-trains to travel south from their current termination point at Carnarvon to continue through to north of Perth. A map of the northern section alignment options is provided as **Attachments 10.1.2(b)**.

The 4 local governments through which the alignment options run (being the Shire of Chapman Valley, Shire of Northampton, City of Greater Geraldton and Shire of Irwin) are united in their support for the following

- support the Option 6 alignment i.e. the Oakajee Narngulu Infrastructure Corridor.
- consider that the Northampton Bypass is crucial, and should be an immediate priority.
- Option 1 should not be supported.

- raise the importance of a timely and fair land acquisition process
- immediate attention should be given to the upgrading of the Webberton Road and Hosken Street intersections with the highway.

Whilst this is an alignment definition study, it must be understood that whichever option is ultimately selected, the upshot of the study will be to draw a line on a map, and this will impact upon landowners who should not be left in limbo, and should be treated fairly and quickly through an immediately following land acquisition process.

The Shire of Chapman Valley has previously expressed its disappointment that its specific request, prior to the advertising period being commenced, that the consultation maps be improved to colour the east-west portion of the ONIC purple to clearly indicate this was the Option 6 alignment had not been acted upon. The Shire considers that the consultation maps made available to the public gave the impression that Option 6 was the 'do nothing' option of leaving heavy traffic to run through Geraldton along the current alignment of the North West Coastal and Brand Highways, and the continuation of the current safety issues. This potential for confusion needs to be recognised if community feedback is to be cited as a reason for Option 4 or 5 being promoted.

It is understood that the DSD and LandCorp share the concerns of the local governments relating to Options 4 & 5 that propose to bypass the Oakajee Industrial Estate.

The Shire recognises the importance of this project and the urgency with which it should be pursued, emphasising that this should not be viewed simply as a Mid West project but that it is a linkage in a state freight network, and it is a state issue that must be resolved to enable 53.5m road trains to travel south of Carnarvon through to Muchea/north of Perth. However, it is considered that Option 6 is the best outcome to achieve this.

Option 6

As a summary, the Shire of Chapman Valley's stance in relation to Option 6 has been reached based on the following:

- would impact on fewer landowners;
- impacts upon a lesser area of remnant vegetation (noting also that Options 4 & 5 run through two Conservation Nature Reserves);
- impacts upon fewer watercourses and tributaries;
- utilises existing road reserve where possible;
- less expensive to acquire;
- argument that Option 6 would be significantly more expensive to construct has not been provided;
- Option 6 is not significantly longer (possibly 5km at most);
- the majority of the Option 6 alignment between the Wokatherra Gap and the North West Coastal Highway has already been acquired by the State Government for the purposes of the Oakajee Industrial Estate Buffer;
- in the event that widening for additional passing lanes or dual carriageway is required for the alignment, a significant 10km section of Option 6 (from White Peak Road to Coronation Beach Road) is already under State Government ownership;
- the acquisition and construction of either Option 4 or 5 would not preclude the need for Option 6 to still be acquired and constructed to provide linkage between the Oakajee Port and Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines and the wider heavy vehicle and rail network;
- Option 6 can form part of a staged construction of the overall corridor which has more immediate cost and traffic flow advantages, Options 4 & 5 would not provide any linkage until constructed in their entirety as they are new alignments;
- Option 6 can resolve heavy vehicle traffic issues within Geraldton in a more timely manner than Options 4 & 5;
- Acquisition of Option 6 as part of this project has the accompanying benefit of providing greater certainty to potential investment and development in the Oakajee Industrial Estate which is currently isolated from rail, road and service corridors;
- Option 6 is along a general alignment that has been identified in planning documents since the 1970's and landowners who have purchased in vicinity of the alignment since that time would be expected to have given regard for this, Options 4 & 5 have not been previously suggested;
- Option 6 provides an improved means for residents of the inland and coastal sections of the Chapman Valley community to interact, Options 4 & 5 do not serve this function;
- Option 6/ONIC represents the final major piece of state acquisition for the Oakajee Mid West Development Project, with the overall aim being to establish an integrated port and industrial estate at Oakajee; supporting rail and infrastructure corridors to facilitate the development of the resources sector in the Mid West; and ensure the long-term prosperity of the region. Ensuring that the Dongara to Northampton Corridor alignment replicates the ONIC alignment is essential for the Oakajee Mid West Development Project. Without certainty and security over access into the Oakajee Port and Industrial Estate then the previous land acquisitions of

the Oakajee Industrial Estate and buffer area are isolated and unworkable, and private enterprise is unable to access the site which can lead to further incidents such as the socially divisive and unsuccessful application for Mining Tenement Miscellaneous Licence (for the purpose of transporting minerals) as previously lodged by Karara Mining Ltd;

- Option 6 would also provide a strategic linkage for the Oakajee Port and Industrial Estate to the Narngulu Industrial Estate, Geraldton Port, iron ore mines to the south-east and north-east of Geraldton, and the wider heavy vehicle and rail network, and without it the Oakajee Industrial Estate is considered unlikely to develop to any significant level in the near future. Further to this, strategic industrial projects that do not require rail or port access could be encouraged to establish at the Oakajee site, rather than be lost to the Mid West region due to the Narngulu Industrial Estate being constrained by its cumulative emissions modelling. It might also be considered that logistics, transport, regional waste and general industrial uses might consider the Oakajee Industrial Estate as a viable location were Option 6/ONIC to be in place and providing suitable road connection;
- the acquisition of Option 6/ONIC at the earliest possible stage will remove uncertainty for both landowners and private enterprise, as well as potential cost savings to the State Government. The acquisition of Option 6/ONIC will also remove statutory planning (in regards to development application assessment) and financial issues (in defending development decisions) for Local Government whereby landowners of private land may seek to lodge applications for development upon the alignment.

• **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 considered that the issue of the Geraldton Outer Bypass/ONIC ties in with the following Community Objectives of the Strategic Community Plan.

Objective	Strategy	Outcome	Partners
We need good services to support our development as a Shire	Promote and contribute to increased mobile phone coverage and improve power, road and water services	Essential services help us to grow and prosper as a community	Federal government State government Industry Community Shire

It is also considered that by taking up the issue of one of its community that Council would be meeting the following Leadership Objective of its Strategic Community Plan:

Objective	Strategy	Outcome	Partners
We want a representation and governance model that reflects our community's unique attributes	The President and Councillors to be representative of the community and provide strong leadership	Community confidence and trust in council	Community Shire

CONSULTATION

The landowner of Lot 2462 has written to the Shire on 16 August 2017 advising that:

*"We like the idea of removing the old railway reserve and proposed road reserve from our title and including this area into the ONIC section.
The only problem from our point of view is that our only water supply is situated on the North side of the ONIC.
Outlining our situation at the moment, we are living on the farm lease of \$20000 per year and drawing on our Super Fund for the remaining living costs.
Our Super Fund is rather small and will run out in the future, we will be unable to receive the Pension because the value of the property is worth more than the maximum required.
With the ONIC hanging over our title we will find it difficult to sell or subdivide our property.
It seems we could have a house valued at the value of the farm and still receive a pension, but not a house on a farm.
We would love to remain in our house, and subdivide the remaining area to enable us to continue to provide a self funded retirement."*

The Shire thanks the Minister for Transport, Planning and Lands, the Hon Rita Saffioti MLA, for the opportunity to meet on 24 August 2017. The meeting provided a productive opportunity for the Shire to raise directly with the Minister its views relating to a number of items including the Geraldton Outer Bypass/Dongara to Northampton Alignment Study. The issue of a potential land exchange regarding Lot 2462 was also raised for discussion.

Should Council consider that it wishes to support the landowner of Lot 2462 it could now write formally to the Minister seeking consideration on the merits of a land exchange that would resolve both the landowner's and the state's interests pertaining to Lot 2462. This action would be consistent with Council's previous 14 October 2015 resolution in relation to this issue, which was as follows:

“That Council write to the Department of State Development seeking the state government's commencement of land acquisition discussions with the landowner of Lot 2462 White Peak Road, White Peak for the section of the Oakajee-Narngulu Infrastructure Corridor relevant to this property (noting that there is a significant land area of potentially unrequired/surplus Crown Land across Lot 2462 arising from unconstructed road reserves and the now dismantled Geraldton-Yuna rail reserve that could potentially be included as a land exchange offset in any ONIC land acquisition discussions).”

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 HUMPHREY

That Council write to the Minister for Transport, Planning and Lands seeking the state government's consideration of entering into land acquisition discussions with the landowner of Lot 2462 White Peak Road, White Peak for the 46.11ha section of the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor that runs across this property. It is also suggested that there is the ability for the state to offset the cost of purchasing the 46.11ha alignment by entering into a land exchange that in return provides to the landowner 14.88ha of unrequired Crown Land that runs across Lot 2462 (this Crown Land being unconstructed and unrequired local road reserves that are south of the Geraldton Outer Bypass/ONIC that are within Lot 2462, and the former Yuna rail reserve which would be superseded by the east-west Geraldton Outer Bypass/ONIC acquisition).

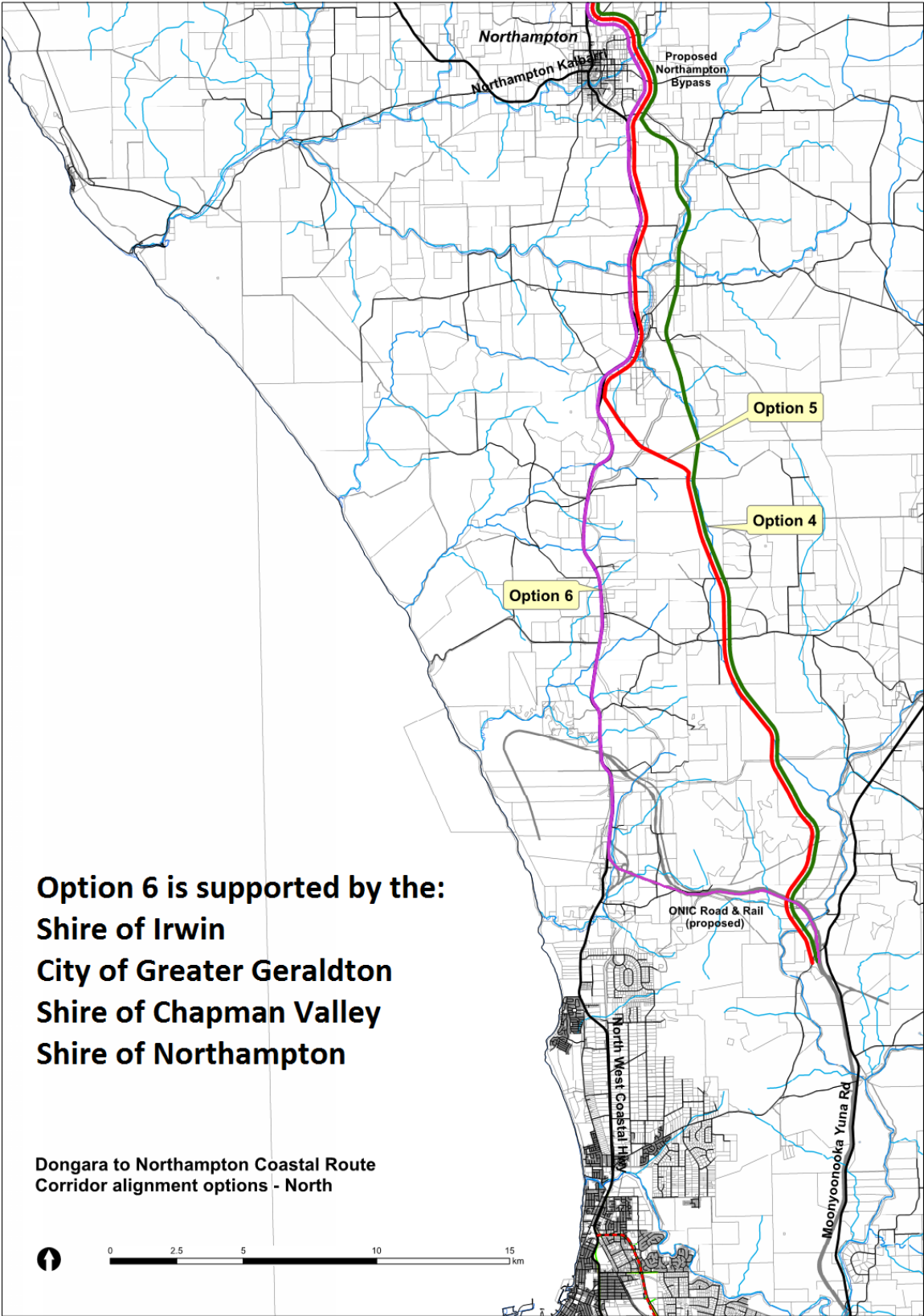
Voting 7/0

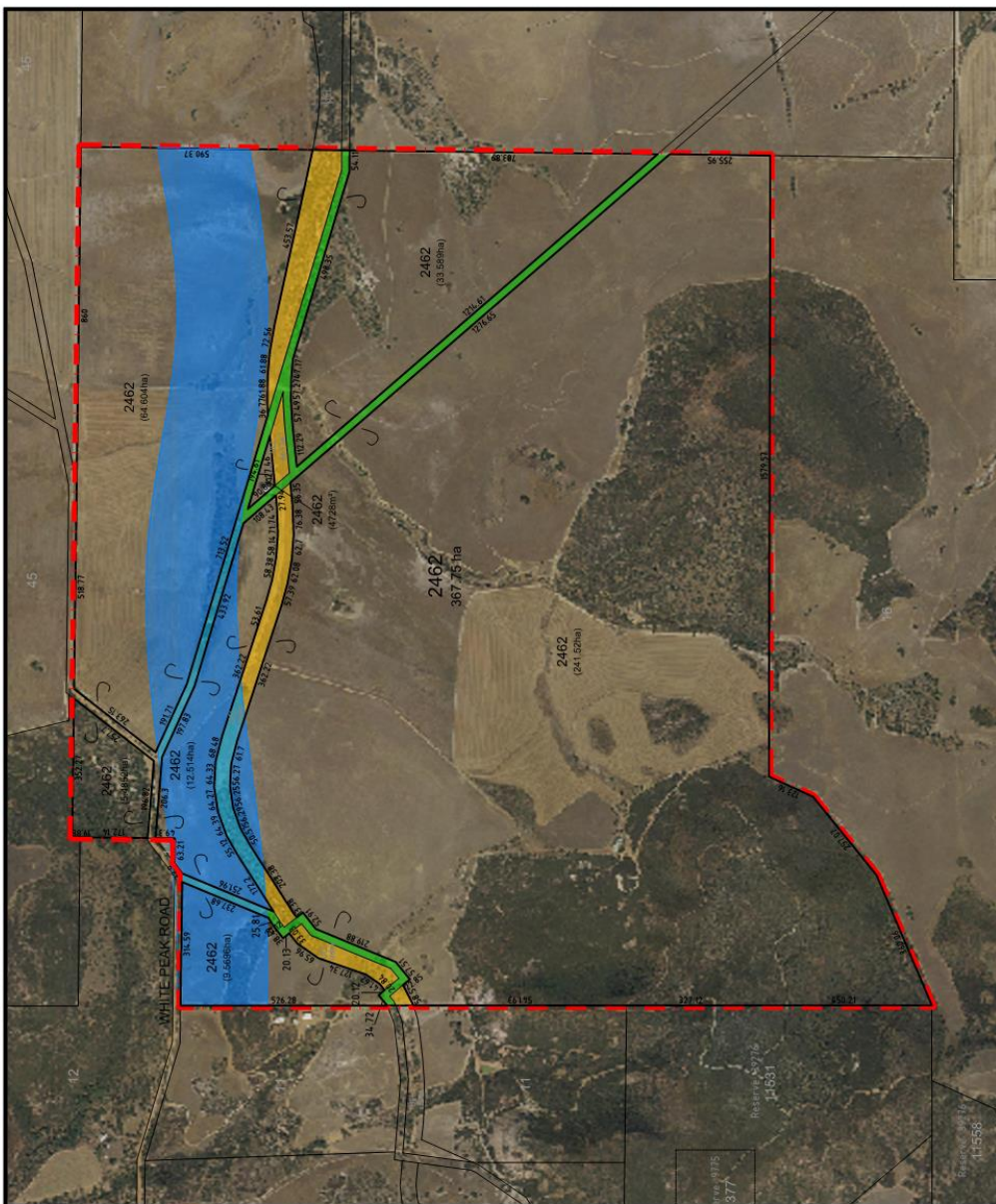
CARRIED

Minute Reference: 09/17-4

Attachment 10.1.2(a)







LAND AREA CALCULATIONS	
LOT	TOTAL AREA
LOT 2462	367.75 ha
FORMER RAIL ALIGNMENT (UCL)	10.58 ha
UNFORMED ROAD RESERVE	8.08 ha
ONIC ALIGNMENT (PORTION AFFECTING LOT 2462)	46.11ha
AREA OF UNFORMED ROAD RESERVE AND RAIL WITHIN ONIC	3.78ha
AREA OUTSIDE ONIC	
LOT 2462	321.64 ha
FORMER RAIL ALIGNMENT (UCL)	8.57 ha
UNFORMED ROAD RESERVE	6.31 ha

- SUBJECT LAND BOUNDARY
- DRAFT ONIC ALIGNMENT
- ROAD AND RAIL WITHIN ONIC
- FORMER RAIL ALIGNMENT OUTSIDE ONIC
- UNFORMED ROAD OUTSIDE ONIC

NOTES

1. PLAN FOR DISCUSSION PURPOSES ONLY. No liability will be accepted where plan is used for purposes other than that indicated.
2. ONIC alignment depicted as indicated on Draft ONIC Land Owners Consultation plan and is indicative only.
3. Final dimensions and areas subject to agreement.
4. Resultant areas subject to detailed survey.
5. This plan is prepared using information provided by Landgate. The data extracted from Geospatial Databases is intended for informational purposes only.
6. Aerial image derived from Landgate - 2016

LANDWEST
URBAN AND RURAL PLANNING CONSULTANTS

8 Arzac Terrace Geraldton WA 6530
PO BOX 1597 Geraldton WA 6531
Email : info@landwest.net.au
Phone : (08) 9965 0550

TITLE: LOT 2462 ON PLAN 231997
WHITE PEAK ROAD
WHITE PEAK / YETNA

CLIENT: SHIRE OF CHAPMAN VALLEY
on behalf of W & H WALLACE

CERTIFICATE OF TITLES(S): 2602 / 223

DATE LAST MODIFIED: 04/07/2017

SCALE: 1:10 000 @A3

DESIGNED: GMB
DRAWN: DSH
REV. DATE: APPROVED: 17165-A

*This plan remains the property of Landwest and must not be used for any purpose other than that which it was prepared for or in relation to the same duty described. Landwest accepts no responsibility for any losses or damages caused to any persons who may use the information for purposes for which it was not intended.

AGENDA ITEM:	10.1.3
SUBJECT:	REALIGNMENT OF NARALING EAST-YUNA ROAD INTERSECTIONS WITH YUNA-TENINDEWA ROAD AND WHEELDON HOSKING ROAD
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOT 7481 NARALING EAST-YUNA ROAD, EAST YUNA
FILE REFERENCE:	1001.860, 1001.1300 & A865
PREVIOUS REFERENCE:	N/A
DATE:	5 SEPTEMBER 2017
AUTHOR:	SIMON LANCASTER

SUPPORTING DOCUMENT:

Ref	Title	Attached to Report	Under Separate Cover
10.1.3(a)	Preliminary intersection realignment designs	√	
10.1.3(b)	DP412631	√	

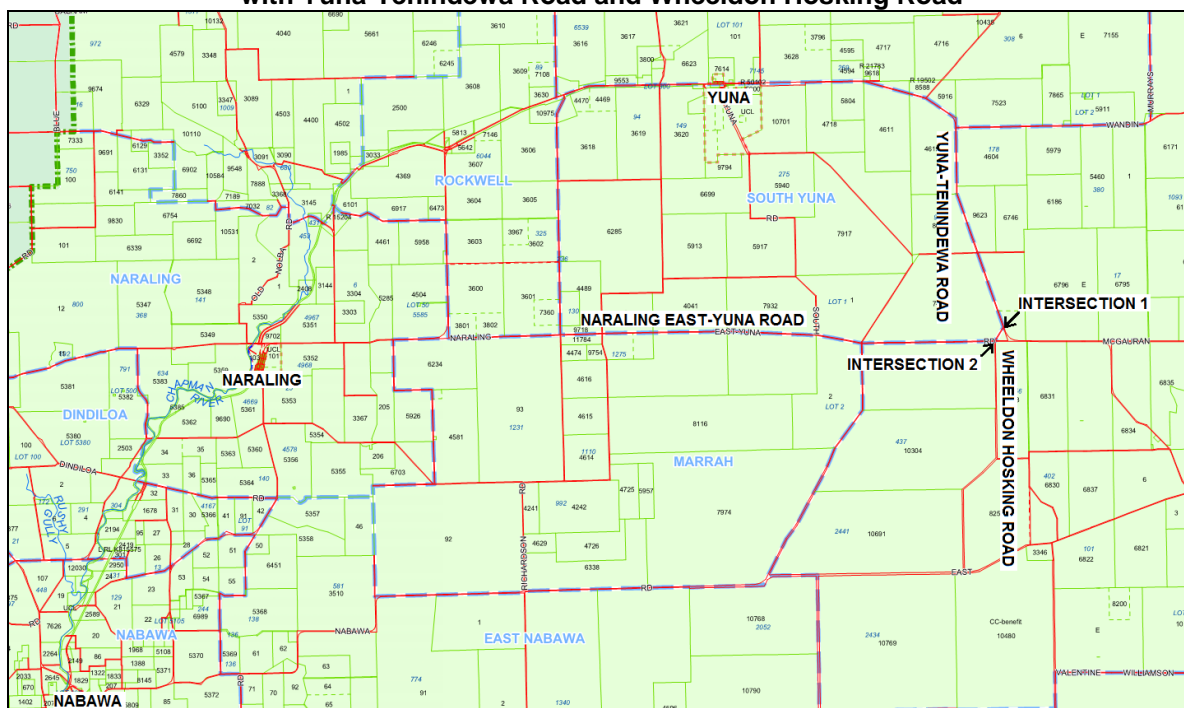
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire was successful in its Black Spot funding nomination for the realignment of the Naraling East-Yuna Road to create safer intersections with the Yuna-Tenindewa Road and Wheeldon Hosking Road. The on-ground works have now been completed and a Council resolution is required to finalise the road dedication process. This report recommends that Council request the Department of Lands to complete the Naraling East-Yuna Road and Wheeldon Hosking Road widening actions and provide the necessary indemnification.

Figure 10.1.3(a) – Location Plan for Naraling East-Yuna Road intersections with Yuna-Tenindewa Road and Wheeldon Hosking Road



COMMENT

The Naraling East-Yuna Road required realignment so that it intersected with Yuna-Tenindewa Road at a safer angle. This road realignment also required the Naraling East-Yuna Road intersection with Wheeldon Hosking Road to be realigned to assist vehicle safety. A copy of the intersection redesign plans have been included as **Attachment 10.1.3(a)** to this report, to provide further background.

The road realignment required an area of 2.1321ha, comprising 2 separate areas of 2.0976ha and 345m², to be excised from Lot 7481 and amalgamated into the road reserves of Naraling East-Yuna Road and Wheeldon Hosking Road respectively.

Figure 10.1.3(b) – View looking north-east of realigned Wheeldon Hosking Road intersection with Naraling East-Yuna Road



Figure 10.1.3(c) – View of realigned Naraling East-Yuna Road looking south-west from Yuna-Tenindewa Road intersection



The on-ground road construction works commenced in March 2017 and are now completed. The Shire engaged a surveyor to prepare a Deposited Plan of Survey ('DP') to identify the land area for inclusion within the road reserve, a copy of which has been included as **Attachment 10.1.3(b)** to this report.

Council is now required to make a dedicating resolution for the road widening in order for this matter to be progressed with the Department of Lands.

STATUTORY ENVIRONMENT

Section 56 of the *Land Administration Act 1997* allows for the dedication of land for road purposes.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The services of a licensed surveyor were required to prepare DP412631 and final conveyancing will require the engagement of a settlement agent to complete the amendment of the landowner’s title details (from the 1,959.1ha Lot 7481 to the 1,956.8209ha Lot 11) and the Black Spot funding and/or Account 7052 – Surveying and Land Expenses will be utilised for this cost.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was endorsed by Council at its 19 July 2017 meeting, Section 1 of the Plan ‘The Challenges We Face’ notes that:

“The road network is the Shire’s biggest asset and transport the main priorities. Maintaining and upgrading the road network is important to the community.”

STRATEGIC IMPLICATIONS

The intersections of Naraling East-Yuna Road with Yuna-Tenindewa Road and Wheeldon Hosking Road are located within Precinct No.1-Yuna East of the Shire of Chapman Valley Local Planning Strategy (2008), and the proposed road widening action is in accordance with the following common precinct infrastructure objectives:

“Identify, support & facilitate the efficient and co-ordinated use of existing road linkages.”

- **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 ongoing commitment of Council to maintaining and improving its road network meets with the following Community Objectives of the Strategic Community Plan.

Objective	Strategy	Outcome	Partners
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	State government Industry Community Shire
	Promote and contribute to increased mobile phone coverage and improve power, road and water services	Essential services help us to grow and prosper as a community	Federal government State government Industry Community Shire

CONSULTATION

Shire staff met on-site with the landowner of Lot 7481 Naraling East-Yuna Road (Mt Terrence Williamson) and subsequently wrote to the landowner on 29 February 2016, 14 March 2016 and 23 December 2016 seeking their support, updating them on this project, and affirming that the Shire would accept all costs in relation to this road realignment process including any road construction, surveying, fencing and settlement costs.

RISK ASSESSMENT

The realignment of Naraling East-Yuna Road has been identified by the Shire’s consultant engineer (Greenfields Technical Services) and the funding provider (Main Roads WA) as required to improve safety.

Rating 4 (Major) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

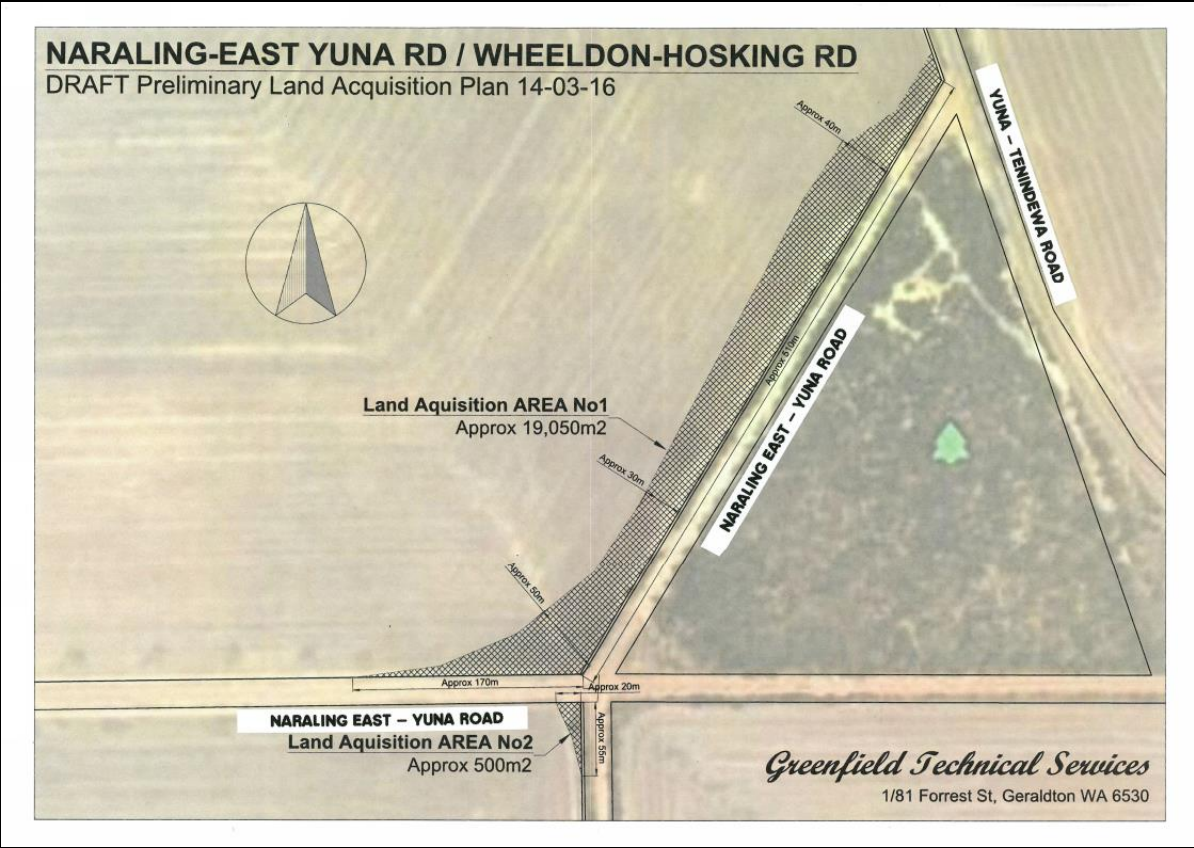
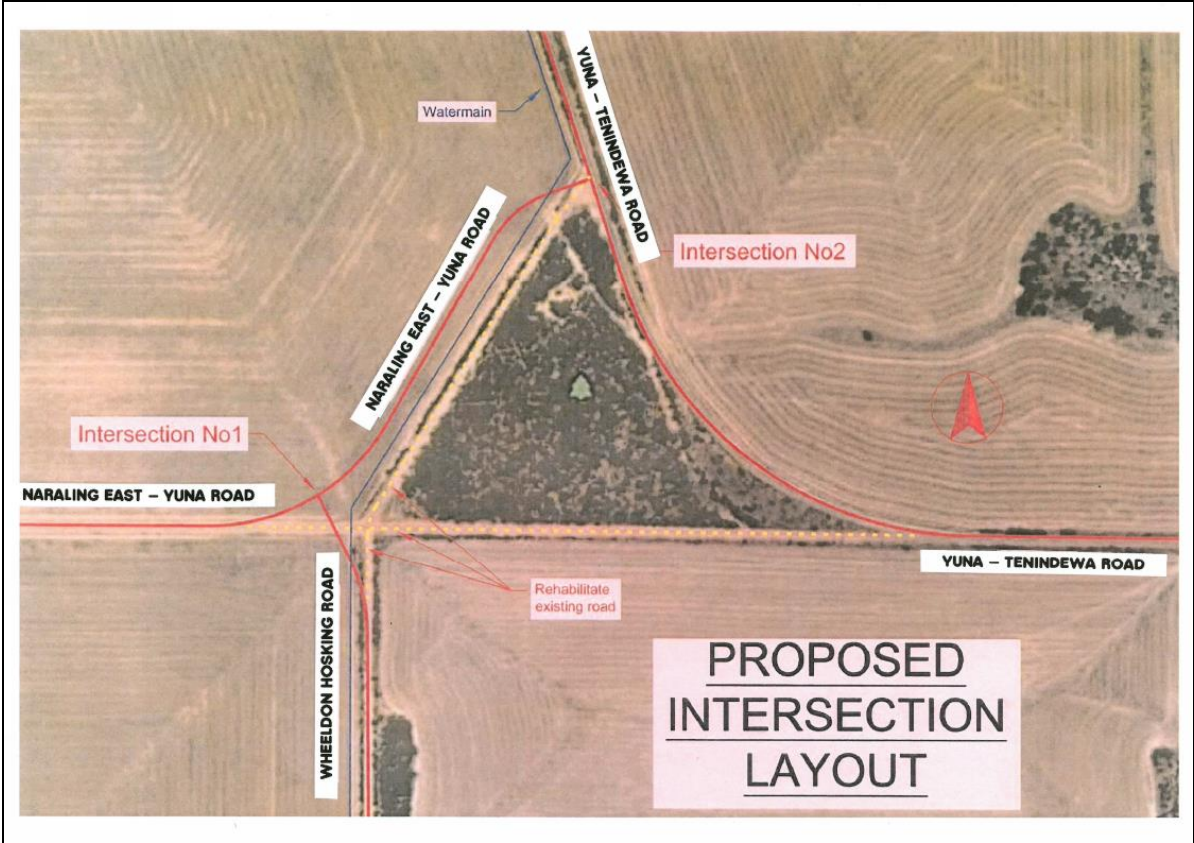
SECONDED: CR WARR

That Council resolve to:

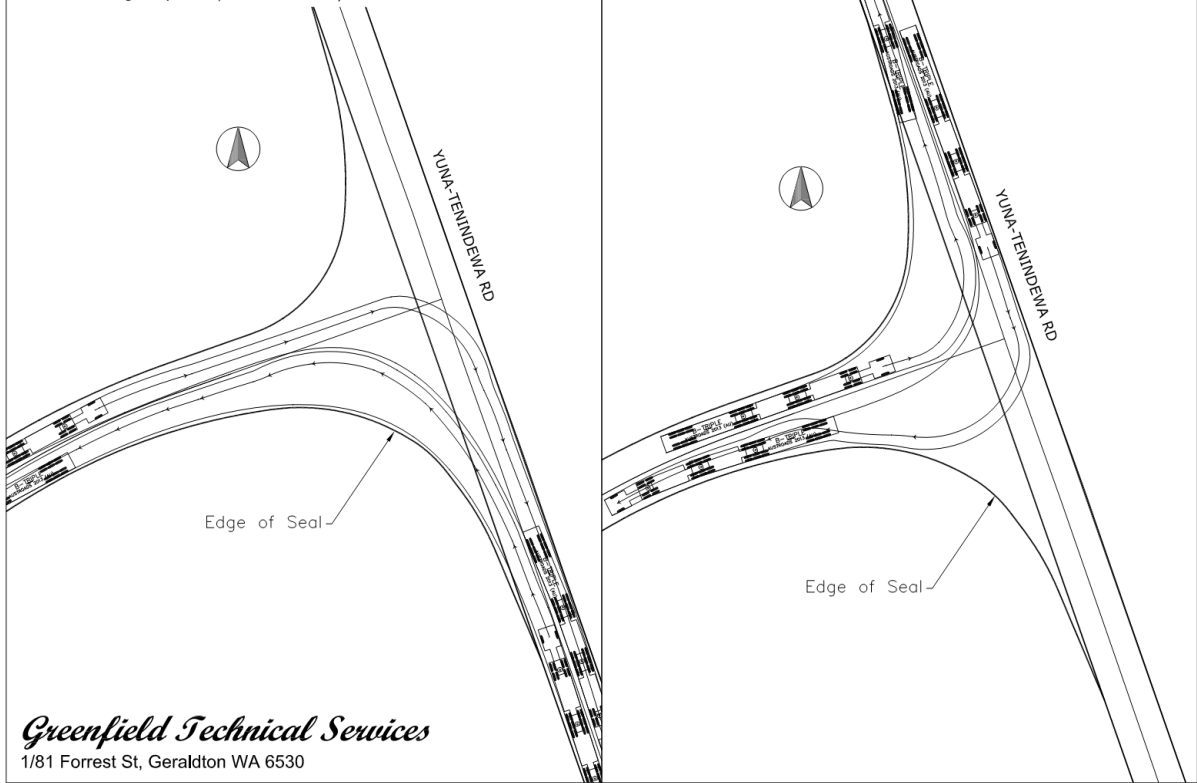
- 1 Request the Hon. Minister for Lands to dedicate as public road the Naraling East-Yuna Road and Wheeldon Hosking Road widenings as shown upon Deposited Plan 412631 pursuant to Section 56 of the *Land Administration Act 1997*; and
- 2 Indemnify the Department of Lands and the Minister for Lands against any costs and claims arising from the resumption of this land.

**Voting 7/0
CARRIED**

Minute Reference: 09/17-5



NARALING-EAST YUNA RD / WHEELDON-HOSKING RD
DRAFT Turning templates (36,5m roadtrain) 14-03-16



Greenfield Technical Services
1/81 Forrest St, Geraldton WA 6530

Attachment 10.1.3(b)

VER.	AMENDMENT	AUTHORISED BY	DATE	LOTS 10 AND 12 TO BE ACQUIRED FOR A PUBLIC PURPOSE (ROAD WIDENING - YUNA TENINDEWA ROAD & WHEELDON HOSKING ROAD) LIMITED IN DEPTH TO 60.96 METRES AS TO LOT 11 ONLY	TYPE FREEHOLD S.S.A. YES/NO																
					PURPOSE ACQUISITION																
					PLAN OF LOT 11 AND ROAD WIDENINGS (LOTS 10 & 12)																
					FORMER TENURE LOT 7481 ON DP 204103 C/T 1189-259																
					LOCAL AUTHORITY SHIRE OF CHAPMAN VALLEY																
					LOCALITY EAST YUNA & SOUTH YUNA																
					D.O.L. FILE																
					FIELD RECORD 141475																
					SURVEYOR'S CERTIFICATE - REG 54 I. BRAD LEIGH COLLARD hereby certify that this plan is accurate and is a correct representation of the - (a) 'Survey; and/or (b) 'Calculations from measurements recorded in the field records. [delete if inapplicable] undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.																
					LICENSED SURVEYOR DATE																
					LOGGED																
					DATE FEE PAID																
I.S.C.	EXAMINED DATE																				
WESTERN AUSTRALIAN PLANNING COMMISSION FILE EXEMPT FROM WAPC APPROVAL UNDER SECTION 6 OF THE P & D ACT Delegated under S.16 PAD Act 2005					IN ORDER FOR DEALINGS																
SUBJECT TO					APPROVED																
FOR INSPECTOR OF PLANS AND SURVEYS					INSPECTOR OF PLANS AND SURVEYS (S. 18 Licensed Surveyors Act 1909)																
INTERESTS & NOTIFICATIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">SUBJECT</th> <th style="width: 10%;">PURPOSE</th> <th style="width: 15%;">STATUTORY REFERENCE</th> <th style="width: 10%;">ORIGIN</th> <th style="width: 10%;">LAND BURDENED</th> <th style="width: 10%;">BENEFIT TO</th> <th style="width: 15%;">COMMENTS</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">(F)</td> <td style="text-align: center;">EASEMENT</td> <td></td> <td style="text-align: center;">DOC L960156</td> <td style="text-align: center;">LOT 11</td> <td style="text-align: center;">SEE DOCUMENT</td> <td style="text-align: center;">SEE NOTE 'Z'</td> </tr> </tbody> </table>					SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS	(F)	EASEMENT		DOC L960156	LOT 11	SEE DOCUMENT	SEE NOTE 'Z'	SCALE: 1:30000 AT A3 SIZE ALL DISTANCES ARE IN METRES 	HTD REF: 28017/1982 SURVEYORS & PLANNERS HILL, THOMPSON & DELFOS PO Box 830, GERALDTON WA 6531 Ph: (08) 9521 3111 Fax: (08) 9521 8072	DEPOSITED PLAN 412631 SHEET 1 OF 2 SHEETS VERSION 1
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS															
(F)	EASEMENT		DOC L960156	LOT 11	SEE DOCUMENT	SEE NOTE 'Z'															

ENLARGEMENT FROM 'A' TO 'B'
NOT TO SCALE

FOR HEADING SEE SHEET 1
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 1

ENLARGEMENT AT 'C'
NOT TO SCALE

LICENSED SURVEYOR	DATE
 SURVEYORS & PLANNERS HILL, THOMPSON & DELFOS PO Box 830, GERALDTON WA 6531 Ph: (08) 9521 3111 Fax: (08) 9521 8072	 GOVERNMENT OF WESTERN AUSTRALIA
DEPOSITED PLAN 412631 SHEET 2 OF 2 SHEETS VERSION 1	

10.2 Finance September 2017

Contents

10.2 AGENDA ITEMS

10.2.1 Financial Reports for August 2017

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR AUGUST 2017
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	20 SEPTEMBER 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 August 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 August 2017 financial statements.

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations requiring monthly reporting of financial activity. 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 August 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 7/0
CARRIED
Minute Reference: 09/17-6**

10.3

Chief Executive Officer

September 2017

Contents

10.3 AGENDA ITEMS

- 10.3.1 Honour Awards
- 10.3.2 Council Meeting Dates 2018
- 10.3.3 Management Licence – Chapman Valley/Northampton Cricket Club
- 10.3.4 Community Growth Fund - Applications

Item 10.3.1 – The Council agreed to defer this item until after Item 10.3.4

AGENDA ITEM:	10.3.2
SUBJECT:	NOTICE OF COUNCIL MEETINGS 2018
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.09
PREVIOUS REFERENCE:	NA
DATE:	20th SEPTEMBER 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

Council has previously resolved to reach out to the community, with one of the proposals being to move the Ordinary Monthly Council Meeting(s) around the shire. In 2017 Council held one of its OCM away from the Nabawa Administration Building i.e.

- April 2017 OCM – Yuna Multipurpose Community Centre.;

It was also intended to hold the November OCM at the new Bill Hemsley Park Community Centre. However; this has had to be deferred due to delays in completing the building by this date.

It is being recommended Council maintain this activity, with an alteration being suggested to hopefully accommodate a meeting at both the proposed Bill Hemsley Park Community Centre and Yuna Community Centre buildings in 2018.

COMMENT

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

The meeting date for December has occasionally been brought forward to the second Wednesday of the month to avoid clashes with Christmas/New Year break period. This should not be necessary in 2018 as the third Wednesday is the 19th December.

Below are recommended meeting locations and dates for the 2018 Ordinary Council Meeting (OCM):

DATE	MEETING LOCATION
21 February	Nabawa Chambers
21 March	Bill Hemsley Park Community Centre
18 April	Nabawa Chambers
16 May	Nabawa Chambers
20 June	Nabawa Chambers
18 July	Nabawa Chambers
15 August	Yuna Multipurpose Community Centre
19 September	Nabawa Chambers
17 October	Nabawa Chambers
15 November	Nabawa Chambers
19 December	Nabawa Chambers

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

No Policy affected.

FINANCIAL IMPLICATIONS

No significant costs envisaged.

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

No affect on the LTFP is envisaged.

STRATEGIC IMPLICATIONS

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

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

Leadership

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

CONSULTATION

This matter has been discussed by Council in the past and I believe the trial of relocating OCM's in 2016 and 2017 has proved successful.

RISK ASSESSMENT

There is a risk of Council being perceived as not reaching out to its community by insisting OCMs are always held at Nabawa.

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

Council Ordinary Meeting time, dates and locations for the next Calendar Year as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations:

DATE	MEETING LOCATION
21 February	Nabawa Chambers
21 March	Bill Hemsley Park Community Centre
18 April	Nabawa Chambers
16 May	Nabawa Chambers
20 June	Nabawa Chambers
18 July	Nabawa Chambers
15 August	Yuna Multipurpose Community Centre
19 September	Nabawa Chambers
17 October	Nabawa Chambers
15 November	Nabawa Chambers
19 December	Nabawa Chambers

PROCEDURAL MOTION

MOVED: CR WARR

SECONDED: CR FARRELL

That the debate be adjourned on the item until the November 2017 Ordinary Council Meeting.

**Voting 4/3
CARRIED
Minute Reference: 09/17-7**

Reason for Deviation from Staff Recommendation: To allow new Councillors to have input into meeting start times

AGENDA ITEM:	10.3.3
SUBJECT:	MANAGEMENT LICENCE – CHAPMAN VALLEY/NORTHAMPTON CRICKET CLUB
PROPONENT:	CHAPMAN VALLEY/NORTHAMPTON CRICKET CLUB
SITE:	LOT 3/3320; LOT 29 & LOT 21 CHAPMAN VALLEY ROAD, NABAWA
FILE REFERENCE:	803.05
PREVIOUS REFERENCE:	NIL
DATE:	20th SEPTEMBER 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.3(a)	Draft CVNCC Management Licence	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

I have been working with the Chapman Valley/Northampton Cricket Club (CVN Cricket 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 2017/2018 Budget (i.e.\$1,373.63 GST Exclusive) for the CVN Cricket Club's use of the facilities.

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 CVN Cricket 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

The following Management Procedure will remain relevant to the Management Licence:

MANAGEMENT PROCEDURE No.	CMP-010
MANAGEMENT PROCEDURE	<i>BUILDING & FACILITY HIRE CONDITIONS</i>
RESPONSIBLE DIRECTORATE	LAND & BUILDINGS
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	4.40
RELEVANT DELEGATIONS	

OBJECTIVES:

Clarify the responsibilities of the various clubs & organisation and the Shire of Chapman Valley in regards to the use of Shire owned/controlled buildings and facilities.

MANAGEMENT PROCEDURE STATEMENT/S:

1. All hire charges must be paid at the Shire Office before keys will be issued.
2. Keys issued under the Non-Cut Key System to Clubs or community organisations will require a bond to be paid prior to issue. Bond will be an amount equivalent to the cost to replace/adjust locks and cut new key(s) in the event of loss. If a key(s) is lost, the relevant lock(s) will have to be renewed and the actual cost of this replacement will be the responsibility of the hirer.
Keys issued to Clubs or community organisations must be returned to the Shire Office at the end of their season.
3. It is the responsibility of the hirer to ensure the conduct of the persons present at the time of their function is orderly.
4. It is illegal to consume liquor on any part of the building and grounds without the prior written approval of the Shire. An additional licence must be obtained from the appropriate authority (e.g. Police, Dept. 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 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 Shire 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. Exemption to hall hire charge
The Chapman Valley Parents and Citizens Association is exempt from paying hall hire charges at the Nabawa Community Centre for the following events: -
 - Annual Christmas Tree
 - Annual quiz night
 - School Presentation night.Footnote – Community Newspaper Group “Valley Vibes” are exempt from paying hire charges for the “clinic” room at the Community Centre.
12. When alcohol is to be consumed on the premises, a refundable bond, in accordance with that set annually by Council, is to be collected from hirers of this facility. The Shire Chief Executive Officer

has the authority to impose or waiver this charge on any hirer, regardless of whether alcohol is consumed or not.

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 CVN Cricket Club facilities has been through a consultation process with the CVN Cricket Club representatives.

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

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR FORRESTER

Council 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/Northampton Cricket Club as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions immediately.

**Voting 7/0
CARRIED
Minute Reference: 09/17-8**

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/Northampton Cricket Club



McLEODS

Barristers & Solicitors

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

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

Email: mcleods@mcleods.com.au

Ref: TF:CHAP 33687.1

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Table of Contents

Copyright notice	i
Details	4
1. Definitions	4
2. Grant of Licence	6
2.1 Use of Licensed Areas & Common Use Areas	6
2.2 Use of Other Amenities	6
2.3 Common Use Areas	6
2.4 Agreed Hours	6
3. Club's Obligations	6
3.1 Licence Fee for Licensed Areas	6
3.2 Fees for Other Amenities	6
3.3 Permitted Purpose of Licensed Areas and Common Use Areas	7
3.4 Condition of Licensed Areas and Common Areas	7
3.5 Compliance with Legislation	7
3.6 No alterations Capital Upgrades and/or Replacement	7
3.7 Security of Licensed Area Licensed Areas and Common Areas and its contents	7
3.8 Indemnity	7
3.9 Insurance	7
3.10 Entry and Inspection	8
3.11 Outgoings	8
3.12 Maintenance and Cleaning	8
3.13 Subletting, Assignment or Hire	9
3.14 Club's equipment and possessions	9
4. Shire's Obligations	9
4.1 Building Insurance to be Effected by Shire	9
4.2 Shire responsible for Complex	10
4.3 Shire responsible for Outgoings	10
4.4 Consider request for financial assistance	10
5. Management Committee	10
5.1 Establishment	10
5.2 Role of Committee	10
5.3 Representatives	10
5.4 Additional user groups	11
5.5 Voting	11
5.6 Timing of Meeting	11
5.7 Attendance	11
5.8 Chairperson's obligations	11
5.9 Notice of meetings	11
5.10 Reporting	12
5.11 Decisions not binding on Shire	12
6. Default	12
7. Dispute Resolution	12
8. Acknowledgements	13
9. General Provisions	13
9.1 Acts by Agents	13

9.2	Governing Law	13
9.3	Severance	13
9.4	Variation	13
9.5	Moratorium	13
9.6	Further Assurance	14
9.7	Interpretation	14
	Schedule	16
	Signing page	18
	Annexure 1 - Sketch of Licensed Area, Other Amenities & Common Use Areas	19
	Annexure 2 - Hire Conditions Management Procedures	20
	Annexure 3 - Change Rooms Management Procedures	22

Details

Parties

Shire of Chapman Valley

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

Chapman Valley/Northampton Cricket Club

of PO Box 823, 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/Northampton Cricket 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.

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 Areas and Common Areas and its contents

The Club agrees to ensure at all times that the 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 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 any items attached to the Oval Perimeter Fence (or any other area of the Licensed Area) relevant to the Club are to be maintained and repaired to a standard required by the Chief Executive Officer;
 - (d) general building repairs and maintenance; and
 - (e) 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.

3.15 Precinct Naming Condition

The Club is not to introduce naming or branding rights for any part of the precinct, including, yet not limited to, the Licensed Areas, Common Areas and Other Areas, without obtaining prior approval from the Shire Council.

The Club may request the Shire Council to consider naming or branding rights to the precinct areas, which the Shire Council may approve or reject without appeal.

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;
- (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 extinguished;
- (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 other than those Licensed Areas at times booked by the Club;
- (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 -
- (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;
- (e) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- (f) if a Party comprises two or more persons, the covenants and agreements on their part bind them and must be observed and performed by them jointly and each of them severally, and may be enforced against any one or more of them.
- (2) Except in the Schedule, headings do not affect the interpretation of this Licence.

Schedule

Item 1 Licensed Area

- (i) Stadium (excluding the indoor Basketball Court area);
- (ii) Change Rooms;
- (iii) Oval and Oval Perimeter Fence;

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

_____ 2017

Item 3 Term

20 years commencing on _____ 2017 and expiring on _____ 2037.

Item 4 Other Amenities

- (i) Community Centre;
- (ii) Indoor Basketball Court Area;
- (iii) Playground & Half Court;
- (iv) Ticket Box;
- (v) Windsock & Structure
- (vi) Dugouts
- (vii) Scoreboard

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 \$1,373.63 (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.

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

2017

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

Chapman Valley/Northampton Cricket Club
the undersigned each of whom hereby declares by the execution of this document that he or she holds the office in the Chapman Valley/Northampton Cricket Club indicated under his or her name-

Office Holder Signature

Office Holder Signature

Name:

Name:

Address:

Address:

Office Held:

Office Held:

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

(as at August 2016)

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. Exemption to hall hire charge

The Chapman Valley Parents and Citizens Association is exempt from paying hall hire charges at the Nabawa Community Centre for the following events: -

- Annual Christmas Tree
- Annual quiz night
- School Presentation night.
-

Footnote – Community Newspaper Group “Valley Vibes” are exempt from paying hire charges for the “clinic” room at the Community Centre.

12. When alcohol is to be consumed on the premises, a refundable bond, in accordance with that set annually by Council, is to be collected from hirers of this facility. The Shire Chief Executive Officer has the authority to impose or waiver this charge on any hirer, regardless of whether alcohol is consumed or not.

Annexure 3 - Change Rooms Management Procedures

(as at August 2016)

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 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.

Cr Warr and Cr Maluish declared an impartiality interest in this item.

AGENDA ITEM:	10.3.4
SUBJECT:	COMMUNITY GROWTH FUND - APPLICATIONS
PROPONENT:	VARIOUS APPLICANTS
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.10
PREVIOUS REFERENCE:	NOT APPLICABLE
DATE:	20th SEPTEMBER 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.3.4(a)	Community Growth Fund Advisory Group Meeting Minutes	√	

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council included in the 2017/2018 Budget an amount of \$30,000 for a Community Growth Fund (CGF). This amount was reduced to \$15,000 as a result of the following resolutions at a Special Meeting of Council held on the 29th August 2017 i.e.

“MOVED: CR FORRESTER

SECONDED: CR FARRELL

Council:

Endorse the reallocation of \$15,000 in 2017/2018 from the Community Growth Fund as a contribution towards the establishment of a fixed wireless internet service to the Shire of Chapman Valley to cover the Shire’s operational requirements and to service as many of the Shire constituents as possible;

VOTING 5/0

CARRIED

SC Minute Reference: 08/17-3”

COMMENT

The Shire of Chapman Valley Community Growth Fund Advisory Group comprises of the following Council appointed representatives:

- Cr Anthony Farrell
- Cr Kirrilee Warr
- Cr Ian Maluish (Proxy)

Chief Executive Officer
Manager Finance & Corporate Services
Community Development Officer

The purpose of the Advisory Group is as follows:

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

A copy of the Unconfirmed Minutes of the CGF Advisory Group held on the 8th September 2017 is provided at **Attachment 10.3.4(a)**.

As Council had previously resolved to reduce the CGF available funds from \$30,000 to \$15,000 in 2017/2018 to accommodate the possible need for funds to implement the High Speed Fixed Wireless Broadband Network Project not all applications could be accommodated this year i.e.

- Total all applications received - \$31,500
- Funds Available in 2017/2018 - \$15,000

STATUTORY ENVIRONMENT

Not relevant

POLICY IMPLICATIONS

Council has approved the CGF Operational Procedures (see **Attachment 10.3.4(a)**) and this was the basis upon which the Group evaluated the applications received.

FINANCIAL IMPLICATIONS

The CGF Advisory Group recommendations come within the revised budget amount of \$15,000, therefore there will be no effect on the 2017/2018 financial position.

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

No affect envisaged on Council's LTFP

STRATEGIC IMPLICATIONS

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

The Community Development Officer has had regular dialogue with the individual groups and individuals within the community to explain the CGF Operational Procedures and will continue to do this.

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

That Standing Orders be suspended.

**Voting 7/0
CARRIED
Minute Reference: 09/17-9**

COUNCIL RESOLUTION

MOVED: CR MALUISH

SECONDED: CR FARRELL

That Standing Orders be re-instated.

**Voting 7/0
CARRIED**

Minute Reference: 09/17-11

Cr Warr left Chambers at 9.36am

COUNCIL RESOLUTION /ADVISORY GROUP RECOMMENDATION

MOVED: CR FARRLL

SECONDED: CR FORRESTER

Council receives the Minutes of the Community Growth Fund Advisory Group held on 7 October 2016 and endorse the following recommendations within these Minutes:

RECOMMENDATION 1

Council endorse the following funding allocation under the Shire of Chapman Valley’s Community Growth Funds for 2017/2018:

Applicant	Project Name	CGF \$ Request ex GST	Applicant Contribution Cash / In Kind	Other Cash Sources & Status	Total Project \$ Ex GST	Project Summary
Chapman Valley Menshed	Shinema open air cinema and music	\$3,450	\$250 cash \$3,900 in-kind	\$2,900 Yes \$1,000 Yes	\$11,500	Our Shinema project is a series of 8 free outdoor cinema and live music events over the summer months starting in December 2017 finishing at the end of March 2018. We aim to attract our local community but also tourists to the shows and add another vibrant series of cultural events to the Shire of Chapman Valleys calendar. Conditional upon: i. all relevant approvals being in place prior to project commencement;
Greenough Western Riding Club Inc.	Extend GWRC Facility	\$8,000 \$6,500	\$5,280 cash \$3,500 in-kind	\$3,750 Yes	\$19,030	Greenough Western Riding Club Inc. would like to increase its capacity for its events and that of other interested sub-lease parties through the addition of 20 new horse yards, 4 stallion pens, 1 large 40 m round yard/roll yard, and revegetation

						with trees in area. This would enable GWRC and the community to have a well-developed equine facility in the Midwest region. Conditional upon: i. all relevant approvals being in place prior to project commencement; ii. Variations being made to Management Licence before Project Commencement
Parkfalls Residents Association Inc.	BHP Landscape	\$4,750	\$2,000 in-kind		\$6,750	To purchase plants and materials to commence landscaping at the Bill Hemsley Park Conditional upon: i. This project working in with the existing BHP Landscaping Project as determined by the CEO;
Yuna Primary School P&C	Yuna Primary School Theatre Production	\$300	\$150 cash \$1,200 in-kind		\$,1650	To assist with the cost of some props and costumes to add the extra pizzazz to the Yuna Primary School end of year theatre production. These costumes are quite often created by local businesses, which in turns creates a micro economy through cottage industry and the like.
TOTALS		15,000			38,930	

RECOMMENDATION 2

Council endorse the following funding project be listed as a reserve project in the event Community Growth Funds become available in 2017/2018

Applicant	Project Name	CGF \$ Request ex GST	Applicant Contribution Cash / In Kind	Other Cash Sources & Status	Total Project \$ Ex GST	Project Summary
Chapman Valley Historical Society Inc.	Extension to open front shed No 6	\$5,000	\$8400 cash \$3500 in-kind		\$16900	Extension of Shed No 6 by six metres. The shed currently houses the earliest pieces of

	Heritage precinct					machinery and the extension will allow the machinery to be spaced out enabling visitors to view the pieces in a safer environment. The pieces will be positioned to allow the new extension to be used as an undercover area for events for large groups.
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RECOMMENDATION 3

Council reject the following funding application as it is not compliant with the Community Growth Fund Eligibility Criteria i.e.

“Council shall consider requests for donations on their individual merit however, generally will decline appeals for applications:

~ if they are not concerned or connected with the Chapman Valley area.

Applicant	Project Name	CGF \$ Request ex GST	Applicant Contribution Cash / In Kind	Other Cash Sources & Status	Total Project \$ Ex GST	Project Summary
New Holland Consort Inc.	Telemann and Bach: Music and Friends’	\$10,000	\$500 cash \$78,000 in-kind	\$5000 No	\$93,500	The New Holland Consort, consisting of eight professional musicians, will present two concerts for the Shire of Chapman Valley. One offering an afternoon school concert and an evening concert for residents with a program including cantatas, orchestral works and arias from composers Telemann and Bach. These performances would include demonstrations of baroque instruments and music as well as stories about the music and composers.

RECOMMENDATION 4

The Community Growth Fund Operational Procedures be reviewed prior to the next round of applications to clearly identify the following issues:

1. Reference be made to the need to vary any Management Licences associated with projects, which may have an effect on existing Licence conditions. This is to be stipulated as a condition of the funding approval if required;
2. Conditions be place on project requiring all prior approvals to be in place before funding will be made available and project commenced (e.g. Planning, Building, Event Applications, etc.)

**Voting 6/0
CARRIED
Minute Reference: 09/17-12**

Cr Warr re-entered Chambers at 9.37am



UNCONFIRMED MINUTES

**COMMUNITY GROWTH FUND ADVISORY
GROUP MEETING
FRIDAY 8th SEPTEMBER 2017
COUNCIL CHAMBERS NABAWA
9.02AM**

The Community Growth Fund Advisory Group is
comprised of:-

Cr Kirra Warr (Chair)
Cr Anthony Farrell
Cr Ian Maluish (Proxy)

Chief Executive Officer
Manager Finance & Corporate Services
Community Development Officer
Executive Services Administrator (Minute Taker)

DISCLAIMER



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

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

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



Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

COMMUNITY GROWTH FUND ADVISORY GROUP MEETING TO BE HELD IN THE COUNCIL CHAMBERS, NABAWA FRIDAY 8TH SEPTEMBER 2017 AT 9.02AM

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

ORDER OF BUSINESS

1.0 Declaration of Opening / Announcements of Visitors

Cr Warr welcomed Elected Members and Staff and declared the meeting open at 9.02am.

2.0 Record of Attendance

3.1 Present

Member	
Cr Kirra Warr	Presiding Member
Cr Anthony Farrell	Member
Maurice Battilana	Chief Executive Officer
Dianne Raymond	Manager of Finance & Corporate Services
Rebecca Millar	Community Development Officer

3.2 Apologies

Name	
NIL	

3.0 Disclosure of Interest

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

Section 5.60A:

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

Section 5.60B:

"a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality):

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

Cr Warr declared an impartiality interest being a member of the Yuna P & C Association.

4.0 Petitions / Deputations / Presentations

Nil

5.0 Agenda Items

5.1 Consideration of Applications Received and Recommendation to Council.

- A copy of the Council approved “Community Growth Fund Operational Procedures – Policy 5.20” is attached for Committee guidance in evaluating applications.
- Copies of all applications are supplied under separate cover for Committee consideration.

ADVISORY GROUP RECOMMENDATION 1

Council endorse the following funding allocation under the Shire of Chapman Valley's Community Growth Funds for 2017/2018:

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		15,000			38,930	

CARRIED
Voting 5/0
Minute Ref: CGF 09/17-01

ADVISORY GROUP RECOMMENDATION 2

Council endorse the following funding project be listed as a reserve project in the event Community Growth Funds become available in 2017/2018

Applicant	Project Name	CGF \$ Request ex GST	Applicant Contribution Cash / In Kind	Other Cash Sources & Status	Total Project \$ Ex GST	Project Summary
Chapman Valley Historical Society Inc.	Extension to open front shed No 6 Heritage precinct	\$5,000	\$8400 cash \$3500 in-kind		\$16900	Extension of Shed No 6 by six metres. The shed currently houses the earliest pieces of machinery and the extension will allow the machinery to be spaced out enabling visitors to view the pieces in a safer environment. The pieces will be positioned to allow the new extension to be used as an undercover area for events for large groups.

CARRIED
Voting 5/0
Minute Ref: CGF 09/17-02

ADVISORY GROUP RECOMMENDATION 3

Council reject the following funding application as it is not compliant with the Community Growth Fund Eligibility Criteria i.e.

"Council shall consider requests for donations on their individual merit however, generally will decline appeals for applications:

~ if they are not concerned or connected with the Chapman Valley area.

Applicant	Project Name	CGF \$ Request ex GST	Applicant Contribution Cash / In Kind	Other Cash Sources & Status	Total Project \$ Ex GST	Project Summary
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CARRIED
Voting 5/0
Minute Ref: CGF 09/17-03

ADVISORY GROUP RECOMMENDATION 4

The Community Growth Fund Operational Procedures be reviewed prior to the next round of applications to clearly identify the following issues:

1. Reference be made to the need to vary any Management Licences associated with projects, which may have an effect on existing Licence conditions. This is to be stipulated as a condition of the funding approval if required;
2. Conditions be place on all project requiring all prior approvals to be in place before funding will be made available and project commenced (e.g. Planning, Building, Event Applications, etc.)

CARRIED
Voting 5/0
Minute Ref: CGF 09/17-03

6.0 General Business

Nil

7.0 Closure

The chairman thanked the Committee members and staff for their attendance and declared the meeting closed at 9:54am

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR ROYCE

Council close the meeting to the public for the following Agenda Item in accordance with Management Procedure CMP-033.

**Voting 7/0
CARRIED
Minute Reference: 09/17-13**

Mr Wallace left Chambers at 9.36am

AGENDA ITEM:	10.3.1
SUBJECT:	HONOUR AWARDS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.00
PREVIOUS REFERENCE:	NIL
DATE:	20th SEPTEMBER 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
	NIL		

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Management Procedure CMP-033 provides guidelines and procedures associated with various honour awards.

COMMENT

The purpose of this Agenda Item is to seek Council consideration for the following Awards:

- Freeman of the Shire; and
- Shire of Chapman Valley - Certificate of Appreciation

All other Awards listed in Management Procedure CMP-033 are dealt with separately.

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

Below is the current Management Procedure (CMP-033):

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

OBJECTIVES:

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

MANAGEMENT PROCEDURE STATEMENT/S:

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

Citizenship Ceremonies

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

Shire of Chapman Valley – Freeman of the Shire

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

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

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

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

Eligibility Criteria

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

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

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

Exclusions

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

Nomination Procedure

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

Number of Freeman within the Shire

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

Entitlements

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

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

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

Revocation of Title of Freeman or Honorary Freeman

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

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

WALGA Honour Awards

As detailed by the WALGA Awards Guidelines

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

All other award types are to be determined by Council.

Shire of Chapman Valley - Certificate of Appreciation

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

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

All others as determined by Council.

Annual Agenda Item to discuss suitable nominations.

Elected Members

Presented at Annual Council Dinner/Function

Community Members

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

Recipient & partner invited to attend.

Shire of Chapman Valley Australia Day Awards and Function

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

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

The Council appointed Working Group shall:

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

Dept. Local Government & Community Services Awards

As detailed by the Department’s Awards Guidelines
Elected Members eligible due to length of service are to be automatically nominated by the Chief Executive Office.

All other award types are to be determined by Council.

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

FINANCIAL IMPLICATIONS

No impact envisaged.

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

No affect on LTFP.

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

Council has been consulted in regards to establishment of the Management Procedure dealing with Honour Awards in the Shire.

RISK ASSESSMENT

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

Council determination on bestowing awards in accordance with Management Procedure CMP-033 for:

- Freeman of the Shire; and/or
- Shire of Chapman Valley - Certificate of Appreciation

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR ROYCE

That the nomination put forward by Cr Forrester to bestow Freeman of the Shire award be progressed in accordance with Management Procedure CMP-033 for further consideration by Council.

**Voting 3/4
LOST
Minute Reference: 09/17-14**

COUNCIL RESOLUTION

MOVED: CR WARR

SECONDED: CR ROYCE

That the Management Procedure CMP-033 be revised to present the relevant Honour Awards to the Concept Forum Session in the first instance prior to formal consideration by Council.

**Voting 7/0
CARRIED
Minute Reference: 09/17-15**

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR FARRELL

That the meeting be opened to the public.

**Voting 7/0
CARRIED
Minute Reference: 09/17-16**

Reason for Deviation from Staff Recommendation: Council felt that procedures needed to be amended in relation to specific Honour Awards prior to discussing this matter further.

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

Cr Warr attended the debrief meeting of the Chapman Valley Agricultural Society in relation to the 2017 Chapman Valley Show.

MOVED: CR COLLINGWOOD

SECONDED: CR FARRELL

That a letter of appreciation be written to the Chapman Valley Agricultural Society and Chapman Valley Historical Society for the 2017 Chapman Valley Show and the Opening of the Fallen Soldiers Memorial.

Voting 7/0

CARRIED

Minute Reference 09/17-17

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

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

Mr Battilana declared a Financial Interest in this item

15.1 CEO Performance Appraisal

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR MALUISH

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

Voting 7/0

CARRIED

Minute Reference 09/17-18

Mr Battilana, Mr Lancaster, Mrs Raymond and Mrs McKay left Chambers at 10.26am

AGENDA ITEM:	15.1
SUBJECT:	CHIEF EXECUTIVE OFFICER'S ANNUAL PERFORMANCE APPRAISAL & REMUNERATION REVIEW
PROPONENT:	CRS COLLINGWOOD, FARRELL & FORRESTER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	PERSONAL FILE – 908.02
PREVIOUS REFERENCE:	MINUTE REF: 09/16-15 & 07/17-9
DATE:	20th SEPTEMBER 2017
AUTHOR:	CR COLLINGWOOD, SHIRE PRESIDENT MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION / ELECTED MEMBERS RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That Council:

1. Endorse the Chief Executive Officer's performance over the past twelve months as being an outstanding leader and he has continued to work at high standards as per the CEO's job description.

Maurice works hard at maintaining relationships across all sectors of government and community and ensures that policies and procedures are compliant.
2. Endorse a variation to Clause 7.1 of the Employment Contract by increasing the annual leave entitlement to 30 days per annum.

**Voting 7/0
CARRIED
Minute Reference 09/17-19**

Mr Battilana re-entered Chambers at 10.47am

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That the meeting be reopened to the public.

**Voting 7/0
CARRIED
Minute Reference 09/17-20**

16.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and closed the meeting at 10.49am.