



Shire of  
**Chapman Valley**  
*Love the Rural Life*

# **AGENDA**

**NOVEMBER 2012**

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 21 November 2012  
at the Council Chambers, Nabawa, commencing at 10:00am.

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## 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.

  
Stuart Billingham  
**CHIEF EXECUTIVE OFFICER**

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## **ORDER OF BUSINESS:**

### **1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

### **2.0 LOYAL TOAST**

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

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### **8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

8.1 Ordinary Meeting of Council held on Wednesday 17 October 2012

‘That the minutes of the Ordinary Meeting of Council held 17 October 2012 be confirmed as a true and accurate record.’

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# **9.1**

## **Manager of Planning**

### **October 2012**

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## **Contents**

### **9.1 AGENDA ITEMS**

- 9.1.1 Request for Extension of Planning Approval – Proposed Coronation Beach Wind Farm

<b>AGENDA ITEM:</b>	<b>9.1.1</b>
<b>SUBJECT:</b>	<b>REQUEST FOR EXTENSION OF PLANNING APPROVAL - PROPOSED CORONATION BEACH WIND FARM</b>
<b>PROPONENT:</b>	<b>ENERGY VISIONS</b>
<b>SITE:</b>	<b>LOTS 170, 2914 &amp; 3150 CORONATION BEACH ROAD, OAKAJEE</b>
<b>FILE REFERENCE:</b>	<b>A1586</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/00-4, 03/01-2, 10/01-3, 10/02-9 &amp; 10/07-3</b>
<b>DATE:</b>	<b>15 NOVEMBER 2012</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

Council is in receipt of correspondence seeking an extension of the timeframe for commencement of development of the Coronation Beach Wind Farm project. This report recommends that an extension of planning approval not be granted as the proposal under consideration for extension represents a departure from the original application.

**COMMENT**

The original Coronation Beach Wind Farm application proposed to establish 58 turbines upon Lots 170, 2914 & 3150 (situated upon the south side of Coronation Beach Road and under the ownership of LandCorp) and Lot 171 (situated upon the north side of Coronation Beach Road and under the ownership of CW Boys).

**Figure 1 – Original Coronation Beach Wind Farm application plan**





Council approved the application for the Coronation Beach Wind Farm at its 16 October 2001 meeting. A copy of the relevant section of the minutes from this meeting have been included as **Attachment 1**.

Council supported a request for an extension of this development approval at both its 15 October 2002 and its 17 October 2007 meetings. A copy of the relevant section of the minutes from the 17 October 2007 meeting has been included as **Attachment 2**. The Council resolution stated that the extended approval period would expire on 16 October 2012.

The Shire received a request for a further extension from the applicant (Energy Visions) on 15 October 2012, and a copy of this correspondence is included as **Attachment 3**. It is noted that only one of the two landowners party to the original application has provided conditional support for the extension of the timeframe for commencement of the Coronation Beach Wind Farm project.

## STATUTORY ENVIRONMENT

Section 5.3.4 of the Shire of Chapman Valley Town Planning Scheme No.1 states:

*“5.3.4 Where the Council approves an application for planning consent under this Scheme the time for which that consent remains valid, is two (2) years, unless otherwise stated on Council’s decision on application for planning consent.”*

Scheme No.1 does not contain a clause addressing the issue of a request for extension. However, it is noted, that Section 10.5 of draft Shire of Chapman Valley Local Planning Scheme No.2 states:

*“10.5 Term of Planning Approval*

*10.5.1 Where the Local Government grants planning approval for the development of land:*

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.*

*10.5.2 A written request may be made to the Local Government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.”*

Section 10.5 of draft Scheme No.2 is drawn from the Model Scheme Text provisions of the *Town Planning Regulations 1967*.

Scheme No.2 received consent from the Minister of Planning to be advertised on 17 November 2010 and this was undertaken between 23 November 2010 and 23 February 2011. The case of *Coty (England) Pty Ltd v Sydney City Council (1957)* provides that weight can be given to a draft planning instrument once it becomes ‘seriously entertained’. In Western Australia, this is usually considered to have occurred after advertising is completed, with the case of *Nicholls v WAPC (2005)* providing a state context to this precedent. Given the advanced stage of Scheme No.2 this document can therefore be considered as ‘seriously entertained’. Further it is noted that the delay in finalising Scheme No.2 is attributable to the Buller ‘Development’ Zone Environmental Review (currently under appeal to the Minister of Environment) of which the land area subject to this development application does not form any part.

Given that this application has been granted an extension on two previous occasions and that one of the two originally consenting landowners for the Coronation Beach Wind Farm proposal is no longer party to the request for extension of planning approval the Shire wrote to its solicitors

(McLeods) seeking legal opinion on whether it has the ability to consider the extension of a planning approval that has significantly departed from the original application.

The Shire's solicitors have provided legal opinion that a court is unlikely to consider the proposal as the same proposal which received the original approval and will now need to be the subject of a fresh development application. The legal advice also offers opinion that the application should now be considered to have expired and discretionary ability to extend the timeframe of planning approval is not available.

Shire staff share the opinion offered by the Shire's solicitors and would also raise that the originally submitted noise assessment for the proposal was undertaken on the basis that both landowners were party to the application. The withdrawal of the northern landowner means that they should be treated as a third party in terms of noise impacts and this would require the undertaking of a revised noise assessment. The undertaking of revised noise modelling should also account for the noise impact of the proposed wind farm when having regard for the ultimate cumulative noise impact from the overall Oakajee Industrial Estate.

A copy of the Shire's correspondence to its solicitor and the received legal advice have been provided to Councillors separately to the November 2012 Council Agenda to provide additional background information.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

An extension of planning approval incurs a fee of \$105 (+GST) under the 2012/2013 Shire of Chapman Valley Planning Fee Schedule, and the applicant would be invoiced for this amount should Council resolve to grant an extension.

### **STRATEGIC IMPLICATIONS**

The Oakajee Industrial Estate Structure Plan (2012) identifies the

#### *"11.3.1 Renewable Energy*

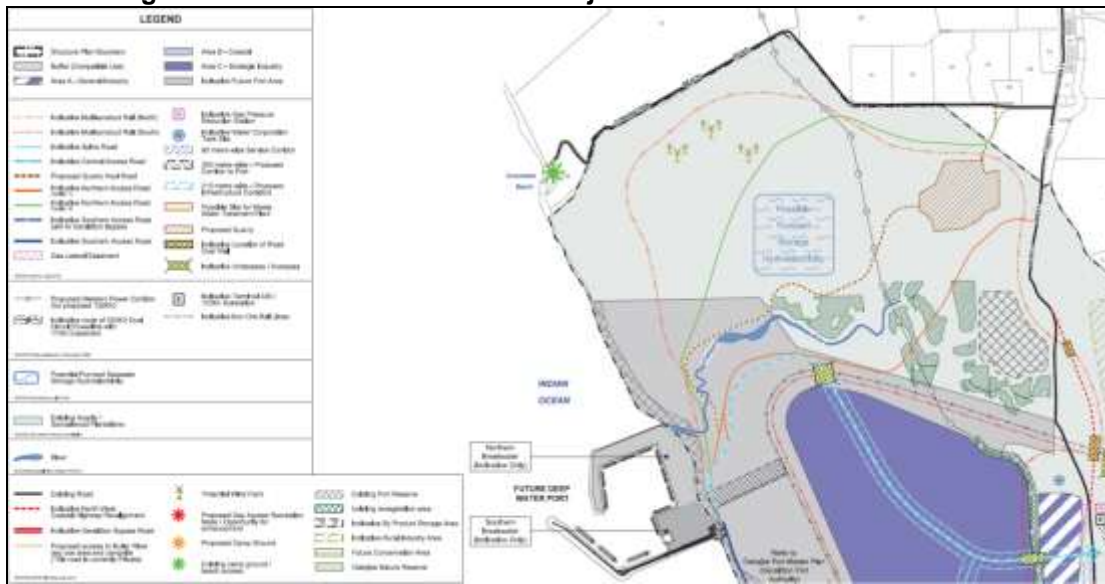
*The OIE-SP identifies a number of potential sites to host renewable energy. The sites are indicative only and subject to further detailed investigation by proponents.*

*In the northern portion of the Buffer an area has been identified for a potential wind farm. Adjoining the western edge of the SIA another indicative location for wind turbines has been shown. The location represents a residual area between the top of the ridge and OPR's heavy haulage rail to the east and will not impede development within the SIA or the Coastal Area.*

*A possible seawater pumped storage hydroelectricity dam is shown in the northern portion of the Buffer. The Sustainability Report (Appendix 1) identifies some potential for wave energy located near the port which, when combined with wind power, may provide sufficient energy to enable the pumping of sea water to the dam. The Port and associated marine environment is under the control of the GPA. Further consideration of the potential of wave energy will be at the discretion of the GPA.*

*Aside from investigation of feasibility by proponents, the potential for renewable energy will be dependent upon installation of the proposed 330kV transmission line shown indicatively on the OIE-SP."*

Figure 2 – relevant extract from Oakajee Industrial Estate Structure Plan



**VOTING REQUIREMENTS**

Simple majority of Council

**STAFF RECOMMENDATION**

That Council advise the applicant and the landowner of the following:

- 1 Given that one of the two originally consenting landowners for the Coronation Beach Wind Farm proposal is no longer party to the request for extension of planning approval the Shire is unable to grant a further extension and the approval is now considered expired; &
- 2 The Oakajee Industrial Estate Structure Plan identifies the proposed site as a suitable location for a wind farm development and Council remains supportive in principle of the development of a wind farm at this site in the event that a fresh application is lodged.

**COUNCIL RESOLUTION/STAFF RECOMMENDATION****Moved Cr RW Calder seconded Cr TM Pannell**

That Council resolve, with regard to David Road, to advise GHD Consultants (on behalf of Parkfalls Estate Developers) and the Water Corporation that:

1. The Council, subject to indemnification of all costs and fees associated with the land resumption, surveying, lodgement of plans and creation of titles, is prepared to facilitate the compulsory acquisition of land from Victoria Location 2664 for the re-alignment of the David Road Reserve and from Victoria Location 3013 for the extension of the David Road Reserve and establishment of the Oakajee water tank site.
2. The Council is not prepared to contribute, either in-kind or financially, to the construction of David Road extension to satisfy condition 17 of the Western Australian Planning Commission's Subdivision Approval 109897 and provide access to the proposed Oakajee water tank site.
3. The Council acknowledges that the Water Corporation is prepared to financially contribute to the compulsory taking of land pursuant to the *Land Administration Act* 1997, on the basis that David Road is sufficiently extended and the Oakajee water tank site (on Location 3013) is included in the resumption process, however, is unlikely to contribute toward the construction of David Road in the short term.
4. The Council reiterates it's staffs previous comments to GHD Consultants that, whilst is supportive and prepared to assist in resolving the re- alignment of the David Road reserve as outlined in point 1 above, it is the subdividers/developers responsibility to satisfy conditions 16 and 17 of Subdivision Approval 109897 to the satisfaction of the Western Australian Planning Commission.

**CARRIED**  
Voting 9/0  
Minute Reference 10/01-2

<b>9.3.2 AGENDA ITEM:</b>	<b>9.3.1.2 APPLICATION FOR PLANNING CONSENT FOR WIND FARM, LOT 19, PT LOT 18, V/L 2914 &amp; V/L 3150, CORONATION BEACH ROAD</b>
<b>SUBJECT:</b>	<b>R ABRUTAT (ENERGY VISIONS)</b>
<b>PROPONENT:</b>	<b>LOT 19, PT LOT 18, V/L 2914 &amp; V/L 3150, CORONATION BEACH ROAD, HOWATHARRA</b>
<b>SITE:</b>	<b>DA'S: LOT 19, PT LOT 18, V/L 2914 &amp; V/L 3150, CORONATION BEACH ROAD</b>
<b>FILE REFERENCE:</b>	<b>20/03/01</b>
<b>PREVIOUS REFERENCE:</b>	<b>IAN D'ARCY</b>
<b>AUTHOR:</b>	

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

At its meeting of 19 December 2000 Council gave preliminary consideration to an application lodged by Mr R Abrutat of Energy Visions for the development of a wind farm on Lot 19, Pt Lot 18, V/L 2914 & V/L 3150, Coronation Beach Road, Howatharra (a site plan is included as Attachment 1 -the complete application may be provided upon request). At its December meeting, Council resolved as follows with respect to the application-

\*That, pursuant to Clauses 2.2.4 & 5.2 of the Shire of Chapman Valley Town Planning Scheme 1 and Section 5.42 of the *Local Government Act* 1995, with respect to the application for a wind farm on Lot 19, Pt Lot 18, V/L 2914 & V/L 3150, Coronation Beach Road, Howatharra lodged by Mr R Abrutat of Energy Visions, Council resolve to -

1. Advertise the application for public comment for a period of 6 weeks from early January until Mid-February. Advertising is to include-
  - a) The erection of a sign on site of a type and in a location determined by the Chief Executive

- b) The forwarding of letters direct to all owners of property within five kilometres of the boundary of the site;
  - c) The placement of advertisements in a local newspaper on at least three occasions; and
  - d) The issuing of press releases following the meeting, on several occasions prior to and during the advertising period.
2. Refer the application to the Environmental Protection Authority, Ministry for Planning, Department of Resources Development, Landcorp, Mid West Development Commission, Western Australian Tourism Commission, Aboriginal Affairs Department, Heritage Council of WA, Shire of Northampton Civil Aviation Safety Authority and Western Power (Transmission Division) for comment.
  3. Give further consideration to the application in light of any submissions received at the March 2001 meeting of Council.
  4. Assess the application in accordance with the spirit of the principles included as part of 9.3.1.1.5 above.

And

That Council resolve to invite the proponent and any other parties interested in developing wind farms within the Shire to provide briefings/information sessions for Councillors and interested members of the public at times and locations determined in consultation with the Chief Executive Officer.

And

That Council resolve to seek information from the Shire of Northampton, Shire of Greenough and City of Geraldton regarding wind farm proposals that they are aware of within their municipalities that will assist in the development of a regional 'perspective'."

Consultation in accordance with Council's resolution detailed above was undertaken over a six week advertising period, which included a sign on site, letters to landowners within a 5 km radius of the site, advertisements in the local newspaper, press releases, public meetings and referral to Government Agencies. The application also received coverage in the local press, radio and on GWN Television.

As a result of the extensive advertising/consultation undertaken, a total of 11 submissions were received, 5 from members of the public and 6 from Government Agencies. Of the 5 public submissions, 2 were seen as objections, with the other 3 clearly in support of the proposal. All 6 Government Agency submissions are characterised as neutral.

The two principal issues of concern raised in the submissions were the potential visual and noise impacts arising from the establishment of the wind farm. The other issues raised, included:

- Prevention of disturbance to remnant vegetation;
- The fact that a wind farm is a renewable source of electricity that does not generate 'greenhouse' emissions;
- Access to the electricity grid;
- Protection of Aboriginal and/or European cultural heritage;
- Impact that development of the proposal may have on access and possible future development of coast, including Coronation Beach;
- Potential for involvement of local businesses in project should it go ahead;
- Compliance with Council's Town Planning Scheme 1 and/or the proposed Amendment 18 (Oakajee Industrial Estate and Buffer);
- Compatibility of wind farm with existing or potential adjoining land uses;
- Potential impacts on Council infrastructure, including Coronation Beach Road;
- Referral of proposal to Environmental Protection Authority;
- Is the wind farm dependent upon the Kingstream Steel proposals?;
- Nature of wind farm operators control of site should development proceed (i.e. leasehold or freehold?);
- Effect of project on saleability of nearby properties; and
- Erosion

At it's March 2001 meeting the Council accepted the submissions received from the advertising period and resolved to:

"defer further consideration of the application for planning consent for a wind farm on Lot 19, Pt Lot 18, V/L 2914 & V/L 3150, Coronation Beach Road, Howatharra lodged by Mr R Abrutat of Energy Visions, until such time as the EPA assessment of the proposal had been completed."

In response to the Council's resolution, the proponent over the past six months has proceeded to undertake detailed assessment and analysis on sound emissions, identification and protection of flora and fauna, visual impacts, Aboriginal and European heritage and the power-line transmission corridor in order to adequately address the environmental issues raised through the public submission period. A copy of the each environmental assessment may be provided upon request.

The Council is now in receipt of correspondence from the Department of Environmental Protection (DEP) regarding the Environmental Protection Authority's (EPA) informal advice on assessment of the wind farm proposal and the supporting environmental information submitted by the proponent. A copy of the DEP's letter is included as Attachment 2.

#### **COMMENT**

Based on the correspondence received from the DEP, it is clear that the EPA is satisfied with the proponent's submission and supporting information, and is prepared to support the proposed wind farm development.

The EPA's advice makes specific reference to compliance with the design and technical information outlined in the application and supporting information, particularly the requirement to undertake noise monitoring in accordance with the Environmental Protection (Noise) Regulations 1997 and the noise levels specified in the New Zealand Standard NZS 6808: 1998 - "The Assessment and Measurement of Sound from Wind Turbine Generators", and the continued protection of remnant native vegetation during the implementation stages of the project.

It is also noted that Energy Visions is prepared to commit to a number of actions as a result of the issues raised through the application/assessment process, as follows:

- flexibility in the design, colour and exact location/layout of the wind farm to minimise the visual impacts of the wind turbines;
- notification of both the Royal Australian Air Force and the Civil Aviation Safety Authority of the exact location and heights of the wind turbines, prior to construction commencing.
- ensuring the wind farm complies with the assigned noise levels for noise sensitive premises in accordance with the Environmental Noise Regulations 1997;
- provision of a setback area of 500 metres around the existing residence on Lot 19 from the closest wind turbine;
- undertaking of a noise monitoring program, at the proponent's expense, prior to and upon completion of construction of the first wind turbine;
- engagement of an independent botanist to ensure the identification and protection of remnant vegetation at the proponent's expense;
- re-vegetation of all areas likely to incur disturbance and/or removal of vegetation, inclusive of the power-line service corridor;
- ensuring that all Biomass resulting from any removal of vegetation will be re-used on-site;
- engagement of an anthropologist/archaeologist familiar with the area to undertake a survey of the site to determine heritage issues prior to commencement of any site works;
- Agreeing to cease all works in the event of a historical find or disturbance occurring.

Should the Council approve the wind farm proposal, it is viewed that the proponent's commitments should form the basis of conditions of approval for planning consent, together with conditions relating to access, building and erosion issues.

Also not previously raised with the Council, is the proponent's intention to align the power-line service corridor underground within and along the southern boundary of the Coronation Beach Road reserve east across North West Coastal Highway to connect with Western Power's existing Chapman-Kalbarri transmission line (refer Attachment 3). With the Council seeking to widen the Coronation Beach Road reserve from 20 to 50 metres overall, the proposal to establish the power-line within the reserve is supported, as this will minimise the disturbance of vegetation and provide easy access for future maintenance and/or upgrading of the power-line. However, from the Highway east, it is considered that the corridor should deviate slightly north to be aligned along existing cleared land to avoid unnecessary clearing of vegetated areas.

In conclusion, it is evident from the public's lack of concern and level of negative comment, together with the DEP/EPA's favourable assessment of the proposal that there does not appear to be any reasons why planning consent for this development, subject to conditions, should not be forthcoming from the Council.

#### **STATUTORY ENVIRONMENT**

As detailed in the Principal Planners Report to Council on the 19 December 2000 (Agenda item: 9.3.1.1), the whole of the wind farm site is zoned 'General Farming' with the land on the southern side of Coronation Beach Road subject to a rezoning proposal for the Oakajee Industrial Estate (Amendment 18). As this Amendment has yet to receive Ministerial Approval, the wind farm proposal should continue to be considered as a 'use-not-listed' in accordance with the provisions outlined in Clause 2.2.4 of Town Planning Scheme No.1.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

In approving this proposal it is viewed that the Council will be setting a precedent for the establishment of this form of development on 'General Farming' zoned land within the Shire of Chapman Valley, particularly as this is not a listed use within the Council's Town Planning Scheme No.1.

For the Council's information, Landcorp has sought 'expressions of interest' in leasing land within the proposed Oakajee Buffer area adjacent to the Buller River and the coast, also zoned 'General Farming', for a potential wind farm site and has received considerable interest from around the Australia. It is understood that the parties expressly interested in this site are keen for the Council to establish a position on this form of development, prior to another application being lodged for a wind farm within the Shire. However, it is acknowledged that any future application/s for a wind farm will be required to adequately address the environmental constraints and amenity issues pertinent to the selected site, consistent with the level of assessment required in this application..

#### **VOTING REQUIREMENTS**

Absolute majority required.

#### **COUNCIL RESOLUTION/STAFF RECOMMENDATION**

##### **Moved Cr RW Calder seconded Cr A Bell**

That Council resolve to issue an approval for planning consent for a wind farm on Lot 19, Pt Lot 18, V/L 2914 & V/L 3150, Coronation Beach Road, Howatharra lodged by Mr R Abrutat of Energy Visions, subject to compliance with the following conditions:

1. The wind farm development shall generally be in accordance with the attached approved plan/s dated 16 October 2001 and subject to any modifications required as a consequence of any condition of this approval.
2. A building licence for each stage of the wind farm development shall be applied for and issued by Council prior to the commencement of any works on the wind farm site.
3. The proponent shall, prior to the issue of a building licence, undertake a geo- technical survey for each wind turbine site and provide corresponding footing details to be endorsed by a local structural engineer, to the satisfaction of Council.
4. The proponent shall submit, prior the issue of a building licence, a detailed site plan for the wind farm development drawn to a scale of no less than 1 500 showing:
  - The location of all existing lot boundaries relevant to the whole of the wind farm site.
  - Lot and Location numbers for each land parcel within the wind farm site.

- The required setbacks, as detailed in Condition 10 of this approval. The 5 metre contour lines across the site.
  - The location of vehicle access points to the site from Coronation Beach Road.
  - All existing buildings on the Wind Farm site, including dwellings, sheds, etc..
  - The location for each wind turbine on the site, to be numbered for ease of identification.
  - The location of all remnant vegetation on the site. The proposed internal road network.
5. The wind farm development shall comply with the assigned sound levels for noise sensitive premises under the Environmental Protection (Noise) Regulations 1997 and the noise levels specified in the New Zealand Standard NZS 6808: 1998 -"The Assessment and Measurement of Sound from Wind Turbine Generators".
  6. The proponent shall commit in writing to a sound-monitoring program for the wind farm to be conducted by an independent acoustic engineer at the proponent's expense, with the appointment to be endorsed by the Council in consultation with the DEP.
  7. Sound monitoring shall be conducted prior to the construction, for the purpose of collecting background noise levels, in accordance with the New Zealand Standard NZS 6808: 1998 -"The Assessment and Measurement of Sound from Wind Turbine Generators" and upon commissioning of the wind farm development, with the monitoring locations to include the owner's residence on Lot 19 and the Coronation Beach Camping Reserve.
  8. The proponent shall undertake additional sound monitoring of the wind farm as required by the Council or the DEP in order to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997, in the event of a validated complaint being received by either Authority.
  9. The wind turbines shall not be sited within a 500-metre radius of the owners' residence on Lot 19.
  10. The wind turbines shall be setback a minimum of 100 metres from the northern boundary of Lot 19 and the northern and southern boundaries of the Coronation Beach Road Reserve, and 15 metres from all other lot boundaries within the wind farm site, unless otherwise approved by Council.
  11. In determining the exact location of each Wind Turbine the proponent shall give consideration to the level of cut and fill so as to avoid drainage and erosion problems across the site.
  12. All internal roads within the wind farm site shall use existing tracks where possible, and be constructed to a compacted gravel standard to the satisfaction of Council.
  13. All power cables shall be located within the proposed internal road network and installed underground to the satisfaction of Council.
  14. All vehicular crossovers providing access to the wind farm site from Coronation Beach Road shall be designed and constructed to a sealed standard to the specifications and satisfaction of Council, with all construction and sealing costs to be met by the proponent.
  15. The proponent shall enter into an agreement with the Council regarding an infrastructure contribution toward the maintenance and upkeep of Coronation Beach Road during the construction phase of the wind farm, prior to the issue of a building licence.
  16. Unless otherwise approved by Council (in consultation with the DEP), the main power line from the wind farm site to the Western Power transmission grid shall be aligned along the Coronation Beach road reserve and existing fire breaks, where possible, with all cabling to be installed underground in accordance with Western Power's specifications.
  17. Prior to the clearing of any remnant vegetation within the wind farm site and/or power line corridor, a qualified botanist shall be engaged at the proponent's expense to undertake a detailed study of the affected area, addressing:
    - The area of vegetation proposed to be cleared,
    - The plant species to be affected by the clearing,
    - The methods for recycling and/or disposal of green waste/biomass, and



- The rehabilitation methods/works to be undertaken in returning the site to its natural state.
18. The proponent shall undertake rehabilitation works for the wind farm site and the power line corridor (as detailed in the botanist's study), upon clearing of areas of remnant vegetation and completion of all necessary works in these areas, to the satisfaction of Council.
  19. At the proponent's expense, a qualified consultant shall be engaged, undertake an ethnographic and archaeological survey of the wind farm site and power line corridor to the satisfaction of the Heritage Council of WA, the Aboriginal Affairs Department and the Shire Council.
  20. The proponent shall upon suspicion and/or discovery of any historical, anthropological, ethnographic or archaeological evidence cease all construction works and immediately referred the matter to the relevant Authority/s and the DEP.

**ADVICE TO THE PROPONENT**

- o The use of the wind farm site for tourist related purposes is subject to an additional application to and approval from Council.
- o The erection of signage on the property or within the Coronation Beach Road Reserve is subject to an additional application to and approval from Council.
- o It is recommended the proponent liaise with the Royal Australian Air Force and the Civil Aviation Safety Authority regarding the location and height of the wind turbines, particularly with regard to the possible requirement for navigational aids.
- o The Building Licence fees will consist of:-
  - Builders Registration Board Fee \$30.00
  - BCITF Levy 0.2% of cost of the development
  - Building Licence Fee 0.2% of cost of the development

**CARRIED**  
Voting 9/0  
Minute Reference 10/01-3

<b>9.3.3 AGENDA ITEM:</b>	<b>9.3.1.3</b>
<b>SUBJECT:</b>	<b>APPLICATION FOR SUBDIVISION/AMALGAMATION</b>
<b>PROponent:</b>	<b>HILLE THOMPSON &amp; DELFOS ON BEHALF OF</b>
<b>SITE:</b>	<b>LANDCORP</b>
<b>FILE REFERENCE:</b>	<b>VICTORIA LOCATIONS 689,1763,2534,2680, 2893</b>
<b>PREVIOUS REFERENCE:</b>	<b>AND LOTS 2 &amp; PT15 CORONATION BEACH ROAD</b>
<b>AUTHOR:</b>	<b>S117519</b>
	<b>N/A</b>
	<b>IAN D'ARCY</b>

**DISCLOSURE OF INTEREST**

Nil.

**BACKGROUND**

The Council is in receipt of correspondence from the Department of Planning and Infrastructure seeking the Council's comments on an application to subdivide and amalgamate seven (7) land holdings for the purpose of boundary rationalisation. It is the proponents' intention to realise the same number of agricultural lots configured around the proposed Oakajee Industrial Estate Buffer. A copy of the application, including a proposed plan of subdivision/amalgamation, is included as Attachment 1.

**REFER TO NCZ/WALGA**

Not applicable

**COUNCIL RESOLUTION/STAFF RECOMMENDATION**

**Moved Cr P Cole seconded Cr P Batten**

Council adopts draft Town Planning Scheme Policy 16.250 – Industrial Development, as shown in Attachment 9.2.1.1a of the Agenda (without modification), pursuant to Clause 3.2.3 (a) of the Shire of Chapman Valley Town Planning Scheme No.1, and proceed to publish a notice to this effect in the local newspaper upon consideration of the other draft Planning Policies listed as follows-

- 16.230 *Draft Barn Style Houses Policy*
- 16.240 *Draft Animal Establishment Policy*
- 16.260 *Draft Consultation Policy*

**CARRIED**  
Voting 8/0  
Minute Reference 10/07-2

<b>AGENDA ITEM:</b>	<b>9.1.2</b>
<b>SUBJECT:</b>	<b>Request to Extend Approval for Coronation Windfarm Proposal</b>
<b>PROPONENT:</b>	<b>Energy Visions</b>
<b>SITE:</b>	<b>Lot 19, Pt Lot 18, V/L 2914 &amp; V/L 3150, Coronation Beach Road Howatharra</b>
<b>FILE REFERENCE:</b>	<b>A419/A356</b>
<b>PREVIOUS REFERENCE:</b>	<b>Oct 2002</b>
<b>AUTHOR:</b>	<b>IAN D'ARCY</b>

**DISCLOSURE OF INTEREST**

Nil

**BACKGROUND**

At the October 2001 Ordinary Meeting the Council resolved to grant planning consent to Energy Visions Pty Ltd for the establishment of a Windfarm development (58 wind turbines) on Lot 19, Pt Lot 18, V/L 2914 & V/L 3150, Coronation Beach Road Howatharra, subject to compliance with a number of conditions – refer to Attachment 9.11.2a of the Agenda.

Figure 1 of the agenda provides an understanding of the location of the proposed Windfarm that straddles Coronation Beach Road.

Following this approval Mr Raoul Abrutat from Energy Visions requested and subsequently received from Council an approved 4 year extension to planning consent D2001/020 in Oct 2002. This ensured the life of the approval was extended to the 16<sup>th</sup> October 2007 upon which the development would have to be substantially commenced.

The Council is now in receipt of a request from Mr Abrutat seeking a further 5 year extension to the planning consent for the Windfarm that would ultimately push the approval period out to 16<sup>th</sup> October 2012.

The reasons given for this request are:

1. A previous lack of network capacity for the Coronation Windfarm to connect into Western Power's electricity network;
2. A lack of bankable legislation to support renewable energy proposals;
3. A change in government policy to support renewable energy projects greater in the face of growing public concern over global warming and climate change;
4. An increased lead time for supply of wind turbines and projected timelines for upgrade of the Chapman to Northampton transmission line.

Attached to the request is a letter of support from the owners of Lot 19 and GE Energy, seeking to partner this project. The application also advocates a further letter of support from Landcorp will be forthcoming prior to the Council meeting.

A copy of this request is provided as Attachment 9.1.1.2b of the Agenda.

Notably the Council in August of this year granted planning consent for an extractive industry and limestone block processing plant on Lot 19 Coronation Beach Road.

**COMMENT**

There are a number of considerations in relation to this request that are discussed below:

**1. Expiry of Current Approval**

Notably the current approval expires on the 16<sup>th</sup> October 2007 and the Council does not determine this request until 17<sup>th</sup> October 2007. On this basis it could technically be argued the existing approval D2001/020 has now lapsed and there should be no further consideration of this matter. However it should also be noted that:

- Ordinarily the approval would not have lapsed one day prior to the Council meeting had the Council not changed its meeting day from a Tuesday to a Wednesday approximately 6 months ago;
- This request was lodged with the Shire on the 9<sup>th</sup> October 2007, a week within the expiry date.

**2. Validity of the Current Approval**

Clause 5.3.4 of Town Planning Scheme No.1 states:

*"5.3.4 Where the Council approves an application for planning consent under this Scheme the time for which that consent remains valid is two (2) years, unless otherwise stated on the Council's decision on application for the planning consent."*

This clause is, and has in the past, been loosely interpreted to afford Council the ability to extend an approval for planning consent without repeating the application process, providing:

- The proposed development has not been changed;
- The planning and land-use for the area has also not been changed;
- The conditions of approval are still valid; and
- The Council does not foresee a need to redress any part of the proposal and/or impose any additional conditions on the approval.

In this instance it is viewed that a new application is not warranted on the understanding the existing Windfarm proposal continues to remain unchanged and, notwithstanding the landowners of Lot 19 have already consented to extension of the current approval, further written support is provided by:

1. Landcorp, being the custodian of the land on the south side of Coronation Beach Road; and
2. The proponent of the approved extractive industry use to ensure the respective developments can co-exist. On this point it is not viewed that an extractive industry and windfarm development on the same property will present any land-use conflict issues providing they are developed in a co-ordinated manner.

However, should the proposal be altered or amended that would significantly change the development or affect the surrounding land-use that could give rise to potential conflict issues or adverse impacts, then a fresh application should be required. For example, if Landcorp does not consent to the requested extension of approval then a

new application would need to be submitted to site wind turbines on Lot 19, thus removing all reference to proposed development on Pt Lot 18, V/L 2914 & V/L 3150.

### **3. Justification for Extension of Current Approval**

In consideration of circumstances, both past and current, and reasons given by the proponent to justify extension of the approval period for a further 5 years, there is no reason based on planning grounds for the Council not to accept this request providing the respective landowners and extractive industry proponent have all provided written consent.

As already mentioned only the owners of Lot 19 Coronation Beach Road, GL & CW Boys, have provided their written support at this stage. Without additional notice of support from Landcorp, or the Minister for Planning and Infrastructure, on behalf of the Government, extension of this approval should not be granted. It is a legal requirement that the consent of landowners is given for development on their land.

### **STATUTORY ENVIRONMENT**

The initial planning consent for the Windfarm was issued by the Council pursuant to Clause 2.2.4 of the Chapman Valley Town Planning Scheme No.1. As stated above Clause 5.3.4 is interpreted to afford Council flexibility to extend planning consent should it be satisfied an extension is warranted.

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Development of the proposed Coronation Windfarm accords with the Council's forward planning for detailed in Planning Precincts 5 and 6 of the Local Planning Strategy.

### **VOTING REQUIREMENTS**

Simple majority required.

### **REFER TO NCZ/WALGA**

Not applicable

### **COUNCIL RESOLUTION//STAFF RECOMMENDATION**

**Moved Cr A Farrell seconded Cr D Bell**

Council resolve to:

1. Extend formal Planning Consent D2001/020 for the proposed Coronation Windfarm Development for a further 5 year period, set to expire on the 16<sup>th</sup> October 2012, subject to the following outcomes:
  - i. Written support being submitted from:
    - the owners of Lot 19 on the northern side of Coronation Beach Road;
    - Landcorp or the Minister for Planning and Infrastructure on behalf of the State Government, being the custodian of Pt Lot 18, V/L 2914 & V/L 3150 on the south side of Coronation Beach Road; and
    - Australian Stone Creations, being the proponent of the approved extractive industry use on Lot 19 Coronation Beach Road.
  - ii. Windfarm development on Lot 19 being staged in a co-ordinated manner to follow with the approved staging of the limestone extraction activities on Lot 19 Coronation Beach Road. In this regard the proponent is advised the Council will

Minutes Ordinary Meeting of Council October 2007 -- 7 -- Presiding Member.....

not issue a building licence for a proposed wind turbine/s on a designated limestone extraction area of Lot 19 until:

- the area being mined is exhausted and adequately rehabilitated; or
- the extractive industry proponent provides written advice to Council that the area is no longer required to extraction purposes; or
- the lease granted to the extractive industry proponent is subsequently terminated by the landowner.

iii. Windfarm development on Pt Lot 18, V/L 2914 & V/L 3150 being identified on an approved structure plan for the Oakajee Industrial Estate. Again, the proponent is advised Council will not issue a building licence for a proposed wind turbine/s on any of these properties until the Oakajee Structure Plan has received final endorsement from the Council and the Western Australian Planning Commission.

2. Inform all respective parties to formal Planning Consent D2001/020 of the outcome of this request.

**CARRIED**  
Voting 8/0  
Minute Reference 10/07-3

**9.2 Manager Corporate Services**

<b>AGENDA ITEM:</b>	<b>9.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORT</b>
<b>PROPONENT:</b>	<b>ACCOUNTANT</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>KRISTY WILLIAMS</b>

**COMMENT**

There are various comments made in the notes through out the financial statements. At this stage there are only minor variations from the budget provisions.

Rates were due on the 30<sup>th</sup> September 2007. With reference to note 4 of the financial statements our rates outstanding as a percentage of total rates raised is 37% this year compared to last years 41%. We are therefore in a position to transfer funds to an investment account to maximise our interest earnings (Ref item 9.3.1.2)

**STATUTORY ENVIRONMENT**

*Local Government Act 1995 and the Financial Management Regulations 1996.*

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

As presented.

**STRATEGIC IMPLICATIONS**

Nil



Energy Visions Pty Ltd · PO Box 570 · Cottesloe WA 6911 · Australia

**THE CHIEF EXECUTIVE OFFICER**  
**SHIRE OF CHAPMAN VALLEY**  
 ATTN: Mr Simon Lancaster  
 Manager of Planning  
 3270 Chapman Valley Road  
 Nabawa WA 6532

15 October 2012

By E-mail: [planner@chapmanvalley.wa.gov.au](mailto:planner@chapmanvalley.wa.gov.au) followed by mail

**GRANT OF PLANNING CONSENT – CORONATION WIND FARM  
 – REQUEST FOR EXTENSION TO 2017 (5 YEARS) –**

Dear Mr Lancaster,

Further to your Planning Consent for the proposed Coronation Wind Farm of 16 October 2001, we are seeking a further extension for the approval for an additional period of five (5) years to October 2017.

The fundamental reasons for our formal request are:

**(1) Lack of network capacity to connect Coronation Wind Farm to the electricity network**

Western Power (State Networks) is proposing to build two (2) new transmissions lines relevant to the viability of this project, namely the 330 kV "Mid West Energy Project" - Northern Section from Eneabba to Geraldton and the Chapman (substation) to Northampton 132 kV transmission line.

At a planning workshop (3 Aug 2012) held by Western Power the proposed completion date for the Mid West Energy Project - Northern Section was announced for 2017.

**(2) Need for this Project (20% by 2020 Renewable Energy Target)**

On a local level this wind farm addresses the Australian Federal Government's commitment that at least 20% of Australia's electricity comes from renewable sources by 2020:  
<http://www.climatechange.gov.au/government/initiatives/renewable-target.aspx>

**(3) Global Warming and Change in Rainfall**

Wind farming, a form of renewable energy generation, is a key solution to counteract global warming. Your Shire is among the worse hit in WA with droughts and crop losses. If no positive action is taken to implement renewables on a local level, climate conditions are likely to degrade further impacting farming and the lifestyles of local communities (e.g. CSIRO Mark 3 climate model predictions refer).

The current impacts of climate change in Australia are documented in this IPCC report:  
<http://www.ipcc.ch/pdf/assessment-report/ar4/wg2/ar4-wg2-chapter11.pdf>

Energy Visions Pty Ltd  
 ACN 096 838 005  
 PO Box 570  
 Cottesloe WA 6911 Australia

Mobile +61 (0)407 938 422  
 Tel +61 (0)8 9341 8458  
[raoul.abrutat@bigpond.com](mailto:raoul.abrutat@bigpond.com)



Coronation Wind Farm is an opportunity for your Council to demonstrate leadership in the development and implementation of renewable energy projects.

#### Landowners' Consent

**Lots 170, 2914 and 3150:** LandCorp's (Western Australian Land Authority) written consent detailing their support for an extension of planning approval for the Coronation Wind Farm by your Council is attached. LandCorp is the key landowner who holds around two-third (2/3) of the available land to accommodate Coronation Wind Farm (in the Industrial Buffer Zone of the proposed Oakajee Industrial Estate). Your E-mail acknowledgement 12 Oct 2012 refers. Unfortunately, LandCorp's consent is currently limited to two (2) years.

**Lot 171:** The second (free hold) landowner North of Coronation Beach Road, the Boys family, has currently chosen to withhold their consent for an extension. However, the Boys family states their interest to continue supporting the Coronation Wind Farm once the project advances to a viable status.

In this context it is important to note that the Boys family has provided a line corridor for Western Power (Electricity Networks Corporation) for the Northampton 132 kV transmission line to run through their property Lot 171 Coronation Beach Road relevant to this project.

Trusting this is of assistance, we would highly appreciate your Council endorsing the planning approval extension and look forward to your favourable response.

Yours faithfully

Raoul Abrutat  
General Manager

#### Enc.:

1. Landowner's Consent by LandCorp dated 12 Oct 2012.



**Our Ref** A445120

Senior Planner  
Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532

**ATTENTION: MR SIMON LANCASTER**

Dear Simon,

**EXTENSION OF PLANNING APPROVAL – CORONATION WIND FARM  
CORONATION BEACH ROAD, HOWATHARRA**

LandCorp is the registered proprietor of the land being Lot 170 on Deposited Plan 38642 and Victoria Locations 2914 and 3150 Coronation Beach Road, Howatharra (**LandCorp Land**).

It is understood that previous planning approvals have been granted to Energy Visions Pty Ltd (**Energy Visions**) to construct and operate the proposed Coronation Wind Farm partly over the LandCorp Land in the north-western portion of the buffer and partly over other land outside the buffer in private ownership and that the first of these planning approvals pre-dates LandCorp's ownership of the land.

It is further understood that the current planning approval is soon to expire and that Energy Visions seeks LandCorp's consent to lodge an application to extend the term of the planning approval.

LandCorp supports an extension of the planning approval for a further 2 years on the following conditions, which LandCorp requests the Shire incorporate into its planning approval:

- Prior to any development proceeding, an acoustic modeling report is prepared at Energy Visions cost and to the satisfaction of the Shire and LandCorp which demonstrates that the development on LandCorp's Land will not breach:
  - The noise limits approved for the Oakajee Industrial Estate buffer either from the development itself or when combined with the cumulative impact of a fully developed core and other uses planned for the buffer; and
  - The noise limits approved for the core of the Oakajee Industrial Estate.

LandCorp has previously undertaken a number of noise modelling studies for the Oakajee Industrial Estate and has no objection to providing the data to Energy Visions to enable them to prepare the requested noise modeling, or providing instruction to Herring Storer that the previously prepared information relating to on-site meteorological characteristics and projected cumulative emissions for LandCorp be utilised for Energy Visions study should they wish to engage Herring Storer.





LandCorp also notes that at this stage it does not have a definitive view on whether this wind farm proposal should proceed on LandCorp's Land, an alternative wind farm proposal would be preferred or whether the land identified in the proposal is the appropriate area for a wind farm proposal in the buffer (acknowledging that the Structure Plan identifies wind farm proposals in the buffer as an acceptable use).

Given the above, LandCorp reserves its rights to request the Shire to terminate the above conditional planning approval at any stage should it decide the current wind farm proposal is not in the best interests of the Oakajee Industrial Estate or if LandCorp decides to undertake an Expression of Interest process to identify a suitable wind farm proponent.

LandCorp has advised Energy Visions of the above position and in the event that conditional planning approval extension is granted, this does not allow Energy Visions:

- Access rights over the LandCorp Land;
- A right to a lease for the wind farm proposal from LandCorp over the LandCorp Land; or
- Approval to the positioning of the wind turbines and associated infrastructure. This will need to be considered further as part of any lease negotiations given the other uses intended for Oakajee in the buffer and any noise or other impacts of the wind turbines.

If you have any queries in relation to this matter please don't hesitate to contact Kasey Green, Project Manager on 9482 7583.

Yours sincerely

Vaughan Brazier  
**Business Manager – Strategic Industrial**

8 October 2012

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# **9.2**

# **Chief Executive Officer**

# **October 2012**

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## **Contents**

### **9.2 AGENDA ITEMS**

- 9.2.1 Fence Replacement – Lot 32 Indialla Road
- 9.2.2 North East Farming Futures Group Annual Contribution
- 9.2.3 Chapman Valley Football Club Request for Review of Fees and Charges Nabawa Oval
- 9.2.4 Chapman Valley Football Club Request for Naming Rights Nabawa Oval
- 9.2.5 Bulldozer Tender – 3yr Contract
- 9.2.6 Nabawa Fuel Bowsers
- 9.2.7 Metropolitan Local Government Review

<b>AGENDA ITEM:</b>	9.2.1
<b>SUBJECT:</b>	FENCE REPLACEMENT – LOT 32 INDIALLA ROAD
<b>PROPONENT:</b>	CHIEF EXECUTIVE OFFICER
<b>SITE:</b>	LOT 31 (NO.32) INDIALLA ROAD NABAWA
<b>FILE REFERENCE:</b>	A1340, 101.04
<b>PREVIOUS REFERENCE:</b>	N/A
<b>AUTHOR:</b>	STUART BILLINGHAM

### DISCLOSURE OF INTEREST

CEO has an Impartiality interest as the current tenant of the Shire owned property at 32 Indialla Road Nabawa.

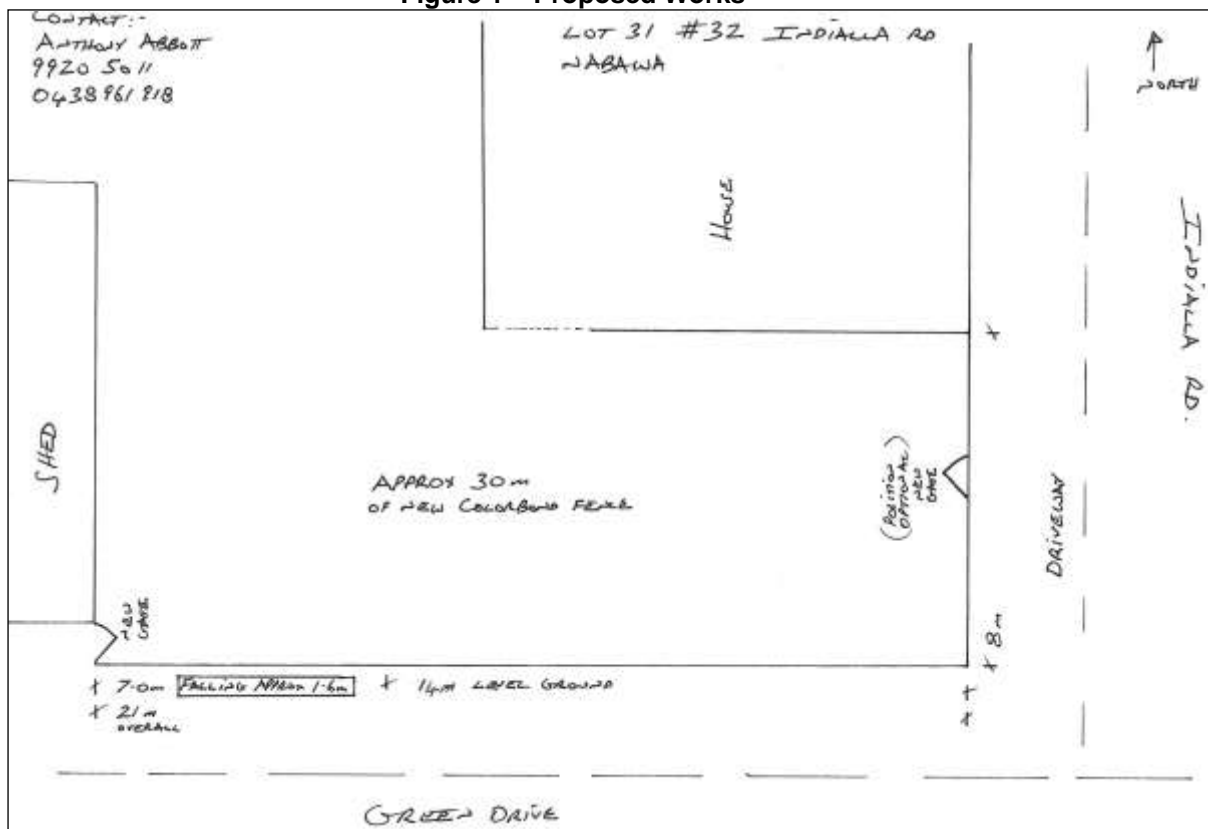
### BACKGROUND

To present to Council a request from the CEO to approve out of budget expenditure for the installation of approx. 30 metres of colorbond fencing and 2 gates at the Shire owned property at 32 Indialla Road Nabawa. Council are also being requested to approve the transfer of \$3,500 from the Shire Building Reserve to fund the expenditure.

### COMMENT

The Chief Executive Officer and family currently tenant the Shire owned house at 32 Indialla Road Nabawa. The existing asbestos and wire fence along Green Drive is deemed insufficient and is in need of replacement. The existing fence is asbestos fibre sheeting 1200mm high with star pickets and wire to 1800 high. The Chief executive Officer is requesting the replacement of the fence with a cream colorbond 1800mm high fence for additional security, privacy and to provide a secure yard for the family dog.

Figure 1 – Proposed Works



**Figure 2 – View looking north-west**



**Figure 3 – View looking west**



Council currently has \$639,395.22 in its 'Building Reserve' fund. The purpose of the Building Reserve as established by Council was for the funds *'to be utilised for the construction of staff housing or capital upgrades of existing housing'*.

The CEO is requesting that Council grant approval to utilise \$3,700 GST ex. from its Building Reserve Fund to undertake a capital upgrade of the side boundary fence on Green Drive. As per Council's Purchasing Policy 5.90: Purchases between \$3,001-\$9,999 must have at least two verbal quotations.

Two Quotations received are:

- 1 Batavia Fencing: 30 metres @ \$90 per metre plus 2 colorbond gates @ \$550 each plus travel \$250 Total \$4,050 incl gst or \$3,681.81 excl gst
- 2 SCH Contracting: 30 metres @ \$140.05 per metre incl 2 x colorbond gates plus travel \$64 Total \$4,692.05 incl gst or \$4,265.50 excl gst

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **POLICY IMPLICATIONS**

Shire of Chapman Valley Policy 5.90 Purchasing

## **FINANCIAL IMPLICATIONS**

Unbudgeted capital expenditure of \$3,700 and unbudgeted transfer from the Building Reserve of \$3,700.

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIRMENTS**

Absolute Majority required

## **STAFF RECOMMENDATION**

That Council

- 1 Approves out of budget expenditure of \$3,700 to install 30 metres of colorbond fencing and two colorbond gates at Lot 31 (HN32) Indialla Road
- 2 Approves the out of budget transfer from the 'Building Reserve' Fund of \$3,700 to the Shire Municipal Fund to cover the capital cost of the fence.

<b>AGENDA ITEM:</b>	<b>9.2.2</b>
<b>SUBJECT:</b>	<b>NORTH EAST FARMING FUTURES GROUP ANNUAL CONTRIBUTION</b>
<b>PROPONENT:</b>	<b>NORTH EAST FARMING FUTURES GROUP</b>
<b>SITE:</b>	<b>ENTIRE SHIRE</b>
<b>FILE REFERENCE:</b>	<b>306.07</b>
<b>PREVIOUS REFERENCE:</b>	<b>05/07-12, 09/12-12</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

#### DISCLOSURE OF INTEREST

Nil.

#### BACKGROUND

To present to Council a financial request from the North East Farming Futures Group (NEFF).

A copy of the letter and Tax Invoice dated 15 June 2012 from NEFF's Chief Executive Officer Mr Chris Wheatcroft has been included as **Attachment 1** to this report.

#### COMMENT

In May 2007 Council resolved the following:

*"Moved Cr Farrell Seconded Cr Davidson*

1. *Council authorise expenditure of \$10,000 towards the North East Farming Futures Group (NEFF) this year (06/07) subject to the Yuna Farm Improvement Group sanctioning NEFF and continuing their involvement.*
2. *That Council list an annual contribution of \$5,000 per year in future budgets for the duration of the Yuna Farm Improvement Group's participation in the project.*
3. *The continuation of this annual contribution is to be reviewed at the 30 June 2008 prior to inclusion in the 2008/2009 budget.*
4. *The NEFF Group be requested to have a representative attend the District Consultative Group meetings.*

*CARRIED  
Voting 6/1  
Minute Reference 05/07-12"*

In September 2012 Council resolved the following:

*"Moved Cr Batten Seconded Cr Farrell*

*That Council write to the Chief Executive Officer of the North East Farming Futures Group and invite them to make a presentation to Council.*

*CARRIED  
Voting 6/0  
Minute Reference 09/12-12"*

The Shire of Chapman Valley at its last Forum Session on 17 October 2012 received a presentation from NEFF's CEO, Mr Chris Wheatcroft. NEFF's stated mission is *"To support farmers and farm groups in the North East Agricultural Region to develop viable farming futures by working with the best possible expertise"*.

The NEFF group is made up of representatives from the Shires of Chapman Valley, Morawa and Perenjori and the City of Greater Geraldton (CGG) (Ex Shire of Mullewa). The Shires of Perenjori and Morawa and the CGG have each continued to contribute to NEFF in 2012/13 financial year with a contribution of \$5,500 GST inc. as their annual contribution.

The Shire of Chapman Valley has made no budget provision in the 2012/13 Annual Budget for a contribution to NEFF. The Chief Executive Officer has contacted the Yuna Farm Improvement

Group Chair ('YFIG') for their feedback on if they still sanction NEFF and their continued involvement in NEFF.

The Shire has in the past made the following payments to NEFF:

Year	\$
2006/2007	10,000
2007/2008	5,000
2008/2009	5,000
2009/2010	5,000
2010/2011	0
2011/2012	0
2012/2013	0
Total	25,000

The CEO has spoken to the Chair of YFIG Mr Greg Creasy on Tuesday 13 November 2012. The CEO of YFIG has advised that it does not believe the Shire of Chapman Valley should be financially contributing to NEFF, and NEFF should be able to stand on its own feet.

Should Council wish to contribute financially to NEFF it may consider that the below alternate recommendation has some merit:

"That

- 1 Council authorises out of budget expenditure of \$5,500 GST Inc. towards the North East Farming Futures Group (NEFF) for the payment of tax Invoice 0069 for the 2011/12 year contribution, subject to the Yuna Farm Improvement Group sanctioning NEFF and continuing their involvement. (Absolute Majority Vote Required);
- 2 The Shire lists in the 2012/13 Budget Review an annual contribution for 2012/13 of \$5,500 GST Inc. and \$5,500 GST Inc. for the 2011/12 contribution towards the NEFF Group; &
- 3 The Shire lists \$5,500 GST Inc. in the Shire of Chapman Valley 2013/14 Draft Budget for the annual contribution to NEFF Group."

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Possible unbudgeted contribution of \$5,500 incl gst from 2012/13 Budget.

#### **STRATEGIC IMPLICATIONS**

Nil

#### **VOTING REQUIRMENTS**

Simple majority of Council or in the event that Council wishes to move the alternative recommendation then an Absolute Majority Vote is required due to out of budget expenditure.

#### **STAFF RECOMMENDATION**

That Council advise the North East Farming Futures Group that it supports the valuable work and projects of the group, however it is currently not prepared to continue with an annual financial contribution.





Chapman Valley Shire Council  
Chapman Valley Rd  
Nabawa

15 June 2012

Dear Stuart Billingham

CEO	
CORPORATE SERVICES	
PLANNING	
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

RECEIVED  
21 JUN 2012  
BY: .....

Thankyou for the Chapman Valley Shire's previous and ongoing support for the North East Farming Futures Group Inc (NEFF). Please find enclosed an AGM Booklet (including Audited Financial Statements), the NEFF trials book – 'NEFF Projects and Achievements' published this year, and an invoice for the Shire's 2011/12 annual support of \$5,500.

2011/12 was a year of achievement for NEFF, managing grants of approximately \$500,000 value in the NEFF region (Shires of Chapman Valley, Mullewa - now City of Greater Geraldton, Morawa and Perenjori), and managing the statewide Rural Financial Counselling Service of WA, after NEFF was awarded the Federal grant for a further four years to operate this service in Western Australia (approximate value of \$1M p.a.)

NEFF values the four shire's contribution in assisting the ongoing viability of this group so as to achieve NEFF's mission "To support farmers and farm groups in the North East Agricultural Region to develop viable farming futures by working with the best possible expertise"

Thankyou

Chris Wheatcroft  
CEO NEFF Group

North East Farming Futures Group Inc | Email: [admin@neffgroup.com.au](mailto:admin@neffgroup.com.au) | Phone: [www.neffgroup.com.au](http://www.neffgroup.com.au)  
171 Augustine St Geraldton 6532 | PO Box 478 Dennington 6511 | Phone: 08 9964 7022

Received 21.6.12

North East Farming Futures Group  
PO Box 478  
Geraldton 6530  
  
ABN - 60 782 262 174



## TAX INVOICE

Date: 15 June 2012

Shire of Chapman Valley  
Po Box 1  
Nabawa 6532

Invoice Number:000000069

DESCRIPTION	LINE TOTAL
Annual Contribution to North East Farming Futures Group, 1/7/11 - 30/6/12	5000.00
	<b>SUBTOTAL 5000.00</b>
	<b>GST 500.00</b>
	<b>TOTAL \$5500.00</b>

Make all cheques payable to North East Farming Futures Group  
**EFT DETAILS:  
BSB 016 650  
ACCOUNT NUMBER 488886158**

<b>AGENDA ITEM:</b>	<b>9.2.3</b>
<b>SUBJECT:</b>	<b>CHAPMAN VALLEY FOOTBALL CLUB REQUEST FOR REVIEW OF FEES AND CHARGES NABAWA OVAL</b>
<b>PROPONENT:</b>	<b>CHAPMAN VALLEY FOOTBALL CLUB</b>
<b>SITE:</b>	<b>NABAWA OVAL AND CLUB ROOMS</b>
<b>FILE REFERENCE:</b>	<b>803.01</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

To present to Council a request from the Chapman Valley Football Club ('CVFC') for Council to consider reviewing down its fees and charges for the 2012/13 financial year for the use and hire of the Nabawa Oval and upstairs Clubhouse bar area.

A copy of the letter dated 31 October 2012 from the CVFC Secretary/Treasurer, Vanessa Gould has been included as **Attachment 1** to this report.

## COMMENT

The CVFC is in the process of rebuilding after struggling for the past few years. A public meeting was held by the CVFC at the Geraldton Tennis Club on Monday 10 September 2012 and was attended by Cr Forrester, Cr Batten, Cr Farrell and the Chief Executive Officer.

The CVFC has advised the reduced usage will consist of the following:

- No training sessions at Nabawa Oval on Friday nights, as a result no lights required for training;
- Less wear and tear on the Nabawa Oval surface; &
- Only 8 home games for the football season.

The 2012/13 Budget Schedule of Fees and Charges sets out the following:

Recreation Centre:

Football Club – Includes League Fixtures, pre-season and season training sessions (including Oval Lighting), change rooms and use of the function Centre.

2012/13 Fees are \$3,050 GST Inc. Invoice number 7052 has been raised and issued to the CVFC.

The Chief Executive Officer supports the CVFC request for a reduction in its 2012/13 fees. It is recommended based on the reduced usage and electricity that a 50% reduction in the fees be granted by Council to the CVFC.

The power for a Local Government to grant a discount or waive a Fees and Charge adopted by Council is covered by section 6.12 (1)(b) of the *Local Government Act 1995*:

- 6.12. *Power to defer, grant discounts, waive or write off debts*
- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money;*
  - (b) *waive or grant concessions in relation to any amount of money; or*
  - (c) *write off any amount of money, which is owed to the local government.*

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Potential reduction of Income from Fees & Charges of \$1,525 GST Inc. from 2012/13.

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIRMENTS**

Absolute majority required

## **STAFF RECOMMENDATION**

That Council:

1. Writes to the Chapman Valley Football Club, advising it has cancelled tax invoice number #7052 for \$3,050; &
2. Agrees to grant a concession on the fees and charges for the use and hire by the Chapman Valley Football Club of the Nabawa Oval and Function Centre by 50% for 2012/13 financial year to \$1,525 GST Inc., to assist the Chapman Valley Football Club to rebuild for the coming football season.

RECEIVED  
- 5 NOV 2012

CHAPMAN VALLEY FOOTBALL CLUB  
PO BOX 302  
GERALDTON WA 6531  
ABN: 40 769 036 976

Youngmotors Better Deal Guaranteed! MINTOSH & SON DAB ENGINEERING cramer&neill NEXUS

WS ROLSTON ENGINEERING RSM Bird Cameron Chartered Accountants Major Sponsors 2013 DAIKIN MIDWEST ELECTRICAL SERVICE PTY LTD

31<sup>st</sup> October 2012

Stuart Billingham  
Shire of Chapman Valley  
C/- PO Box Nabawa, WA, 6532

803-01  
Record No Am12146

Dear Stuart,

As you may be aware the Chapman Valley Football Club has been struggling for a few years now and at the moment the club is in the process of constructing a 3-5 year plan which is looking at ways on how the club can improve on and off the field. Because most of our players are now from Geraldton we have decided to run both our trainings at Brigades Oval Tuesday's and Thursdays to see if this will bring players to the club.

This has saddened the locals of the club deeply as we have great facilities and a great oval.

With this new change we are asking the Shire to review our hire charges of the Nabawa Oval as now we will only be using the oval and club rooms when we have home games which is currently 8 days a season.

We will not be needing the lights around the oval this season, as no Friday trainings out the Valley are scheduled, and there will be less wear and tear on the Oval.

The committee does not think that the current invoice is correct now we have cut back on our usage.

The reason for this letter is to ask the shire permission for the above so we can offer them to businesses in 2013 to try and gain extra sponsorship in order to rebuild the club.

Can the shire please look into this as soon as possible, so we can discuss this at the next committee meeting in December.

Please feel free to contact me on 99205090 or [jv\\_gould@hotmail.com](mailto:jv_gould@hotmail.com)...

The clubs motto for this season coming is: REBUILD, and we would like the shire involved in helping us to rebuild the club for 2013.

Kind Regards,

Vanessa Gould  
SECRETARY/TREASURER

AUTO KUSTOM PANEL & PAINT LANDMARK Geraldton WALTONS Harvey Norman NUKARA NATIONALS

President- Grant Woodhams Vice President- Doug McCashney Secretary- Vanessa Gould Treasurer- Vanessa Gould  
0409 460 736 0418216648

<b>AGENDA ITEM:</b>	<b>9.2.4</b>
<b>SUBJECT:</b>	<b>CHAPMAN VALLEY FOOTBALL CLUB REQUEST FOR NAMING RIGHTS NABAWA OVAL</b>
<b>PROPONENT:</b>	<b>CHAPMAN VALLEY FOOTBALL CLUB</b>
<b>SITE:</b>	<b>NABAWA OVAL AND CLUB ROOMS</b>
<b>FILE REFERENCE:</b>	<b>803.01</b>
<b>PREVIOUS REFERENCE:</b>	<b>05/10-30</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

#### **DISCLOSURE OF INTEREST**

Nil.

#### **BACKGROUND**

To present to Council a request from the Chapman Valley Football Club ('CVFC') for permission to offer naming rights for the Nabawa Oval and upstairs Clubhouse bar area.

A copy of the letter dated 31 October 2012 from the Secretary Treasurer, Vanessa Gould has been included as **Attachment 1** to this report.

#### **COMMENT**

The CVFC is in the process of rebuilding after struggling for the past few years. A public meeting was held by the Club at the Geraldton Tennis Club on Monday 10 September 2012 and was attended by Cr Forrester, Cr Batten, Cr Farrell and the Chief Executive Officer.

In the absence of a Council Policy on the naming of sporting grounds and buildings it is supported to permit the CVFC to sell the naming rights to the Nabawa Oval for the coming Football season for 2013.

Council previously resolved at its 19 May 2010 meeting as follows:

*"Moved Cr Batten seconded Cr Davidson*

*That Council advise the Chapman Valley Football Club that it is supportive of changing the name of the Nabawa Oval provided the word "Nabawa" is maintained in the name, e.g. Crosslands Nabawa Oval or similar throughout the Sponsorship period.*

*CARRIED  
Voting 6/2  
Cr Royce and Cr Forrester Against  
Minutes Reference 05/10-30"*

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

#### **POLICY IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIRMENTS**

Simple Majority required

## **STAFF RECOMMENDATION**

That Council advise the Chapman Valley Football Club that it grants support for the Chapman Valley Football Club to offer the naming rights to the Nabawa Oval and Function Centre for the 2013 Football Season on a trial basis, subject to Council endorsement and approval of the preferred name.



31<sup>st</sup> October 2012

Stuart Billingham  
 Shire of Chapman Valley  
 C/- PO Box Nabawa, WA, 6532

303-01  
 Record No A01377

Dear Stuart,

As you may be aware the Chapman Valley Football Club has been struggling for a few years now and at the moment the club is in the process of constructing a 3-5 year plan which is looking at ways on how the club can improve on and off the field.

One of the ways that was suggested was to find other ways of gaining Sponsorship for the club.

Many clubs in the GNFL have been able to offer Sponsors the naming rights on the Ovals and we would like to offer that for 2013 and beyond.

Another sponsorship offer we would like to try is naming rights of the bar in the upstairs club rooms, but we would need the permission of the shire as we would like to put signage on the front of the bar.

The reason for this letter is to ask the shire permission for the above so we can offer them to businesses in 2013 to try and gain extra sponsorship in order to rebuild the club.

Can the shire please look into this as soon as possible, as we would like to try and find companies before the 2013 season starts.

Please feel free to contact me on 99205090 or [jv\\_gould@hotmail.com](mailto:jv_gould@hotmail.com)...

The clubs motto for this season coming is: REBUILD, and we would like the shire involved in helping us to rebuild the club for 2013.

Kind Regards,

Vanessa Gould  
 SECRETARY/TREASURER



President- Grant Woodhams    Vice President- Doug McCashney    Secretary- Vanessa Gould    Treasurer- Vanessa Gould  
 0409 460 736    0418216648



<b>AGENDA ITEM:</b>	<b>9.2.5</b>
<b>SUBJECT:</b>	<b>BULLDOZER TENDER – 3 YR CONTRACT</b>
<b>PROPONENT:</b>	<b>THURKLES DOZING</b>
<b>SITE:</b>	<b>ENTIRE SHIRE</b>
<b>FILE REFERENCE:</b>	<b>408.01.61</b>
<b>PREVIOUS REFERENCE:</b>	<b>8/11-11</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

To present to Council a request from Thurkles Dozing (see **Attachment 1**), whom currently hold a three (3) year Bulldozing tender with the Shire of Chapman Valley. The request is to increase the amount of the stockpiling rate from \$1.15m<sup>3</sup> GST Inc. to \$1.27m<sup>3</sup> GST Inc. and the hourly rate from \$220 per/hr GST Inc. to \$242 per/hr GST Inc.

## COMMENT

Council at its meeting held 17 August 2011 resolved:

*“Moved Cr Royce seconded Cr Forrester*

*That Council award tender 2.11/12 to Thurkles Dozing, based on the following rates and charges:*

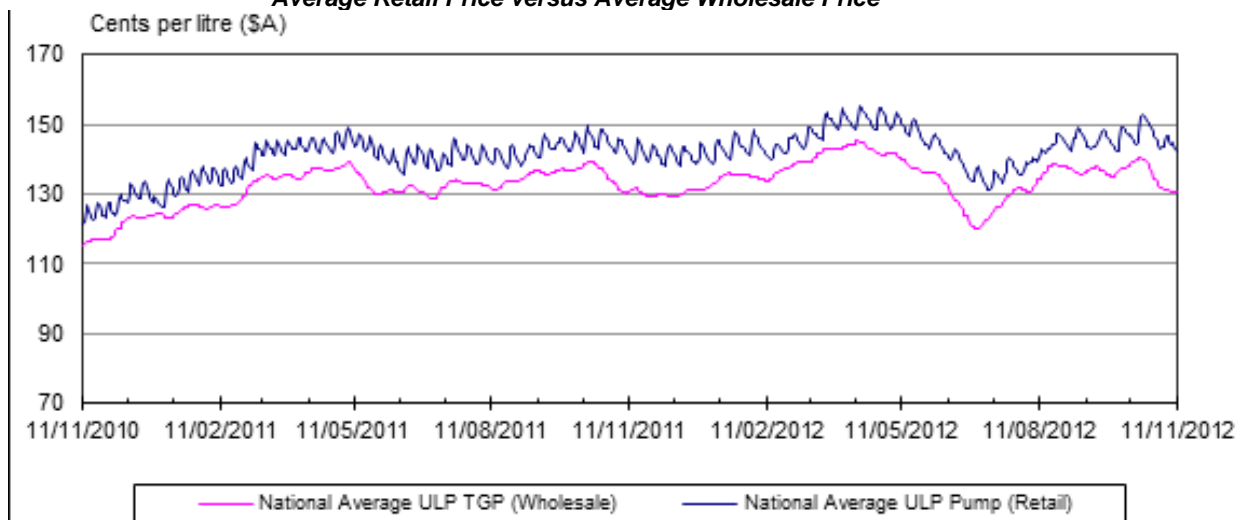
<i>Mobilisation and Demobilisation</i>	<i>\$4.95 per km</i>
<i>Stockpiling of Gravel</i>	<i>\$1.15 per cubic metre</i>
<i>Hourly rate</i>	<i>\$220.00 per hour</i>

*All prices above are inclusive of gst.*

*Contract Condition: The above rates are set for the contract period (three years) based on current fuel prices. In the event fuel prices rise significantly the contractor would like the opportunity to have Council consider an amendment to the pricing structure.”*

Fuel prices at the time of awarding the tender in Perth for Unleaded were 136.1 cents per litre August 2011. Fuel prices for the Midwest based on the Fuel Watch Website are Diesel Average 157.3 cents per litre, Unleaded average 155.8 cents per litre. Unleaded petrol increased 14% in the review period. Details for Diesel were not available at the time of writing this report.

**FIGURE 5: COMPARISON OF AUSTRALIAN PUMP PRICE WITH AUSTRALIAN TGP**  
*Average Retail Price versus Average Wholesale Price*



**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Increase in cost of pushing gravel approx 10-14% for 12/13 Budget year.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIRMENTS**

Absolute Majority required

**STAFF RECOMMENDATION**

That Council approve the increases to the Bull dozing Tender 2.11/12 with Thurkles Dozing to increase the amount of the stockpiling rate from \$1.15m<sup>3</sup> GST Inc. to \$1.27m<sup>3</sup> GST Inc. and the hourly rate from \$220 per/hr GST Inc. to \$242 per/hr GST Inc.

PO Box 52  
Walkaway 6528  
14<sup>th</sup> November 2012

15 NOV 2012

BY: \_\_\_\_\_

Shire of Chapman Valley  
PO Box 1  
Nabawa 6523

Dear Kenny

I would like to notify the Shire that I will have to increase my rates from 14/11/12 due to increased running costs, fuel, CPI etc, as per agreement in tender 2-2011/2012 - bulldozer works.

If agreeable, my rates will now be -

\$1.27 / cm inclusive of G.S.T for gravel  
\$242 / hr inclusive of GST for hourly rate.

Thank you.

Yours faithfully

Michael Thorkle.

<b>AGENDA ITEM:</b>	<b>9.2.6</b>
<b>SUBJECT:</b>	<b>NABAWA FUEL BOWSERS</b>
<b>PROPONENT:</b>	<b>RELIANCE PETROLEUM</b>
<b>SITE:</b>	<b>NABAWA TAVERN</b>
<b>FILE REFERENCE:</b>	<b>708.00 &amp; LE04</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/99-18 &amp; 12/2-13</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

## **DISCLOSURE OF INTEREST**

Nil.

## **BACKGROUND**

To present to Council a request from Reliance Petroleum offering to sell the Fuel Infrastructure located at the Nabawa Tavern to the Shire of Chapman Valley for a nominal sum of \$10.

A copy of the Liability indemnity Form dated 1 November 2012 received from Jumbo McAlpine of Reliance Petroleum has been included as **Attachment 1** to this report.

## **COMMENT**

A representative from Reliance Petroleum, Mr Jumbo McAlpine has contact the Shire of Chapman Valley in April 2012 regarding the BP fuel infrastructure located at the Nabawa Tavern. Mr McAlpine has advised that by the end of the 2012 the bowzers at Nabawa Tavern will no longer be able to communicate with the new BP Global technology and the cost of converting the facility exceeds the revenue they generate.

Reliance Petroleum is governed by BP Australia based out of Victoria and it is understood BP Australia Head Office is seeking to rationalise its fuel infrastructure. As a result if nothing is done the townsite of Nabawa may lose fuel sales at the Nabawa Tavern, with BP removing the Card system, Bowser and fuel tanks.

The Shire Chief Executive Officer has approached Mr Ian Burrows from Geraldton Fuel regarding the situation. Mr Burrows is offering to take on the operation and upgrade of the facility should the Shire obtain ownership of the site infrastructure. A copy of the correspondence received from Geraldton Fuel has been included as **Attachment 2** to this report.

### **Option 1**

If the Shire of Chapman Valley does not wish to have ownership of the bowser card system and underground tanks, Reliance has advised it will remove the fuelling facility including underground tanks and restore site to its original condition.

Reliance would still provide diesel fuel tanks for the Shire Works Depot and fuel would no longer be available to the public in Nabawa.

### **Option 2**

- Shire Purchase Fuel Infrastructure  
Reliance Petroleum is offering the equipment on site including underground tanks and bowser for a nominal price of \$10.00. If Reliance were to be retained as the fuel supplier to the Nabawa Tavern site they would still maintain a bowser review annually.
- Shire Purchase and own fuel in tanks  
The site could be run by the Shire of Chapman Valley with a white card set up under Shire ownership. (Including 24 hr access for shire) The Nabawa Tavern could still sell fuel with a white card but would have to purchase fuel from the Shire of Chapman Valley.

### **Option 3**

- Shire Purchase Fuel Infrastructure  
Reliance Petroleum is offering the equipment on site including underground tanks and bowser for a nominal price of \$10.00.
- Ian Burrows from Geraldton Fuels take over the fuel supply and operation of the site, whilst the Shire would retain ownership of the infrastructure. See letter dated 26 October 2012 from Ian Burrows of Geraldton Fuel (submitted as a separate attachment.)  
Install new 24 hour Caltex Ezyserve accepts all EFTPOS cards and most credit cards with a pin number attached and Caltex Starcards.
- Geraldton Fuels own the fuel in the tanks

**Option 1:** This option is not supported as the public would lose the ability to purchase fuel in the Nabawa Townsite. The Shire would also have fuel tank installed into the works depot and require a new fuel card system to control the taking of fuel for shire vehicles in the plant system.

**Option 2:** The purchase of the infrastructure asset is supported however the Shire purchasing fuel into stock and selling and selling to the general public and Nabawa Tavern problematic with a new white card system would need to be purchased by the Shire and the Shire would have ongoing costs with regard to the operation and maintenance of the facility and bowser.

**Option 3:** The purchase of the infrastructure asset is supported and the operation of the site by Geraldton Fuel is also supported. The benefit of this option is the Shire would have no responsibility for the purchase and sale of fuel and the day to day operation of the site.

Council must remember there is a risk on indemnifying Reliance Petroleum from contamination, claim, loss, damage or demand in connection with the fuel facility located at Lot 1, Yuna Road Nabawa Western Australia.

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Option 1 : Nil

Option 2 : \$10 plus ongoing stock purchase and sales, ongoing bowser maintenance costs

Option 3 : \$10 expenditure

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIRMENTS**

Simple Vote Required

### **STAFF RECOMMENDATION**

That Council authorises the Shire President and Chief Executive Officer to sign the Liability Indemnity Form from Reliance Petroleum and the Shire purchase the Fuel Infrastructure as listed in Attachment 1 included with this report, for the nominal fee of \$10.



708 00  
Record No AD12386

**ATTACHMENT 1**

Centrel Pty Ltd Trading as  
Reliance Petroleum  
ABN 50 091 614 667  
PO Box 6138  
Hawthorn West VIC 3122  
T +613 9810 8100  
F +613 9815 2187

**LIABILITY INDEMNITY FORM**

**Date: 1<sup>st</sup> of November 2012**

This document is to form an acknowledgment by the Shire of Chapman Valley, A.B.N. 46 173 809 199 with regards to indemnifying Centrel Pty Ltd Trading as Reliance Petroleum (BP) and its related bodies corporate and their employees, agents and representatives from and against any (without limitation) contamination, claim, loss, damage or demand in connection with the Sale of the Nabawa Fuel Facility located at Lot 1, Yuna Road, Nabawa, Western Australia.

**Description of Sale**

Reliance Petroleum agrees to the Sale of its Nabawa Fuel Facility Assets, as listed below to the Shire of Chapman Valley for the nominated Sale Price of \$10 inclusive of GST.

- 1 x CC40 Dual Compact Bowser - serial number 93 10172655
- 1 x Transponder TT Fuel Management System
- 1 x Dual Compartment Underground Fuel Storage Tank – 15kl diesel and 5kl unleaded.

As of time of the Sale, the Shire of Chapman Valley will be responsible for the Operation and Ongoing Costs associated with the Fuel Facility.

**Indemnity**

The Shire Chapman Valley, A.B.N. 46 173 809 199 indemnifies and will keep indemnified and releases Reliance and its related bodies corporate and their employees, agents and representatives from and against any (without limitation) contamination, claim, loss, damage or demand in connection with the Sale.

Dated .....2012

Executed as a Deed

EXECUTED by The Shire of Chapman Valley, )  
A.B.N. 46 173 809 199 in accordance with section )  
127(1) of the Corporations Act 2001: )

\_\_\_\_\_  
Signature of Director/Secretary

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Name of Director/Secretary (print)

\_\_\_\_\_  
Name of Director (print)

EXECUTED by Centrel Pty Ltd )  
in accordance with section 127(1) of the )  
Corporations Act 2001: )

\_\_\_\_\_  
Signature of Director/Secretary

\_\_\_\_\_  
Signature of Director

\_\_\_\_\_  
Name of Director/Secretary (print)

\_\_\_\_\_  
Name of Director (print)

**OR**

SIGNED, SEALED and DELIVERED by CENTREL )  
PTY LTD by its Attorney under the Power of )  
Attorney dated ..... in the presence of: )  
)  
)

.....  
Signature of Attorney

.....  
Name of Attorney

.....  
Witness

.....  
Name of Witness (print)



26<sup>th</sup> October 2012

**Attn:** Stuart Billingham  
CEO Shire of Chapman Valley

**Re:** Fuel Supply & 24 hr Card Site

Dear Stuart

Thank you for your time the other day at the Shire offices. As discussed Geraldton Fuel are very interested in the supply of your fuel and lubricant requirements at your depot, the bowzers at the tavern and any other deliveries required throughout the Shire.

**Equipment**

Geraldton Fuel will supply a new 24 hour Caltex Ezyserve at the tavern to replace the existing BP system. The Caltex Ezyserve accepts all EFTPOS cards and most credit cards with a PIN. It also accepts the Caltex StarCard.

Once you have purchased the existing bowzers we may either continue to use them if suitable or replace them with more modern bowzers if required.

Did you enquire about purchasing the fuel trailer you mentioned as they are hard to find these days? I would be surprised if BP had the trailer on their books after so many years.

**Operation of Card Site**

Geraldton Fuel would own the fuel in the tanks and oversee the operation of the site. I will meet with Robyn to discuss her current arrangements and I will make sure she is no worse off under our arrangement. I'm confident we can do a better deal for Robyn. Let me know when you think it is the right time so I can organise a time to meet Robyn at the tavern. It would be great if Robyn could organise to dip the tanks on a daily basis and fax or email them through to our office so we can manage the stocks. In the case of customers with cash only we would supply Robyn with StarCash cards which she can sell to the public so they are able to access fuel.





**Pricing**

My aim is to keep the Nabawa fuel bowser pricing similar to the Geraldton bowser price to avoid people driving to Geraldton for fuel. Today's prices are:

ULP	155.3
Diesel	158.8

These prices include GST.

Cost for fuel delivered today to the Shire depot and around the Shire:

Diesel	134.5 + GST = 148.0
--------	---------------------

Our standard payment terms are 14 days from end of month.

Do not hesitate to contact me if you have any questions.

Thank you.

**Ian Burrows**  
Managing Director  
Geraldton Fuel

<b>AGENDA ITEM:</b>	<b>9.2.7</b>
<b>SUBJECT:</b>	<b>METROPOLITAN LOCAL GOVERNMENT REVIEW</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>ENTIRE SHIRE</b>
<b>FILE REFERENCE:</b>	<b>404.13</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>STUART BILLINGHAM</b>

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

To present to Council the Executive Summary of the finding on the Metropolitan Local Government Review October 2012.

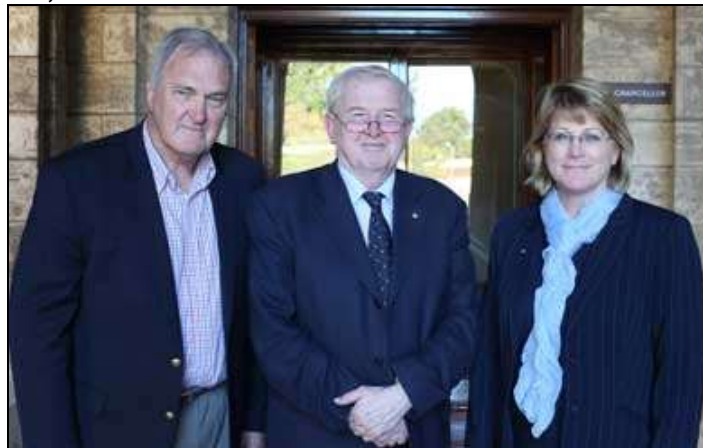
A copy of the Executive Summary has been provided as a separate document for Councillors further information.

## COMMENT

In June 2011 the Minister for Local Government, Hon John Castrilli MLA, announced an independent review of local government in metropolitan Perth. The review was conducted over a year by the Metropolitan Local Government Review Panel.

The Panel was chaired by Emeritus Professor Alan Robson AM CitWA together with other members Dr Peter Tannock and Dr Sue van Leeuwen.

**Figure 1 - Metropolitan Local Government Review Panel (From left to right: Dr Peter Tannock, Emeritus Professor Alan Robson & Dr Sue van Leeuwen.**



### Members' Profiles:

- *Emeritus Professor Alan Robson AM CitWA*  
Emeritus Professor Robson is the former Vice Chancellor of The University of Western Australia.
- *Dr Peter Tannock*  
Dr Tannock is the former Vice Chancellor of the University of Notre Dame.
- *Dr Sue van Leeuwen*  
Dr van Leeuwen is the CEO of Leadership Western Australia, an independent, not-for-profit organisation whose vision is to enhance leadership excellence across Western Australia.

The Panel provided its final report to the Minister in July 2012. The Government has now released the report for public comment and is seeking opinions on the recommendations. Public comment on the report closes Friday 5 April 2013. Feedback must address the recommendations in the report.

The report lists 30 Recommendations from the Panel stated as follows:

1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts.
2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government.
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government.
4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.
5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.
6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.
7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups.
8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.
9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.
10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.
11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.
12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority.
13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops.
14. The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.

15. A new structure of local government in metropolitan Perth be created through specific legislation which:
  - a. incorporates all of the Swan and Canning Rivers within applicable local government areas
  - b. transfers Rottnest Island to the proposed local government centred around the City of Fremantle
  - c. reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.
16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.
17. Compulsory voting for local government elections be enacted.
18. All Mayors and Presidents be directly elected by the community.
19. Party and group nominations for local government electoral vacancies be permitted.
20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/ President.
21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.
22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).
23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.
24. Payments made to elected members be reported to the community on a regular basis by each local government.
25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.
26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.
27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.
28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.
29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.
30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

The report does not address any financials issues or discuss monetary implications from its recommendations. Removal of the Poll provision available under Sch 2.1 will have a flow on effect to country local governments.

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIRMENTS**

Simple Majority required.

**STAFF RECOMMENDATION**

That the matter as contained in Attachment 1 to this report be referred to the WALGA Northern Country Zone meeting for further discussion.

### Late Item for Council November meeting agendas

Prelude of an agenda item for the 26<sup>th</sup> November NCZ meeting to allow Councils to give direction to their respective delegates attending that meeting.

### Zone Secretariat : Metropolitan Local Government Review

Report of the Independent Panel – July 2012 – released October 2012

#### Introduction

Late October 2012 the Final Independent Panel Report on the Metropolitan Local Government Review was released by Minister for Local Government, the Hon John Castrilli, for public comment, such comment closing on 5<sup>th</sup> April 2013. The Independent Panel made 30 recommendations to the State Government, no. 30 recommendation being:- **"the recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety"**.

#### Comment

Although the review is restricted to the Metropolitan area, the suggested recommendations covers many areas which will overlap into all local governments outside the Metropolitan area if they are implemented in their entirety. Further if the review is completely implemented, and that will depend upon the determination and composition of the elected State Government after the 2013 State Elections, it is a pretty safe bet the Government of the day will turn to the reviewing all local governments outside the Metropolitan area as their next task of reform.

The Executive Officer has taken the opportunity forward a prelude of an agenda item that will appear in the NCZ agenda for the meeting scheduled for Monday 26<sup>th</sup> November 2012.

Councils of the NCZ may wish to respond in the public comment that has been invited.

#### Policy Implications

Some of the recommendations will impact upon existing Policies i.e. remuneration to elected members, recruitment and selection of Chief Executive Officers, which includes remuneration and continuing assessment.

#### Financial Implications

To be determined.

#### Strategic Implications

If the 30 recommendations are accepted by Government there is immediate fallout impacting upon country local governments in respect to terms of office for Mayors/Presidents and serving Councillors, the Metropolitan area cannot be controlled independent to the rest of the State (which is pointed out by the Panel) and thus, that imposed upon the Metro area, will also be applied to country local government. Similarly compulsory voting and the selected method of determining winners of elections will also be universally applied.

As much as it is touted as a purely Metropolitan Local Government Review it is impossible for the State Government to quarantine the impact from country local governments (and in actual fact would they want to)!!

Basically, recommendations from 1 – 7 are "motherhood statements" which have been enunciated in previous reviews/dialogue at different levels of Government.

Recommendations 8 – 12 apply almost exclusively to Metropolitan Local Governments, whereas recommendation 13 and 14 will probably have application to the whole state.

Recommendation 15 is really outlining the mechanics for the transformation of Perth local governments.

Recommendations 16 – 25 will have immediate impact upon country local government upon their implementation due to the fact that it would be impossible to segregate metro and country in the amendments to the Local Government Act (and would the State even try).

Recommendations 26 – 29 are "drivers" to the State Government and Local Government to get on board, supplemented with suggested regulatory control.

Recommendation 30 throws down the challenge to the Minister for the implementation of structural reforms in their entirety.

The Executive Officer has attached some relevant extracts from the review starting with the Panel recommendations 1-30.

Other extracts are from the report which he considered relevant for discussion and some conclusion by the Northern Country Zone if it wishes to make submission.  
As mentioned this prelude is forwarded to member Councils early to enable them to discuss and give direction, at their respective ordinary meeting, to delegates of the NCZ.

### **Recommendations**

#### **The Panel recommends that:**

1. The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts.
2. A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government.
3. The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government.
4. A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.
5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.
6. The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.
7. A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups.
8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.
9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.
10. The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.
11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the *Local Government Act 1995* be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.
12. The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority.
13. Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops.
14. The Local Government Advisory Board be dissolved and its operating and process provisions in the *Local Government Act 1995* be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.
15. A new structure of local government in metropolitan Perth be created through specific legislation which:
  - a) incorporates all of the Swan and Canning Rivers within applicable local government areas

- b) transfers Rottnest Island to the proposed local government centred around the City of Fremantle
  - c) reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.
16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.
  17. Compulsory voting for local government elections be enacted.
  18. All Mayors and Presidents be directly elected by the community.
  19. Party and group nominations for local government electoral vacancies be permitted.
  20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.
  21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.
  22. A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).
  23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.
  24. Payments made to elected members be reported to the community on a regular basis by each local government.
  25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.
  26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.
  27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.
  28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.
  29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.
  30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

City and the main infrastructure and facilities that serve the metropolitan region. The Panel believes that the City of Perth should be larger and have an enhanced role. This will boost its capability, diversify its population, and allow it to become a serious national and global player.

The Panel also acknowledged that Metropolitan Perth lacks a voice to represent it as a whole. A forum or council of Perth mayors, chaired by the Lord Mayor, was considered as an option to try to address this.

The Panel also considered if institutions such as hospitals, universities and airports should continue to be dissected by local government boundaries. Currently, this creates a less-than-optimal situation for the institutions and local governments involved. One option is to take the institutions out of local government jurisdiction, and adopt a regime similar to the existing situation for Kings Park and



Rottnest Island, which both have controlling boards. This is already the case to some extent for Perth Airport, given that all development occurs on Commonwealth land.

The Panel also considered the scope for a periodic boundary review to be undertaken by an independent body, similar to the way the Electoral Commission reviews electoral boundaries. Given the ongoing population growth in the metropolitan area, this could occur at a pre-determined interval of 15 years to ensure the structure remains optimal. Without a periodic review, the structure is likely to stay the same for too long. Ongoing reviews are essential to take into account the changing demographics of a growing metropolitan region.

The ongoing role of RLGs must be considered further, depending on the final structure adopted. Even if the future of regional councils is called into question, there would still be a need for voluntary regional groupings of local governments to cooperate on common issues and joint lobbying. There is a potential place for such groupings in any structure, but on their own they are not the solution to Perth's governance needs.

## 2.7 Governance

The Panel is aware that some of its recommendations will have implications for the rest of the state. At present, in accordance with its Terms of Reference, the Panel envisages that the proposed governance changes will only apply to metropolitan Perth. The State Government will also need to consider amendments to the *Local Government Act 1995* to implement these recommendations.

A number of issues were raised during the Review that were strongly linked to, but not part of, the Terms of Reference. For example, local government respondents commented on the critical role of the State Government in metropolitan governance, but proposing changes to State Government operations is beyond the Panel's Terms of Reference other than in the way they relate to local government.

Some respondents called for a review of the *Local Government Act 1995*. The Panel has noted some changes to the Act need to be considered, in line with improving governance in the sector, but a review of the Act was not undertaken. This is a separate matter for the Minister and DLG to consider.

While there are matters of legislation to be addressed, the main difficulties for current metropolitan governance are not matters residing under the Act.

## Section 6: Improved models of Governance (Addressing Terms of reference 3 and 5)

This section presents a range of revised governance proposals in accordance with the Panels Terms of Reference.

The Panel notes the importance of ensuring the ongoing legitimacy of local government through establishing governance arrangements which support and strengthen local government authority. Priorities for the Panel are ensuring that declining rates of participation in local government elections are addressed and that the roles and responsibilities of all players are adequately defined.

### 6.1 Current Governance Arrangements

In Western Australia there are two ways to exercise a vote in a local government election. A person must be:

- enrolled on the State electoral roll for a residence in that local government district; or
- an owner/occupier of rateable property within the local government district but on the State or Commonwealth electoral roll outside the local government district.

**Ordinary local government elections are held for 50 per cent of members every two years** (councillors are elected for four years, with half of the positions becoming vacant every two years to ensure continuity within the council). There is no limit to the number of times that an elected member can hold office.

The process for electing a Mayor or President differs between local governments with each making a choice between a vote of councillors or a vote of electors. Duties, once elected, are the same. Local governments may divide their areas into wards and elect councillors for each ward.

Voting in local government elections is not compulsory in Western Australia and candidates are elected using the first-past-the-post system.

#### 6.1.1 Local government elections

The Panel believes, as a guiding principle, that local government elections should be conducted in a manner as similar as possible to State and Commonwealth elections. It recommends that these should be conducted as in person elections with compulsory enrolment and voting every four years. It is suggested that local government elections be conducted on a fixed date half-way through the State government cycle, so that there is either a State or local government election every two years.

The Panel's Terms of Reference restrict it to recommendations for the metropolitan area only. However, the Panel believes that these proposals would benefit the whole local government sector. Additionally, implementation for the metropolitan area only would be complex and could cause voter confusion. As such the State government may wish to consider applying these measures to the whole State.

If each local government implemented these changes, it would be costly and administratively onerous. Therefore, the Panel recommends that the Western Australian Electoral Commission should be responsible for conducting all local government elections. This is appropriate given the existing knowledge and experience of the Western Australian Electoral Commission and it is in accordance with practice in other states.

The Panel has found evidence of decline across key markers of electoral performance which strongly support the need to change the existing processes. Continued decline in participation by both electors and candidates is a serious issue for the ongoing legitimacy of local government and presents a threat to electoral accountability.

In 2011, the voter turnout at the local government elections was 30.5 per cent across the State and was an average of 28.5 per cent in the metropolitan area. This is lower than the 31.8 per cent recorded in 2009, and continues a gradual decline since 2005.<sup>1</sup> The individual participation rates in the metropolitan area for 2011 are detailed in Table 6.1.

**Table 6.1: Participation rates in metropolitan local government general elections 2005-2011**

Local Government	2011	2009	2007	2005
Armadale	29.7%	30.6%	31.3%	35.7%
Bassendean	32.3%	37.3%	35.3%	40.7%
Bayswater	26.1%	31.7%	31.7%	Data available not
Belmont	30.3%	35.9%	37.2%	38.1%
Cambridge	31.6%	31.8%	37.8%	43.5%
Canning	28.1%	30.8%	34.9%	33.2%
Claremont	39.9%	43.9%	38.1%	49.3%
Cockburn	26.4%	32.9%	32.2%	37.2%
Cottesloe	38.0%	50.8%	46.4%	55.4%
East Fremantle	Elections uncontested	12.7%	Elections uncontested	Data available not
Fremantle	35.6%	46.9%	43.2%	50.6%
Gosnells	23.0%	25.4%	26.6%	30.4%
Joondalup	23.4%	26.9%	27.2%	Data available not
Kalamunda	34.1%	36.6%	36.1%	38.2%

<sup>1</sup> Information provided by the Department of Local Government.

Kwinana	25.6%	32.5%	33.0%	30.6%
Melville	34.3%	36.2%	37.6%	36.2%
Mosman Park	34.7%	33.5%	13.1%	Data not available
Mundaring	31.7%	34.4%	37.0%	37.4%
<b>Local Government</b>	<b>2011</b>	<b>2009</b>	<b>2007</b>	<b>2005</b>
Nedlands	35.6%	39.5%	38.9%	39.7%
Peppermint Grove	43.9%	51.3%	Elections uncontested	Data not available
Perth	44.3%	34.9%	47.8%	42.7%
Rockingham	30.5%	33.6%	33.2%	33.2%
Serpentine-Jarrahdale	32.3%	36.6%	36.0%	40.4%
South Perth	30.9%	35.2%	31.4%	35.4%
Stirling	27.1%	29.9%	29.8%	32.5%
Subiaco	38.1%	40.7%	37.1%	44.8%
Swan	29.0%	31.9%	32.4%	34.8%
Victoria Park	Elections uncontested	33.2%	38.4%	34.8%
Vincent	37.7%	31.1%	36.7%	34.4%
Wanneroo	23.9%	28.0%	24.3%	32.1%

**Sources: Department of Local Government and Western Australian Electoral Commission**

The number of contested seats is also an indicator of local government capacity to attract new people to run for council and encourage robust competition. In 2011 in the metropolitan area there were 40 seats from a possible 124, or 32.35 per cent, which were uncontested.

Viewing figures from previous years also demonstrates a gradually declining position with 19.83 per cent (24 seats out of a possible 121) uncontested in 2009, and 16.53 per cent (20 seats out of a possible 121) uncontested in 2007.<sup>2</sup> Of particular interest were those local governments where more than one position was elected unopposed, or where unopposed elections are occurring over a number of years. The East Fremantle Council, for example, has been elected unopposed in the main at the last three general elections.

Analysis of national systems shows that Western Australia is the only State currently utilising the first-past-the-post (FPTP) counting system and stands only with South Australia and Tasmania in not providing for compulsory voting.

A further issue which was raised in submissions made to the Panel is a limit to the number of consecutive terms that an elected member can serve. The Panel notes that this proposal would necessitate consideration of shorter initial terms for some members following implementation. However, it is considered that this proposal could increase diversity, especially in those local governments where unopposed elections are prevalent. It would provide an opportunity for potential candidates who may be discouraged from nominating due to the perception that elected member positions are decided outside of the electoral process, or that some long-standing elected members have an automatic right to hold positions.

A limit of three terms, or 12 years, is considered ample opportunity for an elected member to achieve a great deal for his or her community. This would facilitate sharing of knowledge and experience across a broader generational and cultural range. It is suggested that the term limit apply to both councillor and Mayor positions, providing for 12 years as a councillor and eight years as a Mayor.

<sup>2</sup> Information provided by the Department of Local Government

#### 6.1.2 Election of Mayors

Currently the *Local Government Act 1995* provides each local government a choice as to whether their Mayor or President is elected by council or directly by the community. As such, the process differs between local governments. There is a fairly even division of election method among the metropolitan local governments with slightly more favouring the direct election method:

- Direct election (17) – Cambridge, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Fremantle, Joondalup, Melville, Mosman Park, Nedlands, Perth, South Perth, Subiaco, Victoria Park, Vincent and Wanneroo.
- Election by council (13) – Armadale, Bassendean, Bayswater, Belmont, Gosnells, Kalamunda, Kwinana, Mundaring, Peppermint Grove, Rockingham, Serpentine-Jarrahdale, Stirling and Swan.

There is a perception that problems associated with elected member cohesion are more prevalent among councils with directly elected Mayors. While it is noted that several Inquiries have been held into local governments with directly elected Mayors, the Panel finds no evidence to link direct election to these problems, and notes that issues and complaints still arise in local governments with council-elected Mayors. It can also be argued that disagreements arising among council groups may also stem from improperly defined roles for Mayors, elected members and senior local government staff. The Panel will make recommendations to address these matters.

The benefits of direct election are that a Mayor will have a greater visibility and accountability within the community and that the Mayor will truly represent the entire district. In a new structure, it is considered vital that the community have a readily identifiable figure and that they are confident in the Mayor as a representative of the whole area. This will assist in ensuring that perceptions of bias to old local government boundaries or specific small areas are avoided.

#### 6.1.3 Roles, remuneration and training

The role of the Mayor or President is set out in section 2.8 of the *Local Government Act 1995*. Broadly, the role is to provide leadership to the community and carry out ceremonial duties. The role of the CEO of a local government is defined in section

5.41 of the Act, and is to manage the daily operations and functions of a local government, and to implement council policies and decisions.

A key issue which has emerged from this Review is the need to clarify the roles of elected members and CEOs. Local governments have raised this issue directly with the Panel and it is noted that many of the recent large-scale inquiries into local government have stemmed from problems in the relationship between council and senior staff. The Panel supports the findings of the Australian Centre for Excellence in Local Government that 'the success of the political management relationship at the top of a local government organisation – council and administration – is central to the ongoing effectiveness of this level of government'.<sup>3</sup>

#### Chief Executive Officers

The Panel believes that the current role for CEOs as defined in the legislation is sufficient and that instead of changing the definition, a strong and consistent framework for recruitment and performance assessment is what is required. Currently there is great variance in the way CEOs are recruited and in the ongoing management of CEO performance and contracts.

As the employing body it is the council of each local government who appoints and manages its CEO. Therefore, the variation identified above relates to the experience of councillors in these matters and is often as a product of a fractured relationship between council, CEOs and other senior staff. The State plays a role in determining CEO remuneration through the Salaries and Allowances Tribunal.

All CEOs of State Government agencies are employed by the Public Sector Commissioner and the Public Sector Commission provides recruitment, contract and management services to facilitate this.

<sup>3</sup> Martin, J & Aulich, C, *Political management in Australian Local Government: Exploring Roles and Relationships between Mayors and CEOs*, viewed 28 June 2012, [http://www.ecelg.org.au/upload/Political\\_Management\\_J%20Martin%20and%20C%20Aulich.pdf](http://www.ecelg.org.au/upload/Political_Management_J%20Martin%20and%20C%20Aulich.pdf)

The Panel argues that there is a role for the Public Sector Commission in the recruitment and performance management of local government CEOs. The Panel does not wish to provide for the State Government to have direction or control over recruitment and management, rather it recommends that there should be representation from the Public Sector Commission on CEO recruitment panels and in contract negotiations and performance management.

It is argued that this arrangement would facilitate improved consistency in these processes for CEOs and would provide councils with guidance and assistance through this critical process. Again, while the Panel's Terms of Reference restrict it to making recommendations for the metropolitan area, the State Government should consider applying this proposal state-wide.

#### Elected Members

Following on from this is the need to consider whether the roles of elected members are sufficiently defined and what, if any, training and performance measures should be placed on elected members.

The *Local Government Act 1995* provides the following definition of the role of the council:

The Panel notes that submission number DF109, for example, refers to remuneration for elected members at levels similar to Queensland, and notes that remuneration in Western Australia is low when compared to other states. However the Panel does not foresee a change to the role of elected members, even within a new structure, which would justify increases to such levels. The argument that ordinary elected members in larger local governments will be required to serve full-time or be unable to represent their communities effectively is not supported by the existing examples of Stirling, Joondalup and Wanneroo. In these local governments, the populations are in excess of 150,000 and are managed both capably and for among the lowest costs to the community.

Further, it is evident from the data that sufficient savings could exist within the \$5.2 million currently spent on 325 elected members in the metropolitan area to accommodate increases within a revised structure.

The LGAB in its 2006 Report, *Local Government Structural and Electoral Reform in Western Australia - Ensuring the Future Sustainability of Communities* recommended:

*That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each local government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowance on an annual basis.<sup>4</sup>*

The Panel notes this recommendation and supports a transfer of responsibility for the setting of elected member fees to the Salaries and Allowances Tribunal. This is consistent with the setting of payments for CEOs and members of State Parliament. The Panel notes the forthcoming changes to the legislation to support this change.

The Panel also notes that the City of Melbourne has determined that expenses provided to elected members will be published on a quarterly basis on the City's website.<sup>5</sup> Consistent with this, the Panel considers it appropriate that a register be developed which would show elected member expenses for each local government in a standard format. This would allow for the community to compare expenses across districts.

## **6.2 RECOMMENDATIONS**

The Panel recommends that:

- 16. Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.**
- 17. Compulsory voting for local government elections be enacted.**
- 18. All Mayors and Presidents be directly elected by the community.**
- 19. Party and group nominations for local government electoral vacancies be permitted.**

<sup>4</sup> LGAB (2006), *Ensuring the future sustainability of communities*, p. 142, viewed 28 June 2012, <http://dlg.wa.gov.au/Content/LG/AdvisoryBoard/StructuralElectoralReform.aspx>

<sup>5</sup> <http://www.melbourne.vic.gov.au/AboutCouncil/MayorCouncillors/Pages/Expenses.aspx>

20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.
21. Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.
22. A full review of current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).
23. Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.
24. Payments made to elected members be reported to the community on a regular basis by each local government.
25. The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.
26. A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.
27. Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.
28. The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.
29. A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State Government and local government.
30. The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.

# **9.3 Manager of Finance & Administration November 2012**

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## **Contents**

### **9.3 AGENDA ITEMS**

9.3.1 Financial report for October 2012

<b>AGENDA ITEM:</b>	<b>9.3.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORT FOR OCTOBER 2012</b>
<b>PROPONENT:</b>	<b>MANAGER OF FINANCE AND ADMINISTRATION</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>14 NOVEMBER 2012</b>
<b>AUTHOR:</b>	<b>DEBBY BARNDON</b>

#### **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 October 2012 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 October 2012 financial statement.

#### **STRATEGIC IMPLICATIONS**

Nil



## **VOTING REQUIRMENTS**

Simple Majority required.

## **STAFF RECOMMENDATION**

That Council receive the financial report for the month of October 2012 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 Statement from 21 September 2012 to 21 October 2012

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**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 GENERAL BUSINESS  
(of an urgent nature introduced by decision of meeting)**

12.1 Elected Members

12.2 Officers

**13.0 CLOSURE**