



Shire of
Chapman Valley
Love the Rural Life

AGENDA

DECEMBER 2013

ORDINARY COUNCIL MEETING

**Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 11 December 2013
at the Council Chambers, Nabawa, commencing at 10:00am.**

DISCLAIMER



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

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

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

WRITTEN CONFIRMATION

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

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

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 20 November 2013

That the minutes of the Ordinary Meeting of Council held Wednesday 20 November 2013 be confirmed as a true and accurate record.

9.0 OFFICERS REPORTS

9.1

Manager of Planning

December 2013

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AGENDA ITEM:	9.1.1
SUBJECT:	OFFER OF 3 NARALING TOWNSITE LOTS & REQUEST FOR AMENDMENT TO RATING METHODOLOGY
PROPONENT:	G & S RUSSELL
SITE:	NARALING TOWNSITE
FILE REFERENCE:	A692, A694 & A1349
PREVIOUS REFERENCE:	Nil
DATE:	2 DECEMBER 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

A Naraling townsite landowner has written to the Shire offering to gift 3 land titles to the Shire, and also requesting that the Shire amend the rating methodology from Gross Rental Valuation ('GRV') to Unimproved Valuation ('UV') for another title and a grazing lease they hold within the Naraling townsite. It is recommended that Council accept the offered land titles and apply to the Minister for Local Government to amend the rating methodology for the Naraling townsite.

COMMENT

The landowners of Lots 8, 9 & 87 within the Naraling townsite (George & Sandra Russell) have written to the Shire offering to gift the 3 land titles to the Shire or alternatively transfer ownership of them back to the Crown. A copy of this correspondence has been included as **Attachment 1**.

Figure 1 – Lots 8, 9 & 87 Naraling townsite



It is recommended that Council accept ownership of the land in freehold from the current landowners as it would then have the ability to develop, lease or resell the land at some later time. Were the land to be transferred to the Crown then any such determinations would be made by the Department of Lands. In both instances it is likely that the practical ongoing

management responsibility for the land, most likely relating to control of fuel load, would become the responsibility of the Shire.

The landowners are also requesting that the Shire amend the rating methodology from GRV to UV for Lot 96 and a grazing lease they currently hold.

The subject land has been rated as GRV given its location within a gazetted townsite boundary. Should Council wish to consider making application to the Minister for Local Government to amend the rating methodology for the Naraling townsite from GRV to UV, there would be reasonable argument to be made given the lack of servicing more commonly associated with a townsite (such as water, gas, sewer), the land being zoned 'Rural' under the Shire's Local Planning Scheme No.2, the strategic direction of the Shire's Local Planning Strategy, the lack of on-ground development and the current and likely future rural use of the subject land.

Should Council wish to consider the request to amend the rating methodology from GRV to UV then it is suggested that this should be undertaken for the entire Naraling townsite to ensure consistency. This action would not result in any loss of income other than that previously outlined given the applicants are the only private landowners in the townsite, with the remainder being Crown Land.

Figure 2 – Zoning Map for Naraling townsite illustrating townsite boundary area



STATUTORY ENVIRONMENT

Section Section 6.28 of the *Local Government Act 1995* addresses rating methodology and its adjustment:

“6.28. Basis of rates

- (1) *The Minister is to —*
 - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.
- (5) Where during a financial year —
- (a) an interim valuation is made under the Valuation of Land Act 1978; or
 - (b) a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or (c) a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.”

The accepting of the gifting of 3 land parcels would not be deemed a ‘major land transaction’ as addressed by Section 3.59 of the *Local Government Act 1995* or Part 3 of the *Local Government (Functions and General) Regulations 1996*.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Lot 87 is currently minimum rated and the transfer of the land to the Shire would result in a \$650 per year loss in annual revenue to the Shire. Lots 8 & 9 are part of a group rated assessment that is also minimum rated and therefore the transfer of these 2 lots would not result in any loss of revenue to the Shire. However were the Shire to adjust the rating methodology for this group rated assessment from GRV to UV the rate would be reduced from \$650 to \$320 annually.

The estimated cost of conveyancing action to receive the gifted 3 land titles would be \$2,500, this would include the settlement agent fees, Landgate registration fees, title search fees (before and after), postage and petties, and it is noted that as the titles would be gifted they would be exempt from stamp duty. It is suggested that the Shire could accept the conveyancing costs in this matter and this could be covered within Account 7052 – Surveying & Land Expenses.

STRATEGIC IMPLICATIONS

Naraling was officially declared a townsite in 1910, in the same year as the opening of the Wokarina–Naraling railway line with the Shire of Chapman Valley Municipal Inventory of Heritage Places (2012) noting that:

“The line was officially opened at Naraling on 8 October 1910 by the State Governor Sir Gerald Strickland. A special train with a large crowd on board ran from Geraldton to Naraling, which was at the time, ‘the head of the line’. Flags of all types and colours were flown along the train’s route for the celebrations. The running of the first train was not without incident with an aggrieved farmer, Mr Drew, attempting to hold up the train with a shotgun (Palmer, E.S. 1986, p2).”

The Naraling townsite served the surrounding agricultural and mining communities and included a shop (sited upon Lots 8 & 9), school, post office, and a blacksmith shop that later became the site of a Church Hall, and an RSL Hall. The townsite also included tennis courts, golf course and a sports oval where cricket and football were played with a race track around the outside of the oval.

With the closure of the railway line in 1956 the Naraling townsite entered into decline and with the exception of the Naraling Church the townsite no longer contains any buildings. The Shire's Municipal Inventory notes that:

"The branch railway line from the Wokarena Junction to Yuna was closed in 1956. There was considerable anger and resentment from within the Chapman Valley community over this decision, especially given that only a year before the closure much money had been spent on upgrading the line. At the time the trains were running three times a week providing the locals with a very valuable service which was especially felt by those north of Naraling where there were no bitumen roads, only rough gravel tracks. Locals feared that these roads would be unable to cope with the heavy traffic that would result from the closure of the railway and the Government promised to improve the road service when the railway service was suspended (Geraldton Guardian - See 1956 issues)."

The Shire of Chapman Valley Local Planning Strategy (2008) identifies the Naraling townsite as being within Precinct No.2 – East Chapman with Section 7.7 noting:

"The Precinct contains the existing disused townsite of Naraling and there has been no development within the townsite for a number of years. There are infrastructure and servicing constraints associated with any development of the townsite lots. Presently the only building that still remains is the Historic Naraling Church/Hall constructed in 1928. Whilst the building, constructed of local stone and corrugated iron, is not used the Shire has agreed to accept transfer and responsibility for the building from the Anglican Church with the view to undertaking restoration works with assistance from local community groups to preserve the heritage values of the town. However, given the lack of services and infrastructure, and that some lots are privately owned with most being Unallocated Crown Land (UCL) the Council has sought to rezone the townsite lots to 'General Farming' zone for ease of leasing and grazing in the interests of fire control and improved management."

The Strategy sets the following objective for the Naraling townsite:

2.1.2 Discourage the development of the Naraling townsite due to the lack of appropriate services and infrastructure."

The acquisition of 3 townsite lots would be in accordance with the strategic direction set for the Naraling townsite.

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

That Council:

- 1 Thank the landowners of Lots 8, 9 & 87 within the Naraling townsite (George & Sandra Russell) for their offer to gift the 3 land titles to the Shire and advise of Council's acceptance of this offer.
- 2 Advise the landowners that the Shire is willing to accept the settlement costs involved in the land transfer on the basis of Lots 8, 9 & 87 within the Naraling townsite being gifted and are therefore exempt from stamp duty.
- 3 Write to the Minister of Local Government requesting that the rating methodology used for the Naraling townsite be amended from Gross Rental Valuation to Unimproved Valuation.

RECEIVED
02 OCT 2013
BY:

A1349 A692 A694
Record No RA13565

George & Sandra Russell
572 Kojarena South Road
KOJARENA WA 6532

27 September 2013

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

Dear Sir

RE: VACANT LOTS IN NARALING TOWNSITE

We wish to gift 3 vacant ¼ acre lots in the Naraling Townsite to the Shire or alternatively to have them reverted back to the Crown. These blocks are now worthless to us and the yearly rates exceed their value. We request that the rates levied for these be written off in lieu of this. The 3 freehold lots are:-

Lot 87 - this is rated separately on Assessment No 692 and has the walls of an old house still standing.

Lots 8 & 9 – these are rated with several other Lots which are a part of a Grazing Lease on Assessment No A1349 and are the lots which were once the Naraling General Store which was demolished several years ago.

The remaining land, which we have an interest in are Lot 96 which is on Assessment A694 and a Grazing Lease which is a part of A1349. These blocks are currently rated on a GRV valuation and we wish to request that these land parcels be changed to a UV Valuation on the grounds of the land being rural use and currently being used solely for Grazing.

With the Minimum Rate for UV properties being \$320 this would bring the rates on these properties to a more realistic amount and be consistent with adjoining properties.

Thank you for your consideration with this matter.

Yours faithfully


George & Sandra Russell

AGENDA ITEM:	9.1.2
SUBJECT:	SEA CONTAINERS
PROPONENT:	VARIOUS LANDOWNERS
SITE:	BULLER, WAGGRAKINE & WHITE PEAK LOCALITIES
FILE REFERENCE:	A1229, A1230, A1412, A1464, A1493, A1499, A1500, A1515, A1516, A1536, A1537, A1570, A1600, A1610, A1615, A1635, A1698, A1700, A1701, A1712, A1713, A1722, A1728, A1730, A1783, A1819
PREVIOUS REFERENCE:	N/A
DATE:	3 DECEMBER 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

In response to a series of complaints concerning the siting of sea containers in the Shire's rural-residential areas an audit was conducted for the Waggrakine, White Peak and Buller localities, with a series of recommendations now presented to Council for its consideration.

COMMENT

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

The Shire permits the siting of sea containers within its rural-residential areas only where the structure is being used for the temporary storage of building equipment, where a building permit has been issued and remains current, and construction of a dwelling has commenced, and only for a maximum period of 12 months. A copy of the Shire's Local Planning Policy 16.270 – Use of Sea (Shipping) Containers has been included as **Attachment 1**.

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

The Shire wrote to the landowners within the Waggrakine, White Peak and Buller localities who had a sea container sited upon their property on 29 August 2013 advising of the requirements of Local Planning Policy 16.270. Landowners were further advised that the siting of a sea container without approval of the Local Government is an offence under clause 3.1.1 of the Shire of Chapman Valley Town Planning Scheme No.1 which requires that a person shall not carry out development of any land without first having applied for and obtained the planning consent of the Council.

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

The correspondence advised landowners where relevant that should the sea containers not be removed within 60 days of the date of this letter then this matter would be presented to a meeting of Council with recommendation to commence prosecution proceedings.

A further audit was conducted by Shire staff for the Waggrakine, White Peak and Buller localities on 8 November 2013 and of the 23 landowners originally written to by the Shire; 7 have removed the sea containers from the property; 2 have a current building permit with an expiry time established for the removal of the sea container; 14 have responded in writing

requesting that they be permitted to retain their sea containers whilst they complete specified building works.

The second audit revealed that 2 further sea containers had been sited on properties since the first audit and Shire staff wrote to those 2 landowners on 15 November 2013 requiring them to remove the sea containers from their properties within 60 days.

A further application was received for the temporary siting of a sea container that complied with the requirements of Local Planning Policy 16.270 – Use of Sea (Shipping) Containers on 12 November 2013.

A third audit conducted on 3 December 2013 revealed that 1 further sea container had been placed upon a property and this landowner was written to on 3 December 2013 requiring them to remove the sea containers from their properties within 60 days.

A separate attachment has been provided to Councillors with the December Council Agenda that provides an individual summary for each the 27 relevant properties, including the landowner responses where received, and seeking Council endorsement for the suggested staff action in relation to each.

STATUTORY ENVIRONMENT

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

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

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

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

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

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

Section 5.8 of the Scheme lists the following:

“5.8 Appearance of Land and Buildings

5.8.1 Unless otherwise approved, no person shall erect any building or other structure which by reason of colour or type of materials, architectural style, height or bulk, ornament or general appearance, has an exterior appearance which is out of harmony with existing buildings or the landscape character of the area.

5.8.2 All buildings and land on which they are located within the Scheme area shall be maintained in a manner, which preserves the amenity of the surrounding locality to the satisfaction of the Local Government.

5.8.3 Where in the opinion of the Local Government an activity is being undertaken that results in the appearance of the property having a deleterious effect on the amenity of the area in which it is located, the Local Government shall require the owner or occupier to restore or upgrade the conditions of that property to a standard commensurate with those generally prevailing in the vicinity.”

Section 8.1 of the Scheme requires that:

“8.1 Requirement for Approval to Commence Development

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

Note:

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

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

"development means the development or use of any land, including —

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

Section 8.4 of the Scheme states:

"8.4 Unauthorised Existing Developments

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

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

Note:

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

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

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

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

Section 11.4 of the Scheme states that:

“11.4 Person must comply with Provisions of Scheme

A person must not:

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

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

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

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

POLICY IMPLICATIONS

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

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

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

A Local Planning Policy does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the

Policy and the objectives which the Policy is designed to achieve before making its determination.

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

Agenda Item 9.1.3 of the 11 December 2013 Ordinary Meeting of Council Agenda recommends various amendments and updates to the Shire's 'Sea Containers' Local Planning Policy. In particular the report recommends the following changes:

- "4.4 Planning approval for a maximum period of 12 months will only be granted where:*
- a. the sea container is being used for the temporary storage of plant, machinery and/or building equipment on a building site;*
 - b. a building permit has been issued and remains current for the construction of a dwelling;*
 - c. the construction of the dwelling has commenced; &*
 - d. the sea container being removed immediately at the conclusion of the 12 month period or at the completion of the construction of the dwelling, whichever comes first.*
- 4.5 Planning approval for a maximum period of 6 months will only be granted where:*
- a. the sea container is being used for the temporary storage of plant, machinery and/or building equipment on a building site;*
 - b. a building permit has been issued and remains current for the construction of an outbuilding;*
 - c. the construction of the outbuilding has commenced; &*
 - d. the sea container being removed immediately at the conclusion of the 6 month period or at the completion of the construction of the outbuilding, whichever comes first.*
- 4.6 Subject to compliance with clauses 4.4 or 4.5 above the Shire will generally support an application that complies with the following criteria:*
- a. A maximum of one (1) sea container on a lot;*
 - b. The sea container is sited behind the front building line of a dwelling or located alongside or behind existing built development upon the property;*
 - c. Maximum dimensions of 6.1m in length, 2.4m in width, and 2.6m in height for lots zoned 'Residential'; &*
 - d. Maximum dimensions of 12.2m in length, 2.4m in width and 2.6m in height for lots zoned 'Rural Residential' and 'Rural Smallholdings' or for 'Rural' zoned lots less than 20ha in area."*

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council:

- 1 Endorse the actions as outlined in the separate Attachment to Agenda Item 9.1.2;
- 2 Require staff to present a further agenda item in relation to sea containers within the Shire's rural-residential areas to its December 2014 meeting;
- 3 Advise those landowners who have been granted a 12 month temporary approval for the siting of sea containers that when Council revisits the issue of sea containers at the conclusion of the 12 month temporary approval period on 11 December 2014 it will be mindful that under Section 11.4 of the Shire of Chapman Valley Local Planning Scheme No.2 and Section 223 of the *Planning and Development Act 2005* persons who commit an offence are liable to a penalty of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which day the offence continues.

16.270	Use of Sea (Shipping) Containers	<p>Comment: Sea (shipping) containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, in general the Shire carries a presumption against the use of sea containers other than in industrial and rural areas unless the Council can be satisfied a genuine need exists for temporary storage of building materials and equipment, and the use and placement of a sea container/s can meet acceptable amenity standards in the locality. As such it is necessary that conditions be imposed should approval be granted to ensure an acceptable quality of development is achieved.</p> <p>For the purpose of this policy a sea container shall also include a re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is not addressed in this Policy and further may be subject to detailed consideration by the Council based on merit.</p>
<p>Scheme provisions: 1.7, Zoning and Development Table Clause 2.2.4 use not listed.</p>	<p>Other references: Nil</p>	<p>Special procedural considerations: The Council at its discretion may advertise the proposed use of sea (shipping) containers within a designated locality to ascertain the views of neighbouring and nearby residents prior to the application being considered.</p>
<p>Policy Purpose:</p> <ol style="list-style-type: none"> 1. To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality. 2. Establish guidelines for the assessment of proposals to place sea (shipping) containers or other similar re-locatable storage units on land within the municipality <p>Policy statement:</p> <ol style="list-style-type: none"> 1. The placement of a sea (shipping) container or similar re-locatable storage unit on land, other than industrial land and rural land greater than 20 hectares in area, requires the planning approval of the local government as it is considered to fall within the definitions of "development" under the Town Planning Scheme. 2. In general, planning approval to a maximum of 12 months will only be granted where the structure is being used for the temporary storage of plant, machinery and/or building equipment on a building site, a building license has been issued and remains current, and construction of a dwelling has commenced. 3. Applications for the use of a sea container are required to address the following; <ol style="list-style-type: none"> a) The submission of: <ul style="list-style-type: none"> - a completed and sign planning application form and payment of application fee; - a site plan showing the proposed location of the development in relation to boundary setbacks, natural features, existing development, and adjoining buildings, to a scale of no less than 1:100; - a written submission detailing the use, condition, unit dimensions and visual amenity associated with the sea container; - any elevation drawings and/or photographs illustrating the presentation and appearance of a sea container in good repair and in uniform colour with no visible rust marks. 		

- b) The placement of a sea container, or similar, shown on a scaled site plan located behind an existing building and/or screen vegetation to minimize the visual impact from a road and adjoining properties
- 4. Other than industrial and rural zoned land (for properties greater than 20 hectares in area) the local government will generally not support:
 - a) more than one (1) sea (shipping) container on a property;
 - b) a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height.
- 5. Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme No.1, the Town Planning Scheme shall prevail.

Adopted by Council: 19 August 2009

Sources: City of Geraldton-Greenough Local Planning Policy- Sea Containers
Shire of Northampton Local Planning Policy- Use of Shipping Containers
Shire of Chapman Valley Town Planning Scheme No.1

AGENDA ITEM:	9.1.3
SUBJECT:	REVIEW OF LOCAL PLANNING POLICIES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	-
DATE:	4 DECEMBER
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

With the gazettal of Shire of Chapman Valley Local Planning Scheme No.2 (the 'Scheme') on 20 November 2013, it is now timely to undertake a full review of all Local Planning Policies. This report recommends the advertising of the revised Local Planning Policies for public comment for a period of 42 days. At the conclusion of the advertising period should no objection be received it is recommended that the Policies be adopted, however should any written, author-identified objections be received that the submissions and related Policy be returned to Council for consideration.

COMMENT

For the most part a Local Planning Policy is formulated to align with the strategic direction as set by the Council and, accordingly, used by staff to disseminate information to the community and industry on the minimum standards for development as prescribed by Council and to establish criteria for the assessment of planning applications.

It is recommended that the following Policies be amended:

- Agroforestry, Plantations & Tree Crops
- Ancillary Accommodation (name amended from 'Added Accommodation')
- Building Envelopes (name amended from 'Location of Buildings on Special Rural and Rural Residential Zoned Land Policy')
- Commercial Vehicles (name amended from 'Parking of Commercial Vehicles Policy')
- Consultation
- Cottage Industry
- Development adjacent to the proposed Oakajee to Tallering Peak and Oakajee to Narngulu Rail Corridors
- Events Application
- Extractive Industry
- Home Occupation
- Grouped Dwellings
- Intensive Agriculture
- Outbuildings
- Relocated Buildings
- Rural Industry
- Rural Tourist Development
- Sea Containers (name amended from 'Sea (Shipping) Containers')
- Signage
- Subdivision Standards (combines 'Subdivision Road Standards' & 'Bushfire Policy – Rural & Special Rural Subdivision & Residential Development')
- Temporary Workforce Accommodation (named amended from 'Temporary Accommodation Camps')

A copy of the revised Local Planning Policies have been circulated to Council as a separate attachment with the proposed changes recommended for each Policy indicated in red for ease of reference.

It is recommended that the following Policies be revoked as it is considered that the provisions of the Scheme or State Planning Policy or separate Council adopted Strategies and Plans already provide adequate guidance:

- Industrial Development
- Moresby Ranges

A copy of the Policies recommended for revocation has been circulated to Council as a separate attachment.

STATUTORY ENVIRONMENT

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

The Scheme outlines the required procedure and advertising requirements in relation to the amendment or adoption of a Local Planning Policy:

“2.4.1 If a Local Government resolves to prepare a Local Planning Policy, the Local Government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:
 - (i) where the draft Policy may be inspected;*
 - (ii) the subject and nature of the draft Policy; and*
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;**
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Local Government considers appropriate.*

2.4.2 After the expiry of the period within which submissions may be made, the Local Government is to:

- (a) review the proposed Policy in the light of any submissions made; and*
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.*

2.4.3 If the Local Government resolves to adopt the Policy, the Local Government is to:

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and*
- (b) if, in the opinion of the Local Government, the Policy affects the interests of the Western Australian Planning Commission, forward a copy of the Policy to the Western Australian Planning Commission.”*

The Scheme requires Council to publish a notice of the proposed amendments to its Policies once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area giving details of the subject and nature of the amended Policies, where they may be inspected, in what form submissions may be made, and the date of the submission period (which shall not be less than 21 days). At the conclusion of the advertising period the Council is required to review the amended Policies in the light of any submissions made, and may resolve to adopt the amended Policies with or without modification, or not proceed with the amended Policy.

As advertising will be undertaken over the Christmas / New Year period it is recommended that an extended advertising period of 42 days be undertaken to ensure there is adequate opportunity for interested parties to make submission.

Section 2.5 of the Scheme states the following in relation to the revocation of a Policy:

“A Local Planning Policy may be revoked by:

- (a) the adoption by a Local Government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or*
- (b) publication of a notice of revocation by the Local Government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.”*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There is a cost for the preparation, and subsequent advertising, of Local Planning Policies which will be covered by the Councils existing Planning budget allocation.

STRATEGIC IMPLICATIONS

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. As previously mentioned, Policies also provide a consistent approach to approving land use and development. Therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

The draft updated Policies will reflect the changes that have come into place with the adoption of the Scheme and will assist to keep pace with current development trends, demands and Council expectations.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council:

- 1 Pursuant to Section 2.4 of Shire of Chapman Valley Town Planning Scheme No.2 adopt the following revised Local Planning Policies for public comment and advertise them for a period of 42 days:
 - Agroforestry, Plantations & Tree Crops
 - Ancillary Accommodation
 - Building Envelopes
 - Commercial Vehicles
 - Consultation
 - Cottage Industry
 - Development adjacent to the proposed Oakajee to Tallering Peak and Oakajee to Narngulu Rail Corridors
 - Events Application
 - Extractive Industry
 - Home Occupation
 - Grouped Dwellings
 - Intensive Agriculture
 - Outbuildings
 - Relocated Buildings

- Rural Industry
 - Rural Tourist Development
 - Sea Containers
 - Signage
 - Subdivision Standards
 - Temporary Workforce Accommodation
- 2 Pursuant to Section 2.5 of Shire of Chapman Valley Town Planning Scheme No.2 revoke the following Policies and advertise notice of their revocation in accordance with the Scheme:
- Industrial Development
 - Moresby Ranges
- 3 Should no written, author-identified objections be received during the 42 day advertising period, then adopt for final approval those Local Planning Policies listed in part (1) of this recommendation and proceed to publish a notice to this effect in the local newspaper; &
- 4 Should there be any written, author-identified objections received during the advertising period, require staff to present a further report to Council in relation to that Policy to which the objection has been received. The remaining Local Planning Policies listed in part (1) of this recommendation to which written, author-identified objections have not been received be adopted for final approval and proceed to publish notice to this effect in the local newspaper.

AGENDA ITEM:	9.1.4
SUBJECT:	DISPOSAL OF 2 SHIRE VEHICLES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	1018.38 & 1018.62
PREVIOUS REFERENCE:	NIL
DATE:	2 DECEMBER 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Works Supervisor's vehicle is due for replacement, and the vehicle formerly used by the Natural Resource Management Officer ('NRMO') is deemed to be surplus to requirements, and it is recommended that both vehicles be disposed of with the proceeds from the Works Supervisor vehicle to be utilised in the purchase of a replacement vehicle, and the proceeds from the NRMO vehicle to be deposited in the LandCare Reserve Account for future expenditure upon NRM projects.

COMMENT

The details for the 2 vehicles are as follows:

Works Supervisor vehicle (CV002)

Make: Toyota
 Model: Hilux
 Body: T-top
 Year: 2011
 Cylinders: 4
 Kilometres: 92,954

NRMO vehicle (CV594)

Make: Ford
 Model: Ranger
 Body: Ute
 Year: 2010
 Cylinders: 4
 Kilometres: 73,071

The Western Australian Local Government Association ('WALGA') run a plant disposal service that would cost \$544.50 (GST inclusive) per vehicle, that undertakes the following:

- Document preparation;
- Advertisement (The West Australian);
- Managed open period;
- Tender Register.

It is recommended that the WALGA service be utilised in this instance as for the Shire to place an advert in the West Australian it would cost a minimum of (prices quoted at 4 for price of 3 rate):

- Wednesday edition \$7.90 line;
- Saturday edition \$10.65 line
- \$70 single column black & white photo;
- \$83.20 single column colour photo.

Section 14 of the *Local Government (Functions and General) Regulations 1996* requires tenders to be publicly invited through a statewide public notice necessitating the use of the West Australian (with the Saturday edition whilst being the most expensive also being the most widely

read) however, Council may consider it worthwhile to also run a concurrent notice locally in the Friday Geraldton Guardian to maximise its exposure to potential purchasers.

STATUTORY ENVIRONMENT

Section 3.58 - Disposing of Property of the *Local Government Act 1995* sets out the 3 methods by which a Local Government may dispose of assets:

- to the highest bidder at a public auction;
- public tender process – statewide notice;
- private treaty – local public notice.

“3.58 Disposing of Property

(1) *In this section —*
not; *dispose includes to sell, lease, or otherwise dispose of, whether absolutely or*

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

- (a) *the highest bidder at public auction; or*
- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) *This section does not apply to —*

- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section.”*

POLICY IMPLICATIONS

Council has set the following delegation:

“Delegation 2004 – Disposal of Surplus Equipment, Materials, Tools, etc.

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc. which are no longer required, or are outmoded, or are no longer serviceable.

This delegation applies only to items not included on Council's Asset Register.”

The Shire of Chapman Valley has the following Council Policy:

“12.30 Vehicle Replacement Programme

The Chief Executive Officer, in conjunction with the Works Supervisor, shall prepare a plant replacement programme to allow economical replacement of plant and vehicles for presentation to for consideration.

The replacement programme will be evaluated and/or amended by Council annually, and be considered in conjunction with proposed Loan Programme and Reserve Funds.

The programme will form part of Council's Operational Plan

All purchase of vehicles to come back to Council.”

FINANCIAL IMPLICATIONS

The 2013/2014 Council budget lists \$25,000 in Income Account 3575 for the proceeds from the sale of the Works Supervisor vehicle and Expenditure Account 3554 lists \$38,500 for the purchase of a replacement Dual Cab 4x4 for the Works Supervisor.

Landcare Reserve Account 6751 holds \$81,771.90, less the \$50,060 committed through the 2013/2014 budget for the Declared Species Group project, there remains \$31,711.90 for expenditure on future NRM projects. It is proposed that the proceeds of the sale of the NRMO vehicle be placed in the Landcare Reserve Account for future Shire expenditure upon NRM projects.

STRATEGIC IMPLICATIONS

The replacement of the Works Supervisor vehicle is in keeping with the plant replacement program and is a budgeted item for this financial year. The disposal of the NRMO vehicle will ensure that the Shire does not hold a depreciating asset that is now surplus to requirements.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

That Council approves the Chief Executive Officer to advertise by local public notice for at least two weeks as per sections 3.58(3) and (4) of the *Local Government Act 1995* the disposal of the Works Supervisor and NRMO vehicles with the proceeds from the Works Supervisor vehicle to be utilised in the purchase of a replacement vehicle and the proceeds from the NRMO vehicle to be deposited in the Landcare Reserve Account.

9.2 Finance December 2013

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9.2 AGENDA ITEMS

9.2.1 Financial Reports for November 2013

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR NOVEMBER 2013
PROPONENT:	MID WEST REGIONAL COUNCIL
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	3 DECEMBER 2013
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for November 2013 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

- 1. Statement of Financial Activity*
- 2. Balance Sheet and statement of changes in equity*
- 3. Schedule of Investments*
- 4. Operating Schedules 3 – 16*
- 5. Acquisition of Assets*
- 6. Trust Account*
- 7. Reserve Account*
- 8. Loan Repayments Schedule*
- 9. Restricted Assets*
- 10. Disposal of Assets*

A value of 5 percent is set for reporting of all material variances."

FINANCIAL IMPLICATIONS

As presented in November financial statement.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receive the financial report for the month of November 2013 comprising the following:

- Summary of Payments
- Summary of Financial Activity,
- Net Current Assets
- Detailed Statement of Financial Activity,
- Details of Cash and Investments,
- Statement of Significant Variations,
- Summary of Outstanding Debts
- Reserve Funds
- Information on Borrowings
- Disposal of Assets
- Acquisition of Assets
- Rating Information
- Trust Fund Reconciliations
- Bank Reconciliation
- Credit Card Statements

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9.3

Chief Executive Officer

December 2013

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9.3 AGENDA ITEMS

- 9.3.1 2012/13 Annual Report and Annual General Meeting of Electors
- 9.3.2 Order of Business – Ordinary Council Meeting Days
- 9.3.3 Budget Variation Requests
- 9.3.4 Acquisition of ipads
- 9.3.5 Cemetery Fees & Reservation Procedures
- 9.3.6 Roadside Vegetation Policy
- 9.3.7 Nabawa Turf Wicket
- 9.3.8 Strategic Waste Management Plan & Waste Oil Facilities
- 9.3.9 Northern Country Zone of WALGA – Proposed Amendment to Constitution

AGENDA ITEM:	9.3.1
SUBJECT:	2012/13 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	413.01
PREVIOUS REFERENCE:	NA
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

REPORT PURPOSE

To present to Council a report to accept the Shire of Chapman Valley 2012/2013 Annual Report, receive the Auditors Report and Management Letter (provided under separate cover).

Council is also being requested to set a set a date for the Annual General Meeting of Electors as required by s5.27 'Electors General Meeting' of the *Local Government Act 1995* no later than 5th February 2014.

BACKGROUND

The Shire of Chapman Valley received the Auditors report from UHY Haines Norton for the 2012/2013 Annual Financial Report.

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2011/2012 on the 6th February 2013 at the Council Chambers, Nabawa. This meeting commenced at 6.00pm.

The Local Government Act 1995 states the following;

“5.27. Electors’ general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not **more than 56 days after the local government accepts the annual report** for the previous financial year.*
- (3) *The matters to be discussed at general electors’ meetings are to be those prescribed.”*

5.29. Convening electors’ meetings

- (1) *The CEO is to convene an electors’ meeting by giving —*
 - (a) *at least 14 days’ local public notice; and*
 - (b) *each council member at least 14 days’ notice, of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.32. Minutes of electors’ meetings

The CEO is to —

- (a) *cause minutes of the proceedings at an electors’ meeting to be kept and preserved; and*

- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

5.33. Decisions made at electors' meetings

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

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government **no later than 31 December after that financial year.**

* Absolute majority required.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

COMMENT

The Staff Recommendation below is suggesting the date, time and location to hold the Annual Electors Meeting as being:

- ~ **Tuesday 4th February 2014**
- ~ **Commencing at 6.00pm**
- ~ **Council Chambers, Nabawa**

Bearing in mind the Act stipulates the Annual Electors Meeting must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore the latest date the meeting could be held is the 5th February 2014.

It is important to maximise attendances at the Annual Electors Meeting by constituents, hence the Staff Recommendation has suggested a date and time, which is after the harvest and school holiday periods.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Vote Required

STAFF RECOMMENDATION

Council:

- 1 Accepts the Annual Report for the 2012/2013 Financial Year as required by s5.54 of the *Local Government Act 1995*. (Absolute Majority Vote Required);
- 2 Receives the Auditors report for 2012/2013;
- 3 Receives the Auditors Management letter 2012/2013;
- 4 Sets the date for the Annual Electors Meeting for Tuesday 4th February 2014 6.00pm at the Nabawa Council Chamber;
- 5 Advertises the AGM for at least two weeks;
- 6 Approves the CEO to give local public notice of the availability of the Annual Report as required by s5.55 of the Act;
- 7 Provides a copy of the Shire of Chapman Valley 2012/2013 Annual Report to the Director General of the Department of Local Government.

AGENDA ITEM:	9.3.2
SUBJECT:	ORDER OF BUSINESS – ORDINARY COUNCIL MEETING DAYS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	411.00
PREVIOUS REFERENCE:	NIL
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Recent discussions on the order of business on the day of the monthly Ordinary Council Meetings (OCM) resulted in Council requesting an item be presented to this meeting for formal discussion and consideration.

COMMENT

During informal discussion at Forum Sessions consideration was given to the following schedule, although this was only as a starting point for further discussion:

0830 to 0900	Informal morning Tea with Councillors and Staff
0900	Official Commencement time of Ordinary Council Meeting
At Completion of OCM	Forum Session (Including Staff Information Bulletin)

There was discussion at the November 2013 OCM about the legality and practicality of the staff attending a session to discuss their Staff Information Reports. The consensus was Councillors felt it was not necessary or appropriate for staff to attend a session where Councillors asked questions about their reports or any other items they may have. However, the feeling was the CEO was responsible for staff and any questions should be made to him, rather than to individual staff. Senior Staff (i.e. Manager of Planning, Manager of Finance & Administration (now Office Manager) & Works Supervisor can be in attendance for the duration or part of the OCM and Forum Sessions. This is how I have based this meeting and Staff Recommendation for Council consideration.

STATUTORY ENVIRONMENT

Any amendment to the OCM will require a formal resolution of Council as per the requirements of Section 5.5 of the Local Government Act 1995 and Section 12 of the Local Government (Administration) Regulations 1996.

POLICY IMPLICATIONS

No existing Policy affected

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

It is important Council finds more time to focus on the strategic issues of the Shire than the operational. Therefore I would like Council to consider structuring the Forum Session on areas such as:

- Review of all Integrated Planning & Reporting issues e.g.
 - ~ Corporate Business Plan;
 - ~ Strategic Community Plan;
 - ~ Long Term Financial Plan;
 - ~ Asset Management Plan; and

~ Workforce Plan.

- Local Government Structural Reform;
- Future Capital upgrades to road and building assets
- Regional Cooperation and collaboration;
- Cross-Government relationships
- Core functions of the Shire of Chapman Valley

This does not mean Council should have an interest in the operational activities of the organisation as this is inevitable, rather to place more emphasis and focus on the strategic direction of the Shire and community.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council alters the schedule for the monthly Council meeting days to the following and advertises the revised starting time of the Ordinary Monthly Council Meeting in accordance with legislation:

Start Time	Meeting/Session Type	Participants
0830 to 0900	Informal morning tea with Councillors and Staff.	Councillors and any available staff
0900	Ordinary Council Meeting (OCM).	Councillors, CEO and Senior Staff (only as required)
At Completion of OCM	Forum & Session (Including Staff Information Bulletin)	Councillors, CEO and Senior Staff (only as required)

AGENDA ITEM:	9.3.3
SUBJECT:	BUDGET VARIATION REQUESTS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306.13
PREVIOUS REFERENCE:	NIL
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

The purpose of this report is to seek Council's endorsement for some immediate budget variations identified by staff.

COMMENT

In accordance with legislative requirements of the *Local Government Act, 1995, Section 6.8(1)(b)* Council is required to resolve by **Absolute Majority** to incur expenditure from its municipal fund for an additional purpose that is not identified in the Adopted Budget.

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

Council is also obliged to undertake a full Statutory Budget Review between the 1st January and 31st March each financial year, which is expected to be presented to the February 2014 Ordinary Council Meeting (OCM).

STATUTORY ENVIRONMENT

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

- (1a) In subsection (1):

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY IMPLICATIONS

No existing policy affected or relevant.

FINANCIAL IMPLICATIONS

Below is a summary of Budget Variations being requested:

COA /Job No.	COA/Job Description	Adopted Budget \$	Revised Budget \$	Effect on Budget \$	Comments
Expenditure					
4272	Other Expenditure – Soil Contamination Test at Nabawa Tavern	15,000	0	+15,000	Not required. Lease extended.
2644	Capital Exp. Land & Buildings – Yuna Community Centre – Floor plans, design, etc.	4,500	9,500	-5000	Additional cost to be incurred to cover design and to obtain an Energy Efficiency Certificate for the proposed building.
4770	Transfer to Computer & Office Reserve	0	4,665	-4,665	Transferred to Computer & Office Reserve to assist with purchasing Elected Member and Staff iPads.
Income					
0893	Cat Act Implementation (Grant Income) and Expenditure to implement Cat Act.	5,335	0	-5,335	Grant application not lodged and no opportunity now available for funding assistance to implement Cat Act. COA 0842 still has the expenditure amount of \$5,500, which will stay as there is still a need to implement the requirements of the Cat Act.
Total effect on 13/14 Budget				0	

STRATEGIC IMPLICATIONS

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

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

Council endorses the following variations to the 2013/2014 Budget:

COA/Job No.	COA/Job Description	Adopted Budget \$	Revised Budget \$	Effect on 13/14 Budget \$
Expenditure				
4272	Other Expenditure – Soil Contamination Test at Nabawa Tavern	15,000	0	+15,000
2644	Capital Exp. Land & Buildings – Yuna Community Centre – Floor plans, design, etc.	4,500	9,500	-5000
	Transfer to IT Reserve	0	4,665	-4,665
Income				
0893	Cat Act Implementation (Grant Income) and Expenditure to implement Cat Act.	5,335	0	-5,335

AGENDA ITEM:	9.3.4
SUBJECT:	ACQUISITION OF iPADS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	405.03
PREVIOUS REFERENCE:	NIL
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

After recent informal discussions it was requested an item be presented to Council to consider the acquisition of iPads for all Elected Members and relevant staff.

COMMENT

The use of tablets, preferable iPads, is rapidly becoming the preferred means of communication and communication for local government Elected Members and specific staff.

The historical practice of producing hard copies of Council documents (e.g. Agendas, Minutes, Strategic Plans, etc.) is proving less efficient and effective than the electronic medium of iPads (or tablets). The cost associated with photocopying, collating, binding and then delivering documents such as Agendas & Minutes is significant over a number of years in comparison to producing & sending these documents out electronically.

I have experience the transition from hard copy to electronic medium for Council documents and confess it does take some time to get used to the electronic practice; however, over a minimal period of time all Elected Members and staff became fully conversant and efficient with the iPads and none wanted to return to the hard copy procedure. There are times when hard copies will remain the only practical source to provide data (e.g. large documents) and this will obviously continue were necessary.

STATUTORY ENVIRONMENT

As the Staff Recommendation in requesting expenditure outside the Adopted Budget the following legislation is relevant:

Local Government Act (1995) – Section 6.8. - Expenditure from municipal fund not included in annual budget

- (2) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* *Absolute majority required.*

- (1a) In subsection (1):

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) Where expenditure has been incurred by a local government —
- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

POLICY IMPLICATIONS

No existing Policy affected.

FINANCIAL IMPLICATIONS

The best estimates we have in regards to the current process for the production and delivery of hard copy Agendas (with supporting attachments), Forum and Staff Information Reports on a monthly basis is:

Paper – Approx 10 Reams/month @ \$5/Ream (500sheets/Ream)	\$50
Photocopier Maintenance Costs – at 0.0132/copy (black) & 0.1320(Colored per page)	\$40
Photocopier Consumable Costs – Toner & Energy	\$15
Staff time to Collate & Bind Documents – Approx 4hrs @ \$30/hr	\$120
Staff time to Deliver Documents - Approx 2.5hrs @ \$30/hr	\$75
Total estimated costs to produce Monthly Agendas in hard copy	\$300

Based upon the above figures (which do not include the costs for Committee Meeting Agendas/Minutes) the annual costs to produce and deliver hard copy Agendas would be in the vicinity of \$3,300 (i.e. \$300 x 11 OCMs).

There will obviously be time taken by a staff member to put the electronic version of the Agenda together; however, it was not considered appropriate to include this time as this is already a task, which is currently being undertaken by this staff member to prepare the documents before sending them to print and collation into hard copies.

The intangible benefits of releasing staff to undertake other tasks within the organization, and the environmental aspect of not using paper and energy has not been included within this raw costing analysis.

With the estimated costs to purchase 11 iPads outright being \$10,000 the iPads will have paid for themselves in an estimated 3 years.

If Council does not wish to outlay the full payment for the outright purchase of the iPads it may be appropriate look into the option Telstra currently to pay the iPads off over a 12 or 24 month interest free plan. This option would not deplete the Computer & Office Equipment Reserve to acquire iPads and allow Council to cover the costs through its operational budget. The issue here is ensuring the overall cost do not exceed the on-off purchase option.

The costs associated with setting up a communication package for downloading documents and emails will be an additional cost (between \$480 per annum for 4GB/month and \$1200 per annum for 15GB/month). However, some Shire have resolved to simply provide the iPads (or similar tablet device) and not the SIM Card. This would mean the Elected Members would need to have their own SIM Card and Wi-Fi access or be able to plug the iPad into their own desk top/laptop device linked to a modem. The concept here is the communication allowances currently being paid to Elected Members would be used to cover any additional personal costs associated with the Shire downloads.

I tend to lean towards the *Shared Data Package* being offered by Telstra paid for by the Shire, which caters for a total of 4GB to 15GB, downloads for all iPads users, rather than the individual personal SIM Card option. However, this will be further investigated to ensure the best possible deal is provided.

STRATEGIC IMPLICATIONS

The ability to have Agendas sent electronically will no doubt improve the overall efficiencies of the organisation with the dissemination of information from staff to the Elected Members.

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

Council endorses:

1. The Chief Executive Officer to determine the most cost efficient and appropriate plan for the acquisition of iPads, associated applications, folders, and supporting equipment for all Elected Members and staff (as determined by the Chief Executive Officer);
2. The allocation of funds from either Municipal Fund and/or the Computer & Office Equipment Reserve for the acquisition of iPads, associated applications, folders, and supporting equipment for all Elected Members and staff (as determined by the Chief Executive Officer);
3. The iPads are to be provided to Elected Members and relevant staff for their use yet will remain the property of the Shire of Chapman Valley and are to be returned to the Shire whenever an Elected Member or Staff Member cease their position with the Shire;
- 3 The Chief Executive Officer arrange an appropriate communication package with Council's existing communications provider (Telstra) to adequately accommodate for the required downloads and Shire operational needs for the use of the iPads;
- 4 Elected Members and Staff allocated an iPads are not to incur any costs for any private usage of the iPads and all costs associated with the Shire's needs for the use of the iPads is to be under the control of the Chief Executive Officer.

AGENDA ITEM:	9.3.5
SUBJECT:	CEMETERY FEES & RESERVATION PROCEDURES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NABAWA CEMETERY
FILE REFERENCE:	206.01
PREVIOUS REFERENCE:	NIL
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has recently installed a Niche Wall at the Nabawa Cemetery and staff are already receiving requests to acquire spaces within the wall for interment of ashes, plaques only and reservations for future interments.

COMMENT

Council's approved Cemetery Fees are not realistic (far too low) for the use of the niche wall and the fear is with the fees set at the level they are the spaces within the wall will be rapidly taken up with reservations for future use.

Attached is a copy of Council's current Cemetery Fees & Charges, which shows the fee to Reserve a Plot being inadvertently omitted from the list (i.e. has been left blanks). This fee was set at \$22 in the 2012/2013 Budgeted Fees & Charges. The Staff Recommendation has been structured to address this omission.

When compared to the Cemetery Fees & Charges set by the Geraldton Cemetery Board for Plot Reservations and Niche Wall interments ours are extremely low and should be addressed i.e.

	CHAPMAN VALLEY	GERALDTON
Niche Wall Interment - Single	\$27.50 (Plaque not included)	\$579 (min.) (Plaque Included)
Niche Wall Interment - Double	\$55.00 (Plaque not included)	\$1,181 (min.) (Plaque Included)
Niche Wall Interment - Reservation	\$22.00 (12/13 Budget) (Reservation period of 99 Years)	\$268 (Reservation Period of 25 Years)
Plaque for Niche Wall	At Cost + 10% (estimated at approx.. \$350)	Included in abovementioned Fees

The above figure must be qualified by identifying the Geraldton Cemetery is fully manned and maintained, which is obviously not the case at Nabawa. However, I believe is important the Niche Wall Fees and Charges are amended to reflect more realistic competitive amounts

As all Niche Wall Plots are of the same size there is no need to have a fee for a Single and a Double Niche Plot. The Staff Recommendation is suggestion removal of the Double Niche Wall Interment Plot Fee.

The other issue is the request for Niche Wall Plots to attach a plaque, yet not actually place ashes within the Niche Wall. The concern here is the Niche Wall could be quickly taken up with Memorial Plaques without ashes and the Plots will rapidly become use up. The train of thought is to offer those not intending to place ashes into the Niche Wall the opportunity to place a Memorial Plaque, exactly the same as the Niche Wall Plaque, either on the opposite side of the Niche Wall (i.e. facing the Cemetery entrance) or on the Limestone Wall around the Gazebo.

STATUTORY ENVIRONMENT

The Cemeteries Act, 1986, states the Board (Shire) can grant a right of burial for period of 25 years with an option of 25 upon application. The current right of burial period Council has stated on the Application for of 99 years breaches this section of the Act and should be altered i.e.

Division 2 — Rights of burial

25. Grant of right of burial

- (1) *A Board may grant to a person for a term of 25 years the right of burial in a specified area of a cemetery and the right to place a memorial on that area.*
- (2) *Where the holder for the time being of a grant of a right of burial applies to the Board for the renewal of the grant the Board shall renew the grant for a further term of 25 years.*
- (3) *A right of burial granted under this section shall be subject to such conditions as may be prescribed by local law or by-law.*
- (4) *A right of burial granted under the Cemeteries Act 1897 or renewed under subsection (2) may, if the Board and the holder for the time being of the grant agree, be renewed from time to time for a further term not exceeding 25 years in the case of any one renewal.*

The Act also gives authority to the Board (Shire) to set fees & charges i.e.

53. Fees and charges

- (1) *A Board may by resolution set fees and charges for any of the following purposes —*
 - (a) *issuing a funeral director's licence;*
 - (b) *issuing a single funeral permit;*
 - (c) *digging or opening a grave;*
 - (d) *a grant or renewal of a grant of a right of burial;*
 - (e) *permission to erect new or additional memorials and for supervising such work;*
 - (f) *cremation;*
 - (g) *conducting a funeral;*
 - (h) *inspection of registers and issue of extracts or certified copies therefrom;*
 - (i) *registration of the assignment or bequest of a right of burial;*
 - (j) *exhumation;*
 - (k) *maintenance of graves;*
 - (l) *extraordinary services provided for funerals;*
 - (m) *disposal of ashes;*
 - (n) *the provision of memorials; and*
 - (o) *any other purpose necessary for the effective administration of this Act.*
- (2) *A fee or charge set by a resolution under subsection (1) shall not come into effect until not less than 14 days' notice of the fee or charge has been given in the Gazette.*
- (3) *Fees and charges set under this section shall be payable to the Board and recoverable as a debt in a court of competent jurisdiction.*
- (4) *The Minister may, by order published in the Gazette, amend or revoke a fee or charge set by a Board under this section if the Minister considers the fee or charge to be unreasonable.*

Under the Local Government Act, 1995, Council is obliged to advertise its intention to impose a fee or charge i.e.

6.16. Imposition of fees and charges

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

6.19. Local government to give notice of fees and charges

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

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

POLICY IMPLICATIONS

No existing Policy affected.

FINANCIAL IMPLICATIONS

The intention to increase the existing Niche Wall fees & charges will not have any significant positive effect on Council's budget.

STRATEGIC IMPLICATIONS

The need to review the existing fees & charge to ensure they are at least commensurate with the Geraldton Cemetery to avoid the situation of Council's Niche wall being taken up by non-residents due to the existing very low fees & charges to the detriment of the shire residents.

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

Council:

1. Restricts the use of the Niche Wall Plots for the actual interment of ashes only and allow Memorial Plaques (without any interment) to be placed on the opposite side of the Niche Wall to the cavities.
2. Amends the following Fees and Charges for the Nabawa Cemetery and advertises in accordance with legislation:

Reservations

Plot reservation (Burial or Niche Wall)	\$250per lot	GST N/A
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Niche Wall Interments:

Single Niche Wall Fee	\$150	GST Incl.
Double Niche Wall Fee	(Delete Fee)	

Memorial Plaques

(For Plaques without actual interment to be placed on the opposite side of Niche Wall)

Single Memorial Plaque Fee	\$100	GST Incl.
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(Note: The above fees and charges do not include the cost of the actual Plaque)

CEMETERY CHARGES

1 Cemetery			
Sinking, exhumation, reopening and closing a grave***	\$ 500.00	to a depth of 1.8 metres	GST N/A
Additional sinking ordered in excess of 1.8 metres***	\$ 50.00	Each additional 0.3 cubic metres or part thereof	GST N/A
Re-sinking and closing any grave***	\$ 500.00	For the purpose of second interment or exhumation	GST N/A
***Add 50% to charges above for burials on Saturdays and add 100% for burials on Sundays and Public Holidays			
Removal of kerbing, tiles, grass, etc	\$ 35.00	per hour	GST N/A
Plot reservation		per lot	GST N/A
Plot Charge (for land where grave is situated)	\$ 50.00	per lot	GST N/A
2 Additional Fees			
Re-opening of any existing grave for a second interment	\$ 20.00	re-opening for second interment	GST N/A
Permission for Exhumation	\$ 20.00	For exhumation	GST N/A
Permission to erect a monument headstone and/or kerbing	\$ 20.00	Per monument headstone/kerbing	GST N/A
Internment without specified notice - Extra	\$ 22.00	Extra for internment without notice	GST Incl.
Internment not in usual hours	\$ 22.00	as prescribed in "By-Laws 18"	GST Incl.
Single Niche Wall fee	\$ 27.50		GST Incl.
Double Niche Wall Fee	\$ 55.00		GST Incl.
Plaque for Niche Wall	At cost + 10%		GST Incl.
Funeral Directors fee for conducting funeral within cemetery	\$ 20.00	Funeral Directors Fee	GST N/A
<i>Maximum fee paid by each (or any one) Funeral Director shall not in any financial year (1st July to 30th June), exceed the total amount of:</i>	\$ 60.00	Maximum Funeral Direction Fee	GST N/A

AGENDA ITEM:	9.3.6
SUBJECT:	ROADSIDE VEGETATION POLICY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WESTERN REGIONS OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	NIL
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

As a result of a number of emails and dialogue over a number of years on the issue of the Shire's commitment and responsibility in relation to vegetation on road reserves, specifically the Parkfalls Estate.

COMMENT

The feeling I received from the Forum Session on this matter was there was now appetite for Council to be continually replacing verge side vegetation in estate areas as these plants die. Therefore the Staff Recommendation below reflects the feeling of a majority (not all) during the general discussion on this issue.

Council has an existing policy in regards to *Tree Planting – Parkfalls Estate* (see *Policy Implication* section below) which I have recommended changes to so this Policy more clearly states and reflects the current position of Council.

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS

The following Policies are affected:

15.160.3 *Tree Planting*

In reference to Clause 5.7 & 5.8 of Council's Activities on Thoroughfares & Trading in Thoroughfares & Public Places local law the following conditions apply (other than were specified in Council's Development Guidelines):

1. *No tree planting will be permitted on twenty metre wide road reserves.*
2. *Trees must not be planted under power lines or over Communication cables.*
3. *No trees are to be planted within 9 metres of the outside of the road pavement.*
4. *Trees should not be planted within five metres of the top of the back cut of the table drain.*
5. *Trees planted on road reserves become Council property and may be removed at any time at Councils discretion if the trees become a hazard or interfere with future road works.*
6. *Where trees are planted on a private basis the planting, watering and maintenance of the trees is entirely the responsibility of the adjoining landholder who undertakes the planting.*

The entire Road Verges Policy shall be administered at the discretion of the Chief Executive Officer.

15.160.4 *Tree Planting – Parkfalls Estate*

Council allow for the planting of Geraldton Wax within the road verges of the Parkfalls Estate by the developer, on the understanding that:

- (a) *The trees must not be planted under any power lines or over communication cables;*
- (b) *The trees are to be maintained by the developer for at least two years from the planting, which includes the attendance of watering and pruning (if required); and*

- (c) *The trees are not to be planted in locations that will potentially interfere with line of sight from road intersection or driveway, with determination of this matter delegated to the Chief Executive Officer.*

FINANCIAL IMPLICATIONS

Council has endorsed specifications for tenders to be called for the Western Regions for mowing, slashing and general maintenance, which will advertised in early 2014. The Staff Recommendation does not affect the specifications at all. However, if Council resolves to take on the responsibility of replacing verge trees/shrubs in specific areas of the Shire and request the contractor to water and maintain these plants, then there will need to be a variation to the specifications and cost will be associated with this position. Though I would suggest the cost would be minimal.

STRATEGIC IMPLICATIONS

It is important for Council to maintain specific areas of the Shire to ensure a good image of the Shire is presented.

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

- 1 Council amends the title of Policy from “15.160.3 - Tree Planting” to “15.160.3 - Tree Planting (Other than those referred to in 15.160.4)”
- 2 Council replaces existing Policy 15.160.4 Tree Planting – Parkfalls Estate to:

15.160.4 Planting of Vegetation by Developers within the Shire of Chapman Valley

Council allow for the planting of vegetation within the road reserve by the developer, on the understanding that:

- (a) *The vegetation must not be planted under any power lines or over communication cables;*
- (b) *The vegetation must to be maintained by the developer for at least two years from the planting, which includes the attendance of watering and pruning (if required);*
- (c) *The vegetation is not to be planted in locations that will potentially interfere with line of sight from road intersection or driveway, with determination of this matter delegated to the Chief Executive Officer;*
- (d) *The Shire will not replace any vegetation on verges, medium strips, etc. after the two (2) year developer maintenance period other than in the following areas;*
 - i. *Entry Statements to the development sites/estates;*
 - ii. *Town Sites of Nanson, Nabawa & Yuna.*
- (e) *Local residents and landowners are encouraged to maintain their own verges under the condition they are aware of the necessary safety and liability issues associated with the practice of activities on thoroughfares and public places.*
- (f) *Vegetation planted on road reserves become Council property and may be removed at any time at Councils discretion if the vegetation become a hazard or interfere with future road works.*

AGENDA ITEM:	9.3.7
SUBJECT:	NABAWA TURF WICKET
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NABAWA RECREATION CENTRE
FILE REFERENCE:	803.05
PREVIOUS REFERENCE:	Minute Refs: 09/01-12; 04/04-8; 10/04-2; 05/06-3; 10/09-8; 12/12-11
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Below is a list of Council resolutions in regards to the history associated with the Nabawa Turf wicket. Also attached is correspondence on this matter.

Moved Cr N Exten seconded Cr PJ Batten

That Council resolve to impose a new fee for the utilising of the Nabawa Oval and surrounds for Geraldton Regional Cricket Board home and away fixtures not involving Chapman Valley Cricket Club teams at an amount of \$50.00 per fixture.

This new fee be effective immediately and advertised in accordance with the requirement of the Local Government Act (1995).

CARRIED BY ABSOLUTE MAJORITY
Voting 9/0
Minute Reference 09/01-12

Moved Cr P Forrester seconded Cr P Batten

a) *Council advises CABY that investigations will be undertaken into the reallocation of Gardener's resources to the Yuna and Nanson town sites for gardening requirements at these locations and they will be advised of the outcomes of these investigations accordingly.*

b) *Discussions commence with the Chapman Valley Cricket Club and the Geraldton Cricket Association in regards to the future of the turf wicket at the Nabawa oval.*

c) *Investigations are undertaken into the acquisition of a more suitable vehicle and trailer for the Gardener's position for inclusion into the 2004/2005 budget, irrespective of the outcome of the CABY request.*

CARRIED ON THE PRESIDENT'S CASTING VOTE
Voting 5/5
Minute Reference 04/04-8

Moved Cr A Farrell seconded Cr P Forrester

1) *The Council agrees to Geraldton Regional Cricket Board continue with full responsibility for the Nabawa turf wicket with the Shire retaining the right to terminate this agreement at any time.*

2) *Council will provide the Geraldton Regional Cricket Board with an amount of \$3,647 for the 2006/2007 cricket season towards contract labour costs to curate the turf wicket. This cost will be reviewed annually as part of Council's Budget considerations.*

3) *Council advises the Geraldton Regional Cricket Board that the Shire Gardener is to be offered the first option of undertaking the curating work at the Nabawa wicket and such work is to be performed in addition to the normal hours this employee is required to work for the Shire.*

- 4) Council agrees to allow the contract curator to utilise Council plant equipment to undertake the necessary work on the turf wicket if the employee is considered by the Chief Executive Officer to be capable and competent in operating this equipment.
- 5) Council will continue to cover the cost of materials for the wickets (e.g. mud, chemicals spraying, etc).
- 6) The Geraldton Regional Cricket Board will undertake all the necessary training of the curator at no cost to Council.

CARRIED
Voting 7/0
Minute Reference 05/06-3

Moved Cr D Bell seconded Cr Forrester

That Council enters into the following agreement with the Geraldton Regional Cricket Broad:

FORMAL INSTRUMENT OF AGREEMENT

THIS AGREEMENT

made this _____ day of _____ 2009

BETWEEN Geraldton Regional Cricket Board
(hereafter referred to as 'The Contractor')
Of PO Box 351
GERALDTON WA 6531
Ph: 0407645811
Fax:
Email: grebcricket@hotmail.com
ACN:
ABN: 54985116128

AND SHIRE OF CHAPMAN VALLEY
(hereafter referred to as 'The Shire')
Of Lot 7 Chapman Valley Rd Nabawa WA 6532
Ph: (08) 99205011

IT IS AGREED that this Formal Instrument of Agreement shall **CONSTITUTE THE CONTRACT** between the parties.

WITNESS that:

1. The Contractor has submitted a proposal for a contract curator for the contract schedule amounts as per the price schedule attached in this document:

Seven Thousand Three Hundred and Sixty Dollars

\$7,360

and that the:

- Commencement date of contract is: 1st September 2009
- For a period of 8 months ending on: 30th April 2010

2. Payments of the full contract amount will be payable under the following schedule
 - Eight equal monthly payments of \$920 payable at the end of each month. Payments to commence on the 30th September 2009 with final payment on the 30th April 2010. Payments to be deposited directly into the Geraldton Regional Cricket Board nominated bank account.
 - Geraldton Regional Cricket Board
Westpac Marine Terrace Geraldton
BSB: 036103
Acc No: 250576

3. The Shire has accepted the Contractor's **OFFER** at the proposed rates submitted subject to the conditions specified in this Agreement to the fair spirit intent and meaning of the contract.
4. The Contractor agrees to undertake all necessary work as a contract curator responsible for turf wickets- located at Nabawa Oval for the Shire on Shire purchase orders issued to the Contractor during the period of the contract, in conformity with the detailed requirements and the conditions described herein.
5. The Shire covenants with the Contractor that it will pay in accordance with conditions of contract for services supplied by the Contractor where such services are acceptable to the Shire and of the quality described in the documents.
6. The Contractor agrees to render the following services under this contract:
 - a) Maintain and prepare wickets between the months of Sept-April of the contract year and this includes mowing, top dressing, watering, rolling, fertilising spraying, grassing etc.
 - b) Provide a log book of hours, tasks and location (park)
 - c) Provide daily service (maintenance, fuel and oil for machinery)
7. The Shire covenants with the contractor that for the period of the contract, it will provide the following goods and services: Barrenness
 - a) Supply soil, fertiliser, chemicals, hoses, machinery and equipment.
 - b) Service machinery
 - c) Mow as required between the periods of June-July of the contract year.
- 8) Fertilizer and chemicals to be supplied by Shire
 - 1) Nitrofoska Perfek Fertiliser Granules (2 Bags @ 20KG per bag)
 - 2) Fungonil –Fungicide 6 litres
 - 3) Spinflo – Fungicide 6 Litres
 - 4) Roural GT – Fungicide 6 Litres
 - 5) Sulphur of Amonia (1 Bags @ 20 kg per bag)
 - 6) Lorsban –Insecticide 3 Litres
 - 7) Flat White Water based Paint 10 Litres
 - 8) Soaker Hoses -2 hoses @ 15 metres each
 - 9) Timer to be fitted to tap near pitch for soaker hoses

CARRIED
Voting 6/0
Minute Reference 10/09-8

MOVED: CR ROYCE

SECONDED: CR BELL

That Council authorises the Shire President and Chief Executive Officer to sign and execute the common seal on the formal instrument of agreement with the Geraldton Regional Cricket Board for the maintenance of the Nabawa Oval Cricket Pitch for 2012/13.

Voting 8/0
CARRIED
Minute Reference 12/12-11

COMMENT

It appears from the evidence on file there was never any agreement for the Geraldton Regional Cricket Board (GRCB) to make a contribution towards the cost to maintain the Nabawa turf wicket, other than the resolution of Council in September 2001 to:

“...to impose a new fee for the utilising of the Nabawa Oval and surrounds for Geraldton Regional Cricket Board home and away fixtures not involving Chapman Valley Cricket Club teams at an amount of \$50.00 per fixture.”

It is also apparent from the evidence the annual fee has risen from \$3,500 in 2004 to \$7,360 in 2013. More than double the original agreement.

It is also apparent the Shire has not recently been dealing with the annual *Formal Instrument of Agreement* until after the commencement of the season (i.e. the Agreements commence on the 1st September each year, yet the item is not present to Council until December).

I am lead to believe there are four other turf wickets in the Greater Geraldton area and the comment has been made to me the GRCB will only play A Grade fixtures on turf wickets. If this is the GRCB policy and the turf wicket was removed from Nabawa there may be a risk no A Grade fixtures will be played at Nabawa. I am not sure this has always been the position of the GRCB and it may only be a recent situation as I can recall A Grade fixtures being held at Mullewa for many years when they had a team in the completion.

STATUTORY ENVIRONMENT

The *Formal Instrument of Agreement* is a legally binding document, signed by Council and the GRCB to maintain the Nabawa turf wicket. This is an annual Agreement with the current expiry date being April 2014.

POLICY IMPLICATIONS

No existing policy affected.

FINANCIAL IMPLICATIONS

It has been brought to my attention the GRCB did not submit their invoice for the previous financial year and therefore the amount was not paid in 2012/2013. This invoice has since been sent to Council and paid; however a second invoice will also be sent in this financial year for this seasons Agreement (i.e. two invoice will paid in 13/14 with only amount for one year being budgeted for. This will be addressed as part of the Annual Budget Review to be presented to the February OCM.

If Council intends to continue with the current procedure then I believe the forthcoming year Agreement needs to be dealt with in April/May of each year to ensure the appropriate funding is allocated in the forthcoming Budget.

STRATEGIC IMPLICATIONS

The question has been asked as the value of maintaining a turf wicket at Nabawa for the limited number of fixtures held at this venue, which for the 2013/2014 season are as follows:

- Six (6) A Grade; and
- Five (5) B Grade

The Chapman Valley Cricket team has merged with Northampton and the current fixtures played at the Northampton venue, in addition to those above in the 2013/2014 season are:

- Zero(0) A Grade; and
- Three (3) B Grade

The issue of retaining events and sporting activities within the Shire is something Council need to take into consideration when determining value for resources allocated to specific areas and perhaps the annual cost to maintain the turf wicket is worth retaining the cricket here. The

question is will the same fixtures be held at Nabawa if the turf wicket was replaced with a synthetic wicket.

It must also be understood the turf wicket is only one cost component to hold the fixtures at Nabawa (i.e. oval and venue maintenance is also a cost associated to these events).

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

- 1 Commences negotiation with the Geraldton Regional Cricket Board on future *Formal Instrument of Agreements* for the maintenance of the Nabawa turf wicket and bring this back to Council for consideration;
- 2 The following key stakeholders be invited to participate in these negotiations:
 - ~ President & Deputy President as Shire of Chapman Valley Elected Members representatives;
 - ~ Chief Executive Officer;
 - ~ Chapman Valley/Northampton Cricket Club – two (2) representatives;
 - ~ Geraldton Regional Cricket Board one (1) representative;

Fax

To: NEIL BENNETT

From: MAURICE BATTILANA

Fax: 9218570

Pages: 1

Phone:

Date: Wednesday, 25 February 2004

Re: TURF WICKET - NABAWA

Urgent For Review Please Comment Please Reply Please Recycle

As per our discussions yesterday, we analysed the labour we put into the turf wicket at Nabawa in 2002 (from timesheets) and it worked out to 263 hours. Based upon a 38hr week this equates to approximately 7 weeks, or 15% of the Gardeners annual work time per annum.

This is cost to Council of approximately \$8000 per annum (labour + overheads).

I am the first to concede we will never have a situation where we can maintain recreational facilities on a cost neutral basis. However, when resources are tight we must look at areas where we may be able to rationalise.

This matter is yet to be discussed by Council or the Cricket Club so no action is expected until a full consultation process has been completed with all concerned, including the Cricket Association.

I was interested in your comment that the A Grade fixtures can only be played on a turf wicket. Is this a new position taken by the Cricket Association? As when Mullewa was in the competition (up to a couple of years ago) they played all there A Grade fixtures at home of a synthetic wicket. I will obviously discuss this with the Cricket Association if Council wish to take this matter any further.

Regards

Maurice

FAXED

803.05

Executive Director
Geraldton Cricket Board
PO Box 460
GERALDTON WA 6531

Turf Wicket – Nabawa Oval

At a recent meeting of Council discussion took place on the future of the turf wicket at the Nabawa Oval and the need for the Shire of Chapman Valley, Chapman Valley Cricket Club and Geraldton Cricket Board to commence discussions as soon as possible on this matter.

Council has been approached by another community organisation seeking allocation of gardening resources to their townsite area and believe that it is appropriate that Council investigate all options of possible reallocation of resources prior to introducing new staff, which will result in additional cost to the community.

It would be appreciated if you would contact me as soon as possible to arrange a mutually convenient date and time for representatives from your Board, the Chapman Valley Cricket Club and Council to discuss the future of the Nabawa Oval turf wicket as soon as possible.

I look forward to your response.

Yours sincerely

Maurice Battilana
Chief Executive Officer

22nd April 2004

Danny Williamson
President
Chapman Valley Cricket Club
PO Box
GERALDTON WA 6531

Dear Danny

Turf Wicket – Nabawa Oval

At a recent meeting of Council discussion took place on the future of the turf wicket at the Nabawa Oval and the need for the Shire of Chapman Valley, Chapman Valley Cricket Club and Geraldton Cricket Board to commence discussions as soon as possible on this matter.

Council has been approached by another community organisation seeking allocation of gardening resources to their townsite area and believe that it is appropriate that Council investigate all options of possible reallocation of resources prior to introducing new staff, which will result in additional cost to the community.

It would be appreciated if you would contact me as soon as possible to arrange a mutually convenient date and time for representatives from your Club, the Cricket Board and Council to discuss the future of the Nabawa Oval turf wicket as soon as possible.

I look forward to your response.

Yours sincerely

Maurice Battilana
Chief Executive Officer

22nd April 2004

803.05

Bruce Banyard
Chairperson
Geraldton Regional Cricket Board
PO Box 460
GERALDTON WA 6530

Dear Bruce

Nabawa Turf Wicket

As a follow-up to the meeting held on Wednesday 30th June 2004 between representatives from the Chapman Valley Cricket Club, Chapman Valley Football Club, Geraldton Regional Cricket Board and Council to discuss the future of the Nabawa turf wicket, I wish to formally confirm with you and your Board the following outcomes:

- The Geraldton Regional Cricket Board (GRCB) will make a formal approach to Council requesting the GRCB take over responsibility of the Nabawa turf wicket.
- The GRCB will request from Council an annual contribution towards the cost to curate the Nabawa turf wicket.
- The contribution amount to be requested from the Shire of Chapman Valley by the GRCB is to be based upon the existing contribution made by the City of Geraldton towards the four turf wickets located within their local government district (i.e. \$16000pa for four (4) wickets used every week of the cricket season, compared to one (1) wicket at Nabawa being used every second week during the season).
- The GRCB will request the Shire Gardener to be their contractor to curate the Nabawa wicket outside the normal hours this employee works for the Shire.
- The contract curator will be able to utilize Council plant and equipment to undertake the necessary work on the turf wicket.
- Council will continue to cover the cost of materials for the wicket (e.g. mud, chemical spraying).
- The GRCB will undertake all necessary training of the contractor. Such training will be at no costs to Council.

It must also be understood that this matter will not be put to Council for consideration until a formal approach has been received from your Board confirming the arrangements and funding contribution to be requested of Council.

I trust the items mentioned above reflects your understanding of the meeting outcomes and look forward to your Boards response on this matter as soon as possible.

Maurice Battilana
Chief Executive Officer
5th July 2004



Geraldton Regional Cricket Board (Inc)
P.O. BOX 460. GERALDTON. 6531

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

23 SEP 2004

Dear Maurice

Nabawa Turf Wicket

In response to your letter of the 5th July I wish to confirm that your summary of the meeting was correct.

Since that meeting I have discovered that the City of Geraldton actually pays in excess of \$19 000 to support us in preparing the four turf wickets in Geraldton.

Further it now appears that Chapman Valley may have two teams from now on.

Subject to these two variations the Geraldton Regional Cricket Board (Inc.) looks forward to continuing the successful and amicable relationship with the Shire of Chapman Valley.

Hopefully this matter can be finalised to our mutual satisfaction.

GRCB is willing to enter into an arrangement in order to ensure that turf cricket continues at Nabawa.

Bruce Banyard
Chairperson
21st September 2004

99 658400

Bruce Banyard
Chairperson
Geraldton Regional Cricket Board
PO Box 460
Geraldton WA 6531

Dear Bruce

Re: Nabawa Turf Wicket

In response to your letter dated the 21st September 2004 a wish to advice that the matter of retaining and maintaining the turf wicket at Nabawa was discussed by Council with the resolution being as follows: -

- *Council agrees that the Geraldton Regional Cricket Board takes over full responsibility for the Nabawa turf wicket on the 12-month trial basis (i.e.: one Cricket season).*
- *Council will provide the Geraldton Regional Cricket Board with an amount of \$3,500.00p.a, towards contract labour costs to curate the turf wicket. This cost will be reviewed annually as part of Council's Budget consideration.*
- *Council advice the Geraldton Regional Cricket Board that the Shire Gardener is to be offered the first option of undertaking the curating work at the Nabawa wicket and such work is to be performed outside the normal hours this employee works with the Shire.*
- *Council agrees to allow the contract curator to utilize Council's plant equipment to undertake the necessary work on the turf wicket if the employee is considered by the Chief Executive Officer as being capable and competent in operating this equipment.*
- *Council will continue to cover the cost of materials for the wicket (e.g.: mud, chemicals, etc).*
- *The Geraldton Regional Cricket Board will undertake all necessary training of the curator at no cost to Council.*

It must be explained the amount of \$3,500.00 being offered for the contract curator position was based upon the fact that Chapman Valley Cricket Club will only have one team participating in any of the grades associated with the Geraldton Regional Cricket Board and the amount being provided by the City of Geraldton for four turf wickets being used at least once every weekend. Therefore, Council considered the amount being offered as fair and equitable.

The intention is for the one year trial period to be undertaken in the 2005/2006 Cricket season and not this current year as this will give time for the Council and the Cricket Board time to resolve any problems, along with the need for Council to budget an additional amount of \$3,500.00 financial year.

It would be appreciated if you would advise Council if the Geraldton Regional Cricket Board is in agreement with this offer as soon as practicable.

Yours Sincerely
Maurice Battilana
Chief Executive Officer

21st October 2004

Bruce Banyard
Chairperson
Geraldton Regional Cricket Board
PO Box 460
Geraldton WA 6531

Dear Bruce

NABAWA TURF WICKET

Further to our recent discussion, Council has resolved to continue the procedures of contracting out curating work for the Nabawa Turf wicket to the Geraldton Regional Cricket Board as occurred during the 2005/2006 cricket season under the following continued conditions:-

The Council agrees to Geraldton Regional Cricket Board continue with full responsibility for the Nabawa turf wicket with the Shire retaining the right to terminate this agreement at anytime.

Council will provide the Geraldton Regional Cricket Board with an amount of \$3,647 for the 2006/2007 cricket season towards contract labour costs to curate the turf wicket. This payment will be reviewed annually as part of Council's Budget considerations.

Council advises the Geraldton Regional Cricket Board that the Shire Gardener is to be offered the first option of undertaking the curating work at the Nabawa wicket and such work is to be performed in addition to the normal hours this employee is required to work for the Shire.

Council agrees to allow the contract curator to utilise Council plant equipment to undertake the necessary work on the turf wicket if the employee is considered by the Chief Executive Officer to be capable and competent in operating this equipment.

Council will continue to cover the cost of materials for the wickets (e.g. mud, chemicals spraying, etc).

The Geraldton Regional Cricket Board will undertake all the necessary training of the curator at no cost to Council.

Council now enquires whether the Geraldton Regional Cricket Board wish to continue with the practice of undertaking curating work on the Nabawa Turf wicket in accordance with the above conditions and look forward to your earlier response to this matter.

Kindest regards

Maurice Battilana
Chief Executive Officer

23rd May 2006

Chapman Valley Cricket Club
President
Mr Lawrence Kupsch
Portacello Place
WANDINA WA 6530

Dear Mr Kupsch

Roles & Responsibilities

As a follow up to the meeting held on Tuesday 13th August 2006 Council endorse the recommendation of the meeting to write to each individual sporting organisation and community, identifying the current situation of roles and responsibilities between the individual groups and the Council and seeking the following information:-

- A list of what your group believe you are able to take on as any additional roles and responsibilities;
- Any existing roles and responsibilities you think you would like the Shire to take over;

Based upon this information Council will determine a fair and equitable annual fee to be paid bearing in mind the agreed roles and responsibilities between both parties for the use of Council owned or controlled land, buildings, facilities, etc.

I have attached (only if applicable) a list of the current roles and responsibilities Council has listed for your organisation. If there is no attachment you can assume that there is no current agreement or policy, therefore it is important for you to indicate what roles and responsibilities you currently undertake and those you would like Council to take on your behalf to allow the process to continue in determining an agreed list of roles and responsibilities between both parties.

The intention of this exercise is to structure a formal agreement between your organisation and Council, which clearly outlines the roles and responsibilities of each party and will be signed by each party to remove any ambiguity of who is responsible for what, along with providing Council with a clearer indication as to how charges should be structured, if any.

It would be appreciated if you could respond to this request as soon as possible and if you have any queries please do not hesitate to contact me.

Yours sincerely

Maurice Battilana
Chief Executive Officer

6th September 2006

Our Ref: 803.05

Mr R C Friday
Secretary
Nabawa Cricket Club
41 Quayside Vista
Drummonds Cove WA 6530

Dear Mike

Ref: Nabawa Turf Wicket Season 2007/08

To enable discussions to be held with representatives of your Club concerning the Nabawa Turf Wicket could you please advise whether you would be available to attend a meeting on any of the following dates 2nd to 9th July 2007.

With Council in the final stages of preparing its 2007/08 Budget this meeting will ensure a consensus is reached on the best method to manage and prepare the Turf Wicket in Nabawa for the 2007/08 season.

Yours faithfully

Lee Farrell
Chief Executive Officer

2nd July 2007

Record No CR091504

Dirk Sellenger

From: Dirk Sellenger
Sent: Friday, 23 October 2009 12:08 PM
To: 'n.jupp@fpcentre.com.au'
Cc: Robbie Foulkes-Taylor
Subject: RE: Cricket Curator

Hello Norm,

Just to give you the heads up that Council resolved to accept the agreement at the Council Meeting on Wednesday.

I will write a letter to you to formally advise you of this and also provide the signed agreement.

Regards

Dirk Sellenger
 Chief Executive Officer
 Shire of Chapman Valley
 PO Box 1
 NABAWA WA 6532
 Ph: (08) 9920 5011
 Mob: 0429 205 011
 Fax: (08) 9920 5155



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From: Norm Jupp [mailto:n.jupp@fpcentre.com.au]
Sent: Thursday, 24 September 2009 12:35 PM
To: Dirk Sellenger
Subject: RE: Cricket Curator

No problems will let John Know

From: Dirk Sellenger [mailto:ceo@chapmanvalley.wa.gov.au]
Sent: Thursday, 24 September 2009 12:30 PM
To: n.jupp@fpcentre.com.au
Cc: Robbie Foulkes-Taylor
Subject: RE: Cricket Curator

Norm,

Let's get the ball rolling!

Can John just get what he needs , hoses, sprays etc and we will reimburse the costs. Otherwise we order the wrong thing it goes back..... so on and so forth.

Regards

23/10/2009

Dirk Sellenger
Chief Executive Officer
Shire of Chapman Valley

PO Box 1
NABAWA WA 6532
Ph: (08) 9920 5011
Mob: 0429 205 011
Fax: (08) 9920 5155



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From: Norm Jupp [mailto:n.jupp@fpcentre.com.au]
Sent: Thursday, 24 September 2009 12:18 PM
To: Dirk Sellenger
Subject: RE: Cricket Curator

Hi Dirk, Price includes travelling and allows to pay a person to complete rolling. As mentioned I will assume that all will go through and instruct John to ensure wicket ready to go by 17th Oct. If everything falls in hole (ie Shire don't approve) then we can address that at that point in time. As mentioned if we are able to secure Volunteer work with rolling then we will inform you and reduce cost. Major issue for cricket in region at moment is that the city worker preparing Muir Park has made a big mistake and we have lost that wicket as a minimum until Xmas, so ensuring all goes well at CV is now critical.

Norm

From: Dirk Sellenger [mailto:ceo@chapmanvalley.wa.gov.au]
Sent: Thursday, 24 September 2009 11:20 AM
To: n.jupp@fpcentre.com.au
Cc: Robbie Foulkes-Taylor
Subject: RE: Cricket Curator

Hello Norm,

Will you please confirm that the price includes any Travel required for the rolling?

Please understand Council is supportive but unfortunately we cannot find anyone to assist as you are aware, Des Pike last year was ideal but unfortunately he is not available.

I have been involved in Pistol Clubs, Polocrosse Clubs, Speedway Clubs, etc. In each case from my experience it is the people who actually play the sport or want the facility who contribute the bulk of the effort.

Therefore I do not believe our request for assistance is unreasonable in this case.

As I said previously, happy to kick this off with John now so as to have a wicket on 17th October but the contract needs to go to the next Council meeting for consideration.

Regards

Dirk Sellenger
Chief Executive Officer
Shire of Chapman Valley

23/10/2009

PO Box 1
NABAWA WA 6532
Ph: (08) 9920 5011
Mob: 0429 205 011
Fax: (08) 9920 5155



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From: Norm Jupp [mailto:n.jupp@fpcentre.com.au]

Sent: Wednesday, 23 September 2009 6:45 PM

To: Dirk Sellenger

Subject: Cricket Curator

Hi Dirk, After the AGM of the GRCB last night the issue of Nabawa pitch was raised during urgent general business. The outcome was that all attendees were extremely concerned at potentially losing Nabawa. Unfortunately all names that were discussed as being potential helpers were basically people that had already been asked. The CV Cricket Club also indicated that they never had anybody that could assist. We are currently now looking at work for dole and volunteer assistance from some organizations. It may be a while before we can confirm help here. Therefore until such time as we can confirm this option Ive attached an altered contract price. From our calculations we feel that this would represent the minimum price to ensure the services of John Gray are secured and allowance is made for Rolling of pitch etc. The figure could potentially decrease if we can secure volunteer labour to assist with rolling. In arriving at this amount the GRCB is committed to helping the shire ensure the Nabawa wicket remains in place for the benefit of cricket within the region.

Kind Regards,

Norm Jupp, CFP
Norm Jupp Financial Services P/L
T/As Specialist Financial Planning
Authorised Representative
(Garvan Financial Planning)

Phone: 08 99649000
Fax: 08 99649100
email: n.jupp@fpcentre.com.au
Postal Address: PO Box 83, Geraldton WA 6531

Information from ESET NOD32 Antivirus, version of virus signature database 4449
(20090923)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

23/10/2009

FORMAL INSTRUMENT OF AGREEMENT

THIS AGREEMENT

made this 1ST day of FEBRUARY 2012³

BETWEEN

Of

Geraldton Regional Cricket Board Inc
(hereafter referred to as 'The Contractor')
PO Box 460
GERALDTON WA 6531
Tel: 0412 649 888
Fax:
Email: grebcricket@gmail.com
ACN:
ABN: 549 851 161 28

AND

Of

SHIRE OF CHAPMAN VALLEY
(hereafter referred to as 'The Shire')
Lot 7 Chapman Valley Road
NABAWA WA 6532
Tel: (08) 9920 5011
Fax: (08) 9920 5155
Email: admin@chapmanvalley.wa.gov.au

IT IS AGREED that this Formal Instrument of Agreement shall **CONSTITUTE THE CONTRACT** between the parties.

WITNESS that:

1. The Contractor has submitted a proposal for a contract curator for the contract schedule amounts as per the price schedule attached in this document:

Seven Thousand Three Hundred and Sixty Dollars

\$7,360

and that the:

- Commencement date of the contract is: 1st September 2012
- For a period of 8 months ending on: 30 April 2013

2. Payments of the full contract amount will be payable under the following schedule

- Eight equal monthly payments of \$920 payable at the end of each month. Payments to commence on 30 September 201~~2~~ with final payment on 30th April 201~~3~~. Payments to be deposited directly into the Geraldton Regional Cricket Board nominated bank account:
- Geraldton Regional Cricket Board
Westpac Marine Terrace Geraldton
BSB: 036 103
Acc No: 250576

AGENDA ITEM:	9.3.8
SUBJECT:	STRATEGIC WASTE MANAGEMENT PLAN & WASTE OIL FACILITIES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NABAWA & YUNA REFUSE SITES
FILE REFERENCE:	201.09
PREVIOUS REFERENCE:	Min Ref: 10/12-6
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the October 2012 OCM council resolved the following:

MOVED: CR HUMPHREY SECONDED: CR FORRESTER

That Council adopt the Strategic Waste Management Plan and that the document be forwarded to the Department of Environment and Conservation for review and endorsement.

Voting 6/0

CARRIED

Minute Reference 10/12-6

The Plan has been endorsed by DEC, which is now divided into the Department of Parks and Wildlife (DPaW) and the Department of Environment Regulation (DER) and a Regional Investment Plan has been subsequently submitted by the Batavia Regional Organisation of Councils (Waste Management Group) for funding specific items at the member local government authorities waste management sites.

COMMENT

The Batavia Regional Organisation of Councils (Waste Management Group) is comprised of the following local governments:

- City of Greater Geraldton;
- Shire of Chapman Valley;
- Shire of Irwin; and
- Shire of Northampton

A copy of the Regional Investment Plan is attached for Council information with Page 16 detailing the approved funding for the Shire of Chapman valley being:

“Preparation of Waste Management Facilities Improvement Plan and commence the implementation of the Plan”.

The funds allocated to the Shire of Chapman Valley for the abovementioned purpose is \$40,890, with no matching component being requested of Council, other than in-kind administration and facilitation costs (\$4,110) to undertake the project. Making the total project costs estimated at \$45,000

The funding application was not fully successful, with the City of Greater Geraldton’s project rejected. The projects submitted for the Shire’s of Chapman Valley, Irwin & Northampton, totally \$122,670

At the November 2013 Forum Session discussion was held on the future of the Waste Oil Facilities (WOF) at both Nabawa & Yuna Refuse sites with the state of the WOFs at both the Nabawa & Yuna Refuse Sites highlighted as an issue, specifically the state of disrepair if the bund around the Nabawa WOF. As mentioned, from what I have seen at both the Yuna & Nabawa Refuse Sites it is apparent those using the waste oil facilities are not doing the right thing and are simply using this as a dumping point.

Wren Oil charges Council for the removal of the oil and significantly increases this charge if the oil is contaminated with water. Below is a quote obtained from Wren Oil in November 2012 for the removal 4000ltrs of watery oil:

0.47c per litre x 4000ltrs = \$1,880 (if the oil is straight it will be charged at 0.18c per litre, this will be determined at time of disposal)

Hourly rate - \$165 x 3 = \$495

Tracking form 1 x \$50 = \$50

TOTAL \$2,425 (ex GST)

The purpose of this item is to recommend to Council that no work is undertaken on the existing WOF until the Implementation Plan is completed as this will incorporate the future of these facilities and how they are managed and controlled.

Council has also requested an investigation be undertaken into the economic viability and validity of current 240 Mobile Garbage Bin collection service to the Yuna Town Site. As I am intending to incorporate the aspect of all forms of waste collection at the two refuse sites within the Shire as part of the overall scope of works for the *Waste Management Facilities Improvement Plan* I have not undertaken an in-depth analysis as yet and will hopefully have this analysis completed as part of the Plan. The options I have thought about for the Yuna collection services (yet not necessarily limited to) are as follows:

Retain Existing Service Structure: This may be considered an expensive option; however, it does ensure a continuity of service and transfers refuse directly to the Meru Refuse Site, therefore taking operational pressure off the Yuna Site.

Undertake Collection Service in-house: This may be marginally less expensive than the existing contract service (yet to be determined). However, is subject to a break in service in the event of staff sickness, leave clearances, plant break-downs, etc. This option will also result in additional pressure on the Yuna Refuse site as rubbish will not be transferred directly to the Meru Site as it is now.

Discontinue all Collection Services and have Residents Cart to Transfer Station: This option removes any cost from the constituent, yet places significant cost back to Council to ensure direct dumping at the Yuna Refuse Site is undertaken in an orderly fashion. The existing dumping at unmanned Refuse Site (e.g. Yuna & Nabawa) invariably results in waste not being placed into the correct cell areas.

STATUTORY ENVIRONMENT

The DER issues Council with a license to operate the Yuna & Nabawa Waste Management Facilities and undertake periodical inspection to ensure compliance is being adhered to. I would envisage the current state of the WOF (specifically the one at Nabawa) would seriously breach the licence conditions.

The difficulty is managing and controlling all activities and unmanned Waste Management Facilities, as is the current situation with the Yuna & Nabawa sites.

POLICY IMPLICATIONS

No Existing policy affected.

FINANCIAL IMPLICATIONS

As previously stated, the funds allocated to the Shire of Chapman Valley for the "*Preparation of Waste Management Facilities Improvement Plan and commence the implementation of the Plan*" is \$40,890, with no matching component being requested of Council, other than in-kind administration and facilitation costs (\$4,110) to undertake the project. Making the total project costs estimated at \$45,000

STRATEGIC IMPLICATIONS

It is imperative Council investigates all the option available to improve the waste management activities within the shire, which includes cross-boundary cooperation and collaboration with neighbouring local government authorities.

It appears that even though the Batavia Regional Organisation of Council's (BROC) has been disbanded the Batavia Regional Organisation of Councils (Waste Management Group) has continued and all member local governments are working collaboratively to improve waste management in the area. This is one good result of the initial BROC.

VOTING REQUIREMENTS

Absolute Majority – Expenditure not included in the Adopted Budget

STAFF RECOMMENDATION

Council:

- 1 Endorses the Regional Investment Plan for the Preparation of *Waste Management Facilities Improvement Plan* and commences the implementation of the Plan within the Shire of Chapman Valley within the budget constraints of the grant;
- 2 Defers any action to repair or improve waste oil facilities at both the Nabawa and Yuna Refuse Site until the completion of the *Waste Management Facilities Improvement Plan*;
- 3 As an interim measure discontinue accepting waste oil at the Nabawa Refuse Site until the outcomes of the *Waste Management Facilities Improvement Plan* are known;
- 4 Defers any action on amending or removing the existing domestic & commercial rubbish collection service to the Yuna Town Site until the completion of the *Waste Management Facilities Improvement Plan* and the outcomes of this Plan are known.

AGENDA ITEM:	9.3.9
SUBJECT:	NORTHERN COUNTRY ZONE of WALGA – PROPOSED AMENDMENT TO CONSTITUTION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NORTHERN COUNTRY ZONE of WALGA
FILE REFERENCE:	404.02
PREVIOUS REFERENCE:	NIL
DATE:	11 DECEMBER 2013
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At a recent Northern Country Zone (NCZ) of the Western Australian Local Government Association (WALGA) a resolution was put forward to amend the NCZ constitution in regards to NCZ Delegates and the role of the member local government Chief Executive Officers.

COMMENT

The essence of the resolution out to the NCZ meeting was to remove the ability of a member local government Chief Executive Officers to vote on behalf of their local government in the event an Elected Member from this local government was unable to attend.

Attached is a copy of the NCZ Minutes for Council information and below is an extract from the Minutes dealing with the delegate voting issue:

Moved Cr. Wilson 2nd Cr. Collingwood that where a Member Council doesn't have and elected representative present at a NCZ meeting the CEO be permitted to vote on behalf of that Member Council. Tied Vote

The President abstained from casting a second vote.

Moved Mayor Carpenter 2nd Cr. Treloar that the tied resolution be deferred to the next meeting and be presented as an agenda item. Carried

STATUTORY ENVIRONMENT

The NCZ Constitutions deals with the issue of Delegates in Clause 2, “*Interpretation*”, which states:

“Delegate” means a Councillor or officer nominated to represent an Ordinary Member at meetings and conferences of the Zone.”

The NCZ Constitution also states it requires a special majority of not less than 75% of delegates to amend the Zone’s Constitution.

It also states the Zone Secretary has to give at least thirty (30) days’ notice to all Ordinary Members of any proposal to alter, add or repeal the Constitution. Therefore I would suggest the resolution passed at the last NCZ meeting to alter the number of delegates as ultra vires.

POLICY IMPLICATIONS

No existing Policy affected; however Council currently has three delegates appointed to the NCZ i.e.

- ~ President (Cr Collingwood);
- ~ Deputy President (Cr Farrell); and
- ~ CEO

If the NCZ Constitution is amended then one of these Elected Members and the CEO will need to be listed as Proxy Delegates to the NCZ.

Council's Policy 9.150 (see below) has protections in place which guide delegates and ensure the Shire of Chapman Valley is not committed to anything financial or resource commitment.

9.150 WALGA AGM AND NORTHERN COUNTRY ZONE DELEGATES - VOTING AUTHORITY

Delegates elected as representatives to the WALGA AGM and, Northern Country Zone (NCZ) are given the authority to vote on issues in the best interest of the Shire of Chapman Valley, rather than having to bring such issues back to Council first for direction.

If delegates believe a specific item does require a decision of Council and are not prepared to vote on such items until Council has first discussed this specific matter they will abstain from voting on these grounds and put forward a motion that the matter "lay on the table" until each individual Local Government Authority has had the opportunity to consider the item of concern.

The authorisation given to Council representatives will not: -

- *Commit the Local Government Authority to any expenditure; or*
- *Be extended to a situation where such a matter requires a specific decision of Council in accordance with any form of legislation*

*(Min Ref 03/04-05)
(Min Ref 12/05-5)*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

I believe it is important for Elected Members to run and control the NCZ and this should revert to a CEO controlled organisation. Therefore I do understand the purpose of the proposed amendment to the NCZ constitution. However, I also believe it is imperative each member local government has a voice and in the circumstances where an Elected Member is not able to attend, then the CEO should be able to participate and vote on behalf of their local government.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council:

- 1 Highlight with the Northern Country Zone of WALGA they believe the resolution recently passed in regards to the number of Delegates was an amendment to the constitution and due process was not followed, therefore this resolution is ultra vires and cannot be enforced;
- 2 Notice be give and due process adhered to, as per the requirements of the Northern Country Zone of WALGA constitution, for any proposed constitutional amendments to be dealt with;
- 3 Council delegates vote against any of the proposed amendments to the Northern Country Zone of WALGA constitution in regards to changes to the current delegates numbers and status.

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

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

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

13.1 – Environmental Consultant

14.0 CLOSURE