



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

## ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 16 November 2016  
at the Shire Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana  
CHIEF EXECUTIVE OFFICER

# UNCONFIRMED MINUTES

## NOVEMBER 2016

## DISCLAIMER



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

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

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

A handwritten signature in black ink, appearing to read 'M. Battilana', written over a large, stylized loop.

Maurice Battilana  
**CHIEF EXECUTIVE OFFICER**

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## 6.0 DISCLOSURE OF INTEREST

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

### Section 5.60A:

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

### Section 5.60B:

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

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

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

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

### Regulation 34C (Impartiality):

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

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## ORDER OF BUSINESS:

### 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Chairman, Cr Collingwood welcomed Elected Members and Staff and declared the meeting open at 9.03am.

### 2.0 LOYAL TOAST

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

#### 3.1 Present

##### a. Councillors

| Member                                | Ward            |
|---------------------------------------|-----------------|
| Cr John Collingwood (President)       | North East Ward |
| Cr Anthony Farrell (Deputy President) | North East Ward |
| Cr Trevor Royce                       | North East Ward |
| Cr Kirrilee Warr                      | North East Ward |
| Cr Peter Humphrey                     | South West Ward |
| Cr Veronica Wood                      | South West Ward |
| Cr Ian Maluish                        | South West Ward |

##### b. Staff

| Officer              | Position                                                          |
|----------------------|-------------------------------------------------------------------|
| Mr Maurice Battilana | Chief Executive Officer                                           |
| Simon Lancaster      | Deputy Chief Executive Officer                                    |
| Mrs Karen McKay      | Executive Services Administrator (Minute Taker)                   |
| Mrs Dianne Raymond   | Manager of Finance & Corporate Services (from 9.58am to 10.03am ) |

##### c. Visitors

| Name |  |
|------|--|
| Nil  |  |

#### 3.2 Apologies

| Name                                    |                 |
|-----------------------------------------|-----------------|
| Cr Pauline Forrester - Leave of Absence | North East Ward |

### 4.0 PUBLIC QUESTION TIME

#### 4.1 Questions On Notice

Nil

#### 4.2 Questions Without Notice

Nil

## **5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **6.0 DISCLOSURE OF INTEREST**

Cr Wood declared an impartiality interest in item 9.1.3 as she is a member of the Parkfalls Residents Association

Cr Maluish declared an impartiality interest in item 9.1.3 as he is a member of the Parkfalls Residents Association

Cr Warr declared an impartiality interest in item 9.1.3 as she is a Board member of the Mid West Development Commission and the Shire of Chapman Valley has a grant application pending.

## **7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

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

### **COUNCIL RESOLUTION**

**MOVED: CR WOOD**

**SECONDED: CR FARRELL**

8.1 Ordinary Meeting of Council held on Wednesday 19 October 2016

That the minutes of the Ordinary Meeting of Council held Wednesday 19 October 2016 be confirmed as a true and accurate record.

**Voting 7/0**

**CARRIED**

**Minute Reference 11/16-1**

## **9.0 OFFICERS REPORTS**

# **9.1**

## **Manager of Planning**

### **November 2016**

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### **9.1 AGENDA ITEMS**

- 9.1.1 Proposed Building Envelope Relocation – F & K Duebendorfer – Lot 84 Murphy Norris Road Narra Tarra
- 9.1.2 Dolbys Drive Structure Plan
- 9.1.3 Bill Hemsley Park - Reserve 49641 Eliza Shaw Drive, White Peak

|                            |                                               |
|----------------------------|-----------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.1.1</b>                                  |
| <b>SUBJECT:</b>            | <b>PROPOSED BUILDING ENVELOPE RELOCATION</b>  |
| <b>PROPONENT:</b>          | <b>F &amp; K DUEBENDORFER</b>                 |
| <b>SITE:</b>               | <b>LOT 84 MURPHY NORRIS ROAD, NARRA TARRA</b> |
| <b>FILE REFERENCE:</b>     | <b>A2069</b>                                  |
| <b>PREVIOUS REFERENCE:</b> | <b>12/09-25</b>                               |
| <b>DATE:</b>               | <b>8 NOVEMBER 2016</b>                        |
| <b>AUTHOR:</b>             | <b>SIMON LANCASTER</b>                        |

## DISCLOSURE OF INTEREST

Nil.

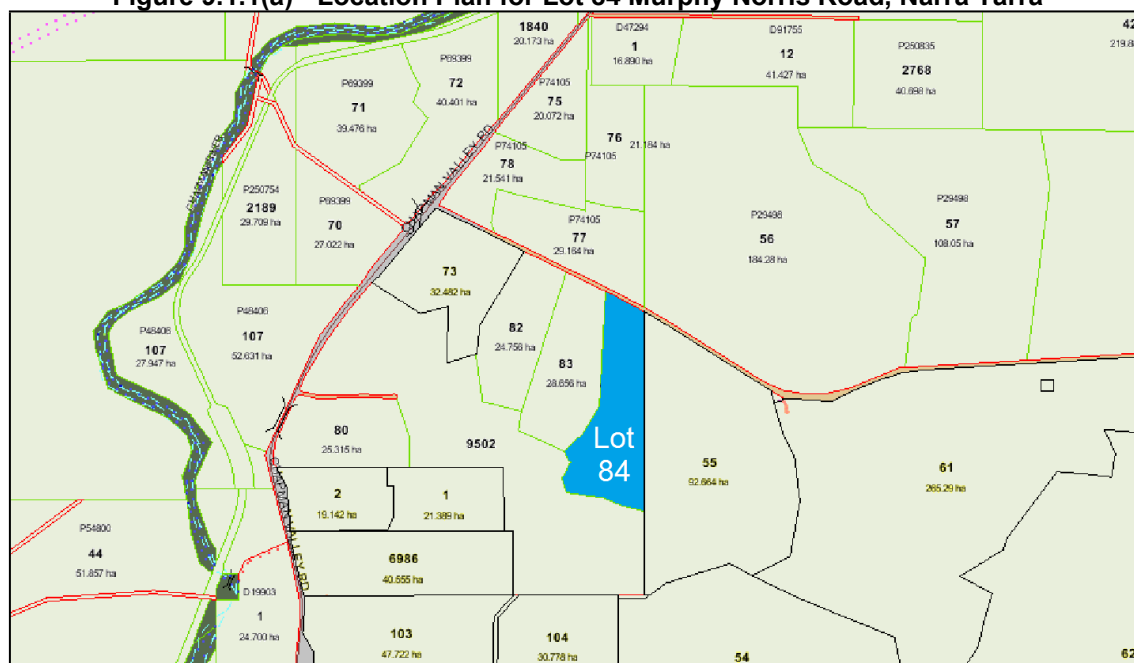
## BACKGROUND

Council is in receipt of an application to relocate the building envelope upon Lot 84 Murphy Norris Road, Narra Tarra. This report recommends approval of the application.

## COMMENT

Lot 84 is a 31.8243ha property in the Carney Hill Estate subdivision, located on the southern side of Murphy Norris Road, approximately 1km east of the Chapman Valley Road intersection.

**Figure 9.1.1(a) - Location Plan for Lot 84 Murphy Norris Road, Narra Tarra**



The applicant is seeking to construct a residence outside of the building envelope shown upon the Carney Hill Estate Subdivision Guide Plan, a copy of which has been included as **Attachment 9.1.1(a)**.

The building envelope for Lot 84 as shown upon the Carney Hill Estate Subdivision Guide Plan is sited on the lower ground (155m contour) approximately 100m back from the Murphy Norris Road frontage.

The applicant is seeking approval to relocate the building envelope to a location on the higher ground (195m contour) approximately 850m back from Murphy Norris Road. A map illustrating the location of the proposed new building envelope location has been included as **Attachment 9.1.1(b)** and a copy of the applicant's correspondence they have submitted in support of their proposal has been included as **Attachment 9.1.1(c)**.

Shire staff have inspected the proposed building envelope location and do not raise objection on the following basis:

- the intended location for the future residence is well setback from the edge of mesa/flat top formation, and thus would not appear on the skyline as viewed from either Chapman Valley Road or Murphy Norris Road;
- the relocation of the building envelope would not require the clearing of remnant vegetation;
- the proposed new building envelope is located north-east/outside of the area identified as containing artefacts by the Aboriginal Heritage Survey conducted as part of the rezoning process for Carney Hill Estate;
- the relocation of the residence to a location in proximity to a degraded portion of the property will enable the landowner to better attend to its rehabilitation;
- the applicant is proposing to relocate the building envelope from within an area that is identified as bush fire prone by the State Bush Fire Prone Area Map to one that is outside.

**Figure 9.1.1(b) – View looking west from proposed new building envelope location**



**Figure 9.1.1(c) – View looking north from proposed new building envelope location**



## STATUTORY ENVIRONMENT

Lot 84 Murphy Norris Road, Narra Tarra is zoned 'Rural Smallholdings 2' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme'). The property is also located within the 'Special Control Area 2 - Moresby Range Landscape Protection' zone.

Section 4.2.5 of the Scheme lists the objectives of the 'Rural Smallholding' zone as being:

*"The objectives of the Rural Smallholding Zone are to:*

- (a) Provide for residential development within a low density environment and integrated with a variety of agricultural/rural activities, including agricultural/rural activities undertaken on a commercial basis;*
- (b) Provide for other land-uses compatible with the predominant use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land."*

Section 5.11 of the Scheme states:

### *"5.11 Building Envelopes*

*5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.*

*5.11.2 No development of any structures shall occur within any area/s identified as 'Development Exclusion Area', 'Re-vegetation Area', 'Remnant Vegetation' or similar on the subdivision guide, structure or fire management plan;*

*5.11.3 Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*

*5.11.4 In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:*

- (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;*
- (b) unnecessary clearing of remnant native vegetation;*
- (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;*
- (d) suitability for landscape screening using effective screening vegetation; and*
- (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Local Planning Policies."*

Section 10.2 of the Scheme lists the following relevant matters in considering this application:

*"The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application:*

- (a) the aims and provisions of the Scheme;*
- (b) the requirements of orderly and proper planning including any relevant proposed new Local Planning Scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;...*
- ...(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...*
- ...(i) the compatibility of a use or development with its setting;*



- (j) *any social issues that have an effect on the amenity of the locality;*
- (k) *the cultural significance of any place or area affected by the development;*
- (l) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (m) *whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (n) *the preservation of the amenity of the locality;*
- (o) *the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;*
- (p) *whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;...*
- ...(v) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) *whether the proposal is likely to cause soil erosion or land degradation;...*
- ...(y) *any relevant submissions received on the application;*
- (z) *the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) *any other planning consideration the Local Government considers relevant."*

Schedule 12 of the Scheme lists the 'Additional Requirements and Modifications' relevant to the 'Rural Smallholding 2' zone as follows:

**"1 Subdivision**

- (a) *Subdivision, development and land use shall generally be in accordance with the Structure Plan as adopted by the Local Government and endorsed by the Western Australian Planning Commission.*
- (b) *The minimum lot size shall be 20 hectares*

**2 Building**

- (a) *Buildings shall be confined to the building envelope as identified on the Structure Plan.*
- (b) *All buildings shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.*
- (c) *All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.*
- (d) *All building development shall accord with the Local Government's Rural Bushfire Policy & FESA requirements.*
- (e) *All property boundaries for new lots shall be fenced to a minimum standard of 6 strand ring lock in a uniform manner.*

**3 Stock Control**

- (a) *The keeping of animals (other than domestic pets) shall accord with the maximum stocking rates as prescribed by the Department of Agriculture and Food.*
- (b) *Application for approval to increase the stocking rate above the minimum prescribed is to be submitted to and determined by the local government. The Local Government in determining an application for an increase in the stocking rate may consult with Department of Agriculture and Food and affected surrounding land owners on desirable rates and applicable pasture types.*
- (c) *Notwithstanding a) above, the local government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties.*

**4 Vegetation Protection**

- (a) *Prior to subdivision, all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard as prescribed by the local government.*
- (b) *Remnant vegetation is not to be cleared outside the building envelopes.*

- 5 **Servicing**
  - (a) *No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans to the satisfaction of the local government in consultation with the Health Department of WA.*
  - (b) *The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider provide fire fighting facilities (or a financial contribution in-lieu of) in accordance with the local government's Rural Bushfire Policy requirements.*
  - (c) *The Local Government or Main Roads WA may request the WA Planning Commission impose a condition at the time of subdivision that requires the subdivider construct and/or upgrade any roads required to provide adequate vehicular access to the proposed lots, including the immediate local road network.*
  - (d) *Construction of a single dwelling on any proposed lot shall be supported by a minimum roof catchment area of 300m<sup>2</sup> from all building/s and a rain water storage tank of at least 100,000 litres to sustain a potable water supply for domestic and fire fighting use in accordance with the local government's Rural Bushfire Policy requirements.*
  - (e) *The local government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring the subdivider to demonstrate the quantity and quality of ground water, with this data to be made available to the local government and prospective purchasers of the land.*
  - (f) *No vehicle access is permitted onto or from Chapman Valley Road and Morrell Road.*
- 6 **Land Use**
  - (a) *Landowners shall not proceed with any form of development or change in land use without having first obtained planning consent from the local government.*
  - (b) *Vehicle and pedestrian crossings over watercourses shall be designed and constructed to minimise impact on their natural form and function.*
  - (c) *Construction of a dam or soak on the property shall be subject to formal planning consent being granted by the local government.*
  - (d) *Dams constructed upon the property shall have provision to bypass summer flows in the watercourse to downstream users.*
- 7 **Advice To Purchasers**

*The local government may request that the Western Australian Planning Commission impose a condition at the time of subdivision that requires the subdivider to ensure that prospective purchasers and successors in title are advised of:*

  - (a) *The local planning scheme provisions which relate to the use and management of the land;*
  - (b) *The constraints associated with the use of ground and surface water for intensive agricultural pursuits, and the need to liaise with the Department of Water regarding ground water licensing requirements for commercial use.*
  - (c) *The recommendations detailed in any Aboriginal Heritage Survey that may have been prepared as a requirement of the rezoning process."*

Section 6.3 of the Scheme lists the requirements relating to the 'Special Control Area 2 - Moresby Range Landscape Protection' zone:

- 6.3.2 *The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give consideration to the purpose of the Special Control Area.*
    - 6.3.3 *Within Special Control Area 2 no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for:*



- (a) *Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the Local Government's Bush Fire Notice and/or any fire management plan endorsed by the Local Government;*
- (b) *Clearing as may reasonably be required to accommodate an approved building and curtilage, or vehicular access to an approved building or other land use approved by the Local Government; and/or*
- (c) *Clearing as may be allowed under the Department of Environment and Conservation Land Clearing Regulations;*
- (d) *Trees that are diseased or dangerous.*

6.3.4 *In the determination of any application for planning approval within Special Control Area 2 the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding:*

- (a) *The siting of the proposed development;*
- (b) *The design and layout of the proposed development;*
- (c) *The materials and finishes to be used in the proposed development;*
- (d) *The protection of remnant native vegetation or re-vegetation located on the site;*
- (e) *The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or*
- (f) *The installation and maintenance of vegetation, retaining walls or other works to prevent erosion."*

## **POLICY IMPLICATIONS**

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

Local Planning Policy 'Building Envelopes' was adopted by Council in order to give guidance to landowners and staff when dealing with applications that requested the relocation and amendment of designated building envelopes.

The objectives of the 'Building Envelopes' Local Planning Policy are listed as:

- "3.1 To provide guidance with respect to the amendment of a building envelope (relocation, expansion) that will not lead to unacceptable impacts on surrounding properties.*
- 3.2 To provide criteria by which the amendment of a building envelope should be considered to assist in protecting the integrity of the application of building envelopes.*
- 3.3 To provide guidance in relation to the information required to be submitted as part of an application for the amendment of a building envelope."*

Sections 4.3 & 4.4 of the 'Building Envelopes' Local Planning Policy state that:

- "4.3 In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:*
- (a) justification for the proposed amendment;*
- (b) the secondary nature of the development should the application be to site a building/s outside of the envelope (i.e. horse stables);*
- (c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;*
- (d) unnecessary clearing of remnant native vegetation;*
- (e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;*
- (f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;*
- (g) use of materials and colours to assist in softening any perceived visual impact;*

- (h) *compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.*

4.4 *Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits."*

A local planning policy does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

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

## **FINANCIAL IMPLICATIONS**

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

- **Long Term Financial Plan:**

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

## **STRATEGIC IMPLICATIONS**

During the rezoning process that led to the creation of the Carney Hill Estate (Scheme Amendment No.38 to Scheme No.1) the Department of Aboriginal Affairs advised that whilst there were no sites listed on the Register of Aboriginal Heritage Sites within the rezoning area, that a heritage survey should be conducted as there may be unregistered sites within the subject area.

An Aboriginal Heritage Survey was subsequently commissioned that confirmed that whilst there were no Aboriginal Heritage Sites within the rezoning area, there were 2 sites of heritage significance, one of these being on what is now Lot 84 Murphy Norris Road.

The proposed new building envelope location for Lot 84 is outside of/to the north-east of, the area identified by the Aboriginal Heritage Survey.

Relevant extracts from the Aboriginal Heritage Survey document have been provided as **Attachment 9.1.1(d)**, and should Councillors wish to view the complete document please contact the Shire's Planning Department.

- **Strategic Community Plan:**

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

## **CONSULTATION**

The applicant is seeking to relocate the building envelope from the location as shown upon the Carney Hill Estate Subdivision Guide Plan that was adopted by Council at its 16 December 2009 meeting.

Applications that propose variance to the Carney Hill Estate Subdivision Guide Plan are deemed to be unable to be determined by Shire staff under delegated authority, hence the placement of this application before Council for its determination.

Section 4.1 of the Shire's 'Building Envelopes' Local Planning Policy notes that an application seeking to relocate, remove or expand a building envelope may be advertised to surrounding landowners prior to being placed before a meeting of Council for consideration.

The Shire wrote to the adjoining landowner, and the Department of Aboriginal Affairs on 17 October 2016 providing details of the application and inviting comment upon the proposal prior to 4 November 2016.

At the conclusion of the advertising period no submissions had been received.

#### **RISK ASSESMENT**

Not applicable.

#### **VOTING REQUIREMENTS**

Simple majority required.

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

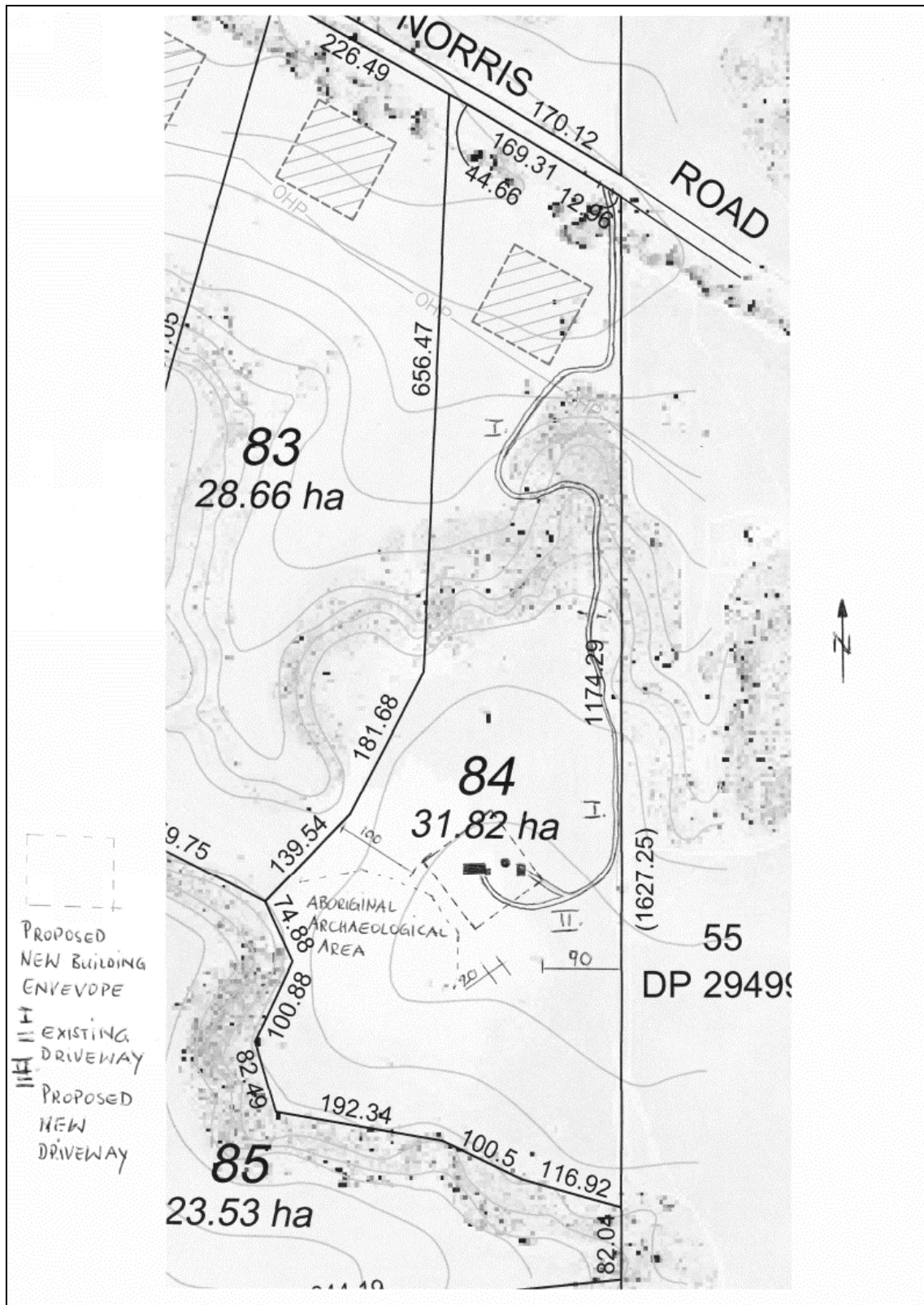
**MOVED: CR WARR**

**SECONDED: CR HUMPHREY**

That Council grant approval for the relocation of the building envelope upon Lot 84 Murphy Norris Road, Narra Tarra in accordance with the approved plans dated 16 November 2016.

**Voting 7/0  
CARRIED  
Minute Reference 11/16-2**







Felix and Karin Duebendorfer  
PO Box 2839  
Geraldton WA 6531

Shire of Chapman Valley  
Department of Planning  
Attn.: Simon Lancaster  
PO Box 1  
Nabawa WA 6532

**Application: Re-locating of a Building Envelope**

**Lot 84, Murphy Norris Rd., Narra Tarra**

Dear Simon

As we have discussed in meetings with you and in e-mails we would like to apply to relocate the building envelope to a new position, marked on the site plan, to a higher ground so we could maximize our views over the beautiful landscape. It would mean to us that we can utilise the biggest parcel of our land for our life-style and privacy.

The new position is on an approx. 20 Ha flat plateau, well set back from any ridges and cannot be seen from either Chapman Valley Rd or Murphy Norris Rd. We would be so far back from the ridge that the total privacy of our neighbour's dwellings would not be compromised.

The proposed new building envelope will be situated on formerly cropped and grazed ground, so there is no loss of remnant vegetation or bushland. Furthermore there is already an existing driveway up to the proposed new building envelope; therefore no further clearing of remnant vegetation is needed.

We would like to build a single story double brick/zinc residence and shed with water storage tanks. The water storage capacity would be around 150,000Lt. near the house/shed.

A second water tank will be situated next to the bore on the lower level of the property. Therefore we would have water available for domestic, irrigation and firefighting use.

For landscaping and screening around the house and shed we are thinking of native trees, shrubs and bushes to revegetate the formal natural landscape and to protect the soil from further erosion.

Building Envelope Application to the Shire of Chapman Valley  
Lot 84, Murphy Morris Rd., Narra Tarra  
Felix & Karin Duebendorfer  
11/10/2016

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The proposed building envelope would be in proximity but away from the Aboriginal archaeological area and would not impact this site.

The Aboriginal archaeological site has been in the past heavily cropped and grazed and is now exposed as bare sand.

Left like it is now the wind and weather will erode it even more. (Clearly seen on provided aerial view)

We would like to revegetate this area with perennial grasses; e.g. planting sub-tropical perennial grasses and or native trees, shrubs and bushes to stop erosion.

The proposed new building envelope is clearly marked on site for assessment purposes.

We kindly thank you for taking the time to assist us with this application.

We sincerely hope this information will help you in your decision making and if you require anything further please do not hesitate to contact us.

Kind Regards



Felix Duebendorfer  
Karin Duebendorfer

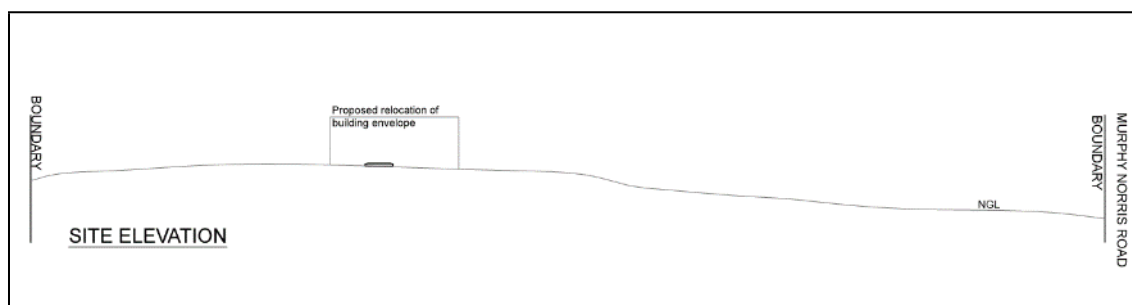
11/10/2016

Annexure

- Form of Application for Planning Approval
- Supporting letter
- Site Plan
- Aerial view

Building Envelope Application to the Shire of Chapman Valley  
Lot 84, Murphy Morris Rd., Narra Tarra  
Felix & Karin Duebendorfer  
11/10/2016

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AN ABORIGINAL HERITAGE SURVEY FOR THE PROPOSED REZONING OF PT VICTORIA LOC 2510 CHAPMAN VALLEY ROAD, YETNA, CHAPMAN VALLEY SHIRE WESTERN AUSTRALIA.

### EXECUTIVE SUMMARY

P & KL Cole is applying to the Chapman Valley Shire for a proposal to rezone Loc 2510 Chapman Valley Road from 'General Farming' to a 'Special Rural' zone. P & KL Cole wish to determine whether any sites of significance to Aboriginal people will be impacted upon by this proposed work thereby fulfilling their obligations under the Western Australian Aboriginal Heritage Act (1972).

No previously recorded Aboriginal Heritage sites were identified to be located within the boundaries of loc 2510 Chapman Valley Road.

Two previously recorded archaeological sites were identified to be located adjacent to proposed lot 1 (see Map Appendix 3) adjacent to the south embankment of the Chapman River on Loc 1840 and the Chapman River reserve. These sites will not be affected by the proposed sub-division of Loc 2510 Chapman Valley Road. A full description of these sites nature and extent will be provided by O'Reilly in the accompanying archaeological report.

There are no previously recorded ethnographic sites recorded in the project area. Previous research in the region by Goode (2007, 2008) and Machin (1993) does however suggest that it is likely that the Chapman River would have mythological associations in relation to 'Beemarra' beliefs.

As a result of consultations held with members of the Mullewa Wadjari WC96/93, Amangu People WC04/2 and Naaguja Peoples WC97/73 Native Title Claim groups no ethnographic Aboriginal Heritage sites as defined by Section 5 of the Western Australian Aboriginal Heritage Act (1972) have been identified with the project area of Loc 2510.

During consultations it was identified that the Chapman River and its deep pools are associated with the spirit of the 'Beemarra' and that no disturbances should be allowed to the rivers bed or embankments. It was reported that the area would have been traversed by Aboriginal groups in the past travelling through the area, in particular along the Chapman River and that the large hills in the area would have been utilised as look-out points for potential hunting grounds and camping areas.

It was advised by the Aboriginal consultants that archaeological material was likely to be found in the area; however it was informed that small artefact scatters that contain a few flakes are of low significance. It was requested however that if such artefact sites were located that it is best to leave them in situ and not disturb these sites.

As a result of the above survey, the following recommendations are made:

**It is recommended** that as no ethnographic sites as defined by Section 5 of the Western Australian Aboriginal Heritage Act (1972) were identified to be located within Loc 2510 that the project should proceed as planned.

As the Chapman River has been identified by a number of Aboriginal consultants to contain 'Beemarra' associations, **it is recommended** that no ground disturbance take place within the river reserve without further consultation with the Mullewa Wadjari Community WC96/93, Amangu People WC04/2 and Naaguja Peoples WC97/73 Native Title Claim groups.

**It is recommended** that if any archaeological material is located within Loc 2510 that the request of the Aboriginal community for the artefacts to be left in situ is adhered to.

Should this not be possible then **it is further recommended** that the proponent make application pursuant to section 18 of the Western Australian Aboriginal Heritage Act (1972) to use the land that may contain an Aboriginal site.

**Chapman Valley 2009/02 MGA co-ordinates 279 162mE 6 833 425mN**

The Chapman Valley 2009/02 site is a diffuse, low density artefact scatter located within proposed lot 15 (see Map Appendix 3) on top of a large low hill in the southeast quadrant of the survey area (Figure 8). It was identified in an area that has been universally disturbed and is part of a cleared paddock. Fences parallel parts of its northern and western boundaries.

With the exception of a single eucalypt to 3m and a separate stand of several small, burnt and dead eucalypts, there is no vegetation within the Chapman Valley 2009/02 site other than sparse stubble. This resulted in ground visibility being excellent and averaging over 70% throughout the site (Plate 3). The surface geology in and around the Chapman Valley 2009/02 site can be characterised as white sand. This site is approximately 200m NS x 200m EW. Its boundary is defined by the co-ordinates given in Table 5.

| Easting | Northing  | Easting | Northing  |
|---------|-----------|---------|-----------|
| 279 075 | 6 833 508 | 279 214 | 6 833 334 |
| 279 065 | 6 833 471 | 279 259 | 6 833 391 |
| 279 067 | 6 833 416 | 279 260 | 6 833 448 |
| 279 068 | 6 833 369 | 279 224 | 6 833 492 |
| 279 139 | 6 833 317 | 279 147 | 6 833 517 |

**Table 5: MGA co-ordinates defining the boundary of the Chapman Valley 2009/02 artefact scatter.**

It is estimated that the Chapman Valley 2009/02 artefact scatter contains 1000 artefacts with all observed artefacts manufactured on quartz. Observations made at this site indicate that the artefact assemblage consists predominantly of flakes, flaked pieces and flaked fragments (Plate 4). Although discrete concentrations of artefacts were observed in some parts of the site, artefact density has been calculated at 0.02artefacts/m<sup>2</sup> across the entire site.

The Chapman Valley 2009/02 site represents a type of site (artefact scatter) that has been frequently identified in the wider region. No retouched or utilised artefacts were observed at this site and although artefacts may be present below the surface, there is little or no potential for this site to contain stratified cultural deposits. The artefact assemblage at the Chapman Valley 2009/02 site is unremarkable and typical of many other artefact scatters located in the wider region. As a result of its size and limited artefact assemblage, as well as the fact that it has been universally disturbed, the Chapman Valley 2009/02 site has little potential to address any of the research questions outlined above. Consequently, the Chapman Valley 2009/02 site is assessed here as having very low archaeological significance.



Plate 3: Looking west over the Chapman Valley 2009/02 artefact scatter.



Plate 4: Artefacts *in situ* at the Chapman Valley 2009/02 artefact scatter.

## 8.0 CONCLUSIONS

### 8.1 DISCUSSION

An archaeological survey for Aboriginal archaeological sites within Loc 2510 Chapman Valley Road Yetna (WA), was undertaken on behalf of Peter Cole in January 2009 by Thomas O'Reilly with assistance from Leedham Papertalk Snr, Leedham Papertalk Jnr and Kristen Papertalk. Loc 2510 Chapman Valley Road is approximately 450km north of Perth and 20km northeast of Geraldton and has been almost universally disturbed as a result of contemporary land use practices, by the pastoralists for disturbed and modified to some extent by past and present mineral exploration activities.

As a result of the archaeological survey described and discussed in this report, it was established that two registered Aboriginal archaeological sites, the Ogl Fs6 (Site Id. 18393) and Ogl Fs7 (Site Id. 18394) have been previously identified and recorded at locations in close proximity to the northwest corner of Loc 2510 Chapman Valley Road. During the course of fieldwork these sites were visited and their extents established. As a result, it is confirmed here that the Ogl Fs6 (Site Id. 18393) and Ogl Fs7 (Site Id. 18394) artefact scatters do not extend into Loc 2510 Chapman Valley Road Yetna.

In addition to the above, two previously unrecorded Aboriginal archaeological sites, both artefact scatters, were identified within Loc 2510 Chapman Valley Road Yetna. These sites, provisionally named Chapman Valley 2009/01 and Chapman Valley 2009/02, are evidence of an Aboriginal presence within Loc 2510 Chapman Valley Road in the past and a reflection of past Aboriginal land-use patterns.

The provisionally named Chapman Valley 2009/01 and Chapman Valley 2009/02 sites are both diffuse and low density artefact scatters with artefact assemblages that are estimated to contain approximately 100 and 1000 lithic artefacts respectively that have been manufactured almost exclusively on quartz. These artefact scatters were identified in or at the edge of cleared paddocks and are both considered to be located in areas that have been universally disturbed.

The Chapman Valley 2009/01 and Chapman Valley 2009/02 artefact scatters identified as a result of the survey described in this report are examples of a site type that has been frequently identified in the wider region. Their artefact assemblages are generally unremarkable and similar to those found in other artefact scatters that have been identified in the wider region. In general, these sites contain a limited range of artefact types, predominantly flakes, flaked pieces and flake fragments. Although sub-surface archaeological material may be present within the Chapman Valley 2009/01 and Chapman Valley 2009/02 artefact scatters, the general nature and composition of the surface geology on which they are located severely limits the potential for these sites to contain stratified cultural deposits. Given these features and the sites locations, the Chapman Valley 2009/01 and Chapman Valley 2009/02 artefact scatters have little potential to address the research questions outlined in Section 5. Consequently, these site have been assessed here as having very low archaeological significance.

It is noted here that the provisionally named Chapman Valley 2009/01 and Chapman Valley 2009/02 sites have been assessed on the basis of their archaeological or scientific significance only. It is pointed out that these sites may also have cultural and/or social significance to Aboriginal people and that the opinion of the appropriate Aboriginal people should be sought before any planning decisions are made which may impact upon these sites.

While specific parts of Loc 2510 Chapman Valley Road Yetna were targeted and subsequently examined for the presence of Aboriginal archaeological sites and/or material, the remainder was surveyed on foot using regularly spaced linear transects. Given the degree of surface visibility

throughout and the intensity of coverage, it is considered that the archaeological survey was sufficient to locate any large Aboriginal archaeological sites present on the surface. It should be noted that sites can be exposed and/or concealed as a result of both wind and water erosion. It is also possible that archaeological material lies below the surface and may be exposed as a result of environmental factors or work undertaken within the surveyed area. Peter Cole should be aware of this when undertaking the subdivision and development of Loc 2510 Chapman Valley Road Yetna for residential and special rural purposes or any other ground disturbing work.

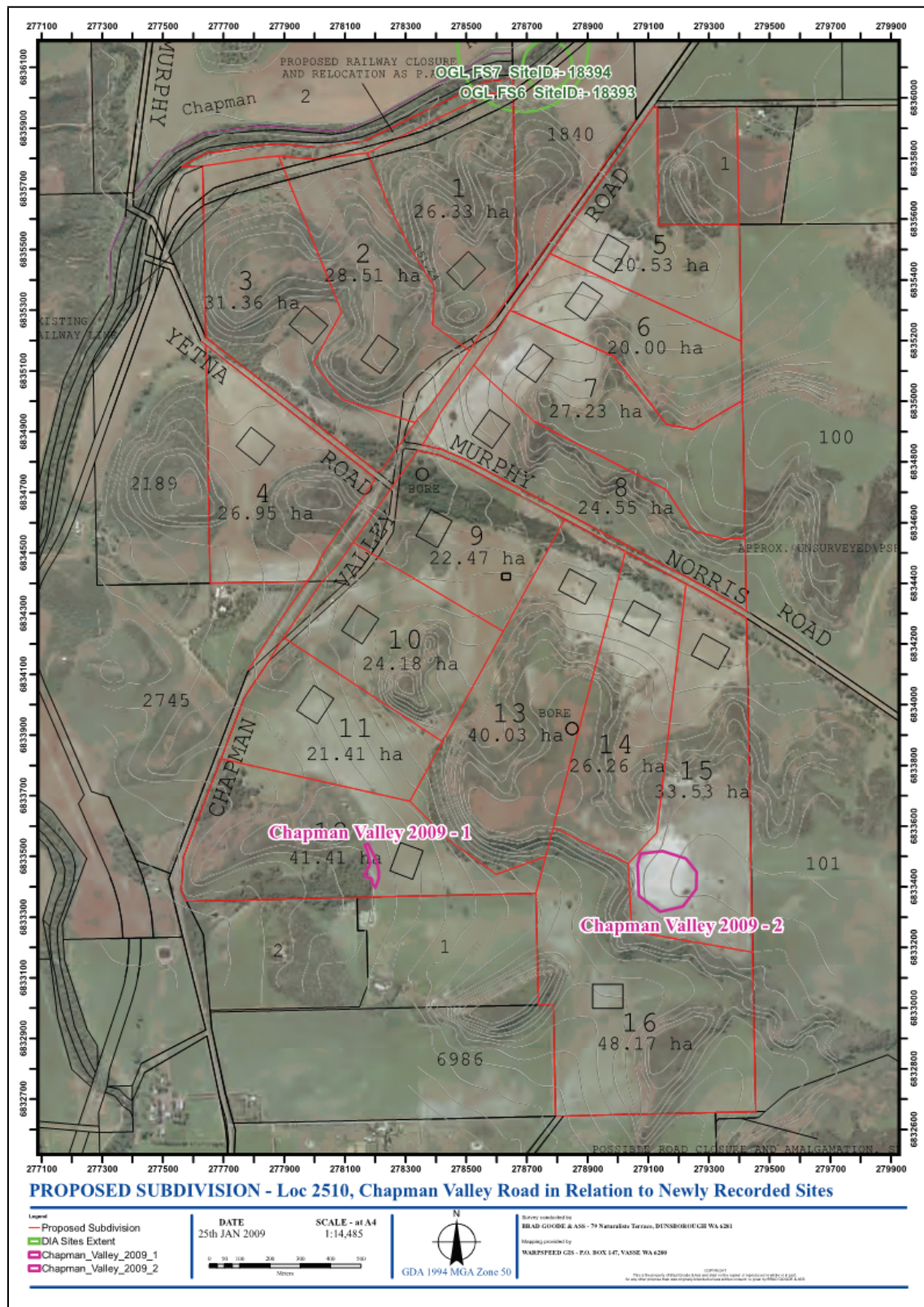
## 8.2 RECOMMENDATIONS

On the basis of the results of the archaeological survey of Loc 2510 Chapman Valley Road Yetna and the above discussion it is recommended that;

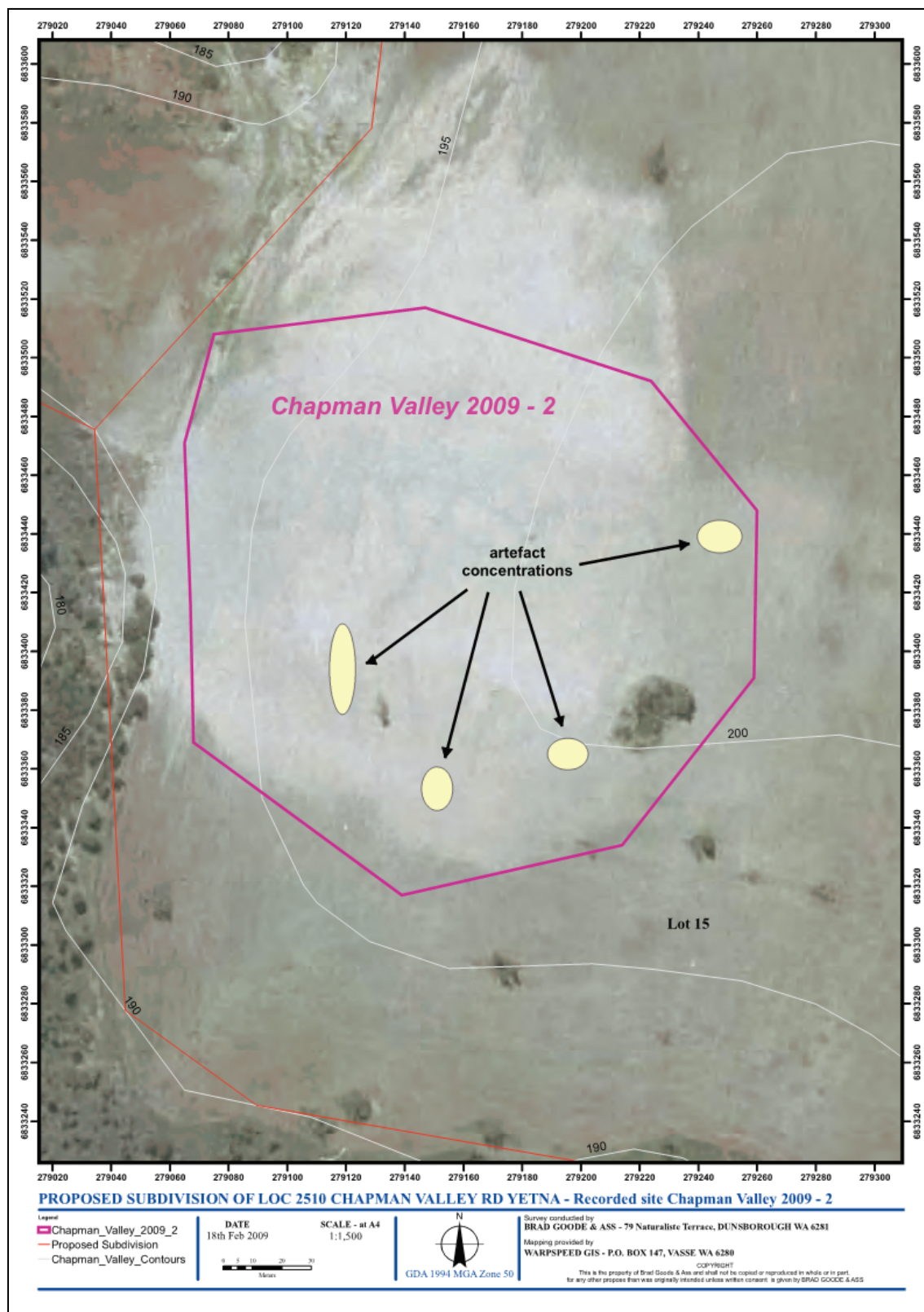
- 1) Peter Cole be allowed to proceed with his proposed subdivision and development of Loc 2510 Chapman Valley Road Yetna, as defined in this report, on the condition that he avoid disturbing any part(s) of the provisionally named Chapman Valley 2009/01 and Chapman Valley 2009/02 sites.
- 2) If it is necessary to disturb any part(s) of the provisionally named Chapman Valley 2009/01 and Chapman Valley 2009/02 sites, Peter Cole, as required under section 18 of the *Western Australian Aboriginal Heritage Act (1972)*, need to apply to the Minister for Indigenous Affairs for consent to proceed with activities that will disturb Aboriginal heritage sites.
- 3) If such an application is made, consent should be granted unconditionally to proceed with activities that will disturb the provisionally named Chapman Valley 2009/01 and Chapman Valley 2009/02.
- 4) In the event of any artefactual material or skeletal material being discovered in the course of the subdivision and development of Loc 2510 Chapman Valley Road Yetna, or any other activities, work should stop while the Department of Indigenous Affairs carry out an investigation of the site. In the case of skeletal material being uncovered, work must cease immediately and the Western Australian Police must be notified.
- 5) Personnel and contractors be advised of their obligations under section 15 of the *Western Australian Aboriginal Heritage Act (1972)*, to report the discovery of any Aboriginal cultural material which may be uncovered in the course of their work.

\* \* \*









|                            |                                                                                    |
|----------------------------|------------------------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.1.2</b>                                                                       |
| <b>SUBJECT:</b>            | <b>DOLBYS DRIVE STRUCTURE PLAN</b>                                                 |
| <b>PROPONENT:</b>          | <b>SHIRE OF CHAPMAN VALLEY</b>                                                     |
| <b>SITE:</b>               | <b>LOTS 20 &amp; 166 COOPER STREET &amp; LOTS 171-174 DOLBYS DRIVE, WAGGRAKINE</b> |
| <b>FILE REFERENCE:</b>     | <b>204.06.06</b>                                                                   |
| <b>PREVIOUS REFERENCE:</b> | <b>11/10-16, 5/13-6, 05/14-2 &amp; 12/15-5</b>                                     |
| <b>DATE:</b>               | <b>8 NOVEMBER 2016</b>                                                             |
| <b>AUTHOR:</b>             | <b>SIMON LANCASTER</b>                                                             |

## DISCLOSURE OF INTEREST

Nil.

## BACKGROUND

The draft Dolbys Drive Structure Plan has been prepared for Council's consideration and is provided as **separate Attachment 9.1.2**. This report recommends that the structure plan be advertised for comment.

## COMMENT

The draft Dolbys Drive Structure Plan addresses a 38.0019ha area comprised of 6 individually owned lots each of which contain a residence, and are all capable of being further subdivided.

**Figure 9.1.2(a) – Dolbys Drive Structure Plan area**



The structure plan area has been cleared with the exception of remnant vegetation along Dolby Creek which runs through the subject area and this watercourse has been identified as a future reserve by the structure plan.

The need for a structure plan arose when the Western Australian Planning Commission ('WAPC') included the following note in its determination on subdivision approval 149890:

*"The Shire of Chapman Valley is advised that in approving this subdivision the WAPC has formed the opinion that, in accordance with Local Planning Scheme No.2, a structure plan should be*

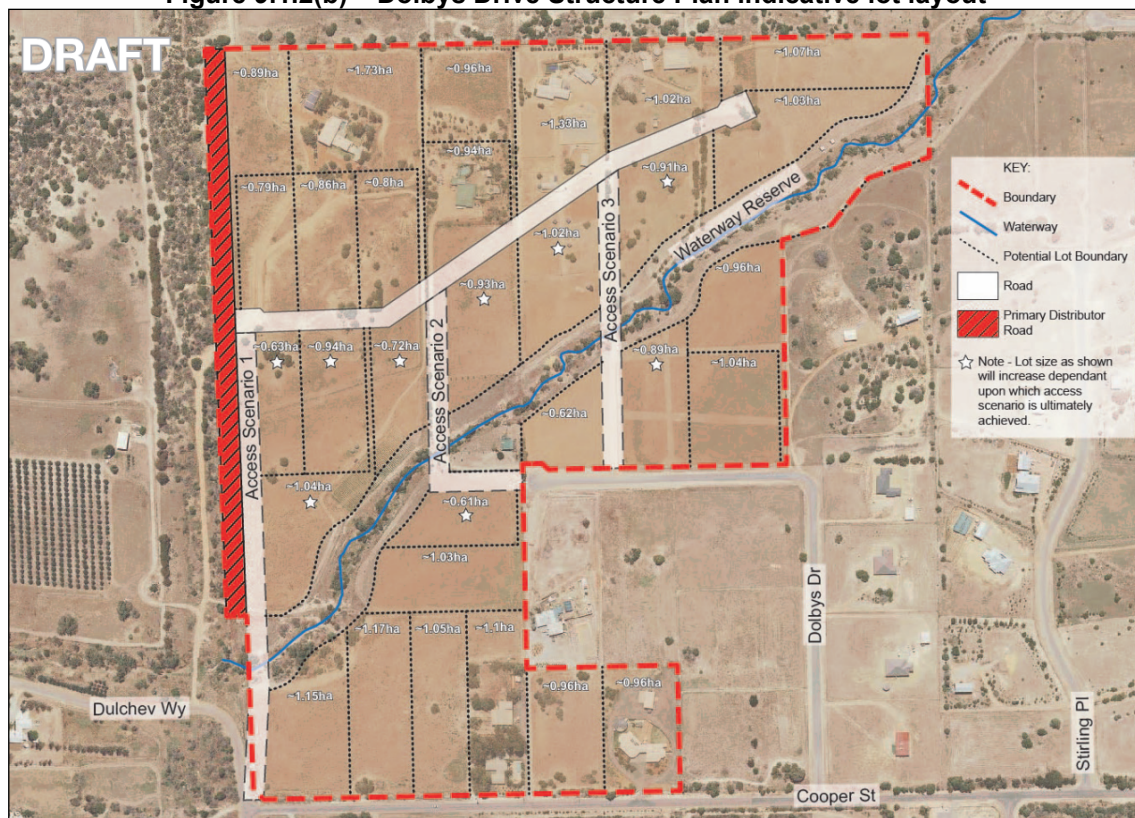


*prepared for land in 'Rural Residential 1'. In this case the ceding of the foreshore reserve is not supported without an overall plan due to access and management issues; and the identification of potential lots below 1ha."*

Given that the Dolbys Drive Structure Plan area is under multiple ownership, and several of the landowners have differing timeframes for subdivision, and occasional cause for disagreement, the Shire has assumed the role of lead agency to resolve this matter. Council resolved at its 16 December 2015 meeting to commence the structure plan process (with the 6 landowners to be consulted in its preparation).

The strategic direction for this area established by the Greater Geraldton Structure Plan (2011) and the Shire of Chapman Valley Local Planning Strategy (2007) is for rural-residential lots of approximately 1ha. This direction is addressed in the draft Dolbys Drive Structure Plan, with some minor variation where subdividers are required to provide land for public open space (similar to the precedent established further east along Dolby Creek) or land for potential highway alignment, or to enable flexibility in the provision of an access point across the Dolby Creek.

**Figure 9.1.2(b) – Dolbys Drive Structure Plan indicative lot layout**



The key issues the structure plan has been required to address are as follows:

- designation of an appropriate reserve along Dolby Creek that will assist in the strategic goal of providing a recreation and wildlife corridor between the coast and the Moresby Range (the width of the reserve as proposed by the structure plan was established through on-site walking of the watercourse by representatives from the Shire, the appointed consultant and the Department of Water);
- regard for the requirements of Main Roads WA in relation to the proposed Primary Distributor Road alignment as identified by the Greater Geraldton Structure Plan along the western boundary of the structure plan area;
- identification of a crossing location to enable subdivision of the land north of Dolby Creek, the structure plan has taken the view that to identify one crossing location would be unnecessarily constraining on an area under multiple ownership, and has therefore identified 3 potential crossing locations that would enable landowners' to act independently of one another if necessary, and the creation of the first crossing location on-ground would guide the pattern of further subdivision (with the other 2 locations then not being required);
- preparation of a Local Water Management Strategy to coordinate stormwater management;
- bushfire hazard assessment to ensure development upon the future lots can achieve a Bushfire Attack Level rating of 29 or less.

The draft Dolbys Drive Structure Plan has been prepared to address these issues and the document is now presented to Council for its consideration and it is recommended that the document be advertised for comment.

## STATUTORY ENVIRONMENT

The subject area is zoned 'Rural Residential 1' under the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The subject area also borders the 'Major Road' zone to the west that addresses the former Geraldton-Northampton railway alignment that is now under the management of Main Roads WA and is identified as a 'Primary Distributor Road' alignment upon the WAPC's Greater Geraldton Structure Plan (2011).

**Figure 9.1.2(c) - Scheme Map illustrating the subject area in context to the Dolby Creek reserve that has already been created to the east and the 'Major Road' zone to the west**



Section 5.22.6 of the Scheme and Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* address the requirements pertaining to the preparation of a structure plan.

## POLICY IMPLICATIONS

The appointment of the consultant to prepare the Dolbys Drive Structure Plan was conducted in accordance with Council Policy CP-024.

## FINANCIAL IMPLICATIONS

Council resolved at its 16 December 2015 meeting to select GHD to undertake the Dolbys Drive Structure Plan (and accompanying Local Water Management Strategy) for the quoted amount of \$25,936 GST ex (with a contingency amount noted in the event that an additional traffic impact statement was required to address Main Roads WA requirements).

Council set aside \$28,000 for the preparation of the Dolbys Drive Structure Plan in its 2016/2017 budget (Account 7072/Job 1031).

The Shire was advised on 28 May 2016 that its application for \$25,000 funding for the Dolbys Drive Structure Plan project had been successful and this grant amount is included within Account 2254 of the adopted 2016/2017 Council budget.

Section 6.5 of the Scheme provides the ability for Council to make allowance for a Development Contributions Plan whereby landowners are required to contribute at time of subdivision towards the cost of preparing the

structure plan, thereby allowing Council to recoup some of its incurred costs. However, this was not pursued in the previous Wokarena Heights Structure Plan or Buller Structure Plan and is not suggested in this instance either. It is considered appropriate for the Shire to assume the responsibility for the coordination of the structure plan process, and that subdividing landowners, who would benefit from the structure planning will then be responsible for all drainage, road construction, servicing, fencing, surveying and conveyancing costs, and ceding of land identified for recreation free of cost, as is standard for subdivisional works.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan was received by Council at its 18 September 2013 and notes a key issue for the Shire is its ability to grow the revenue base so that sufficient operational revenue is collected to fund all operating expenses, but does also note that a growing population will place increasing demands on Council for services.

## **STRATEGIC IMPLICATIONS**

The WAPC's 'Structure Plan Framework' (2015) notes that a local structure plan provides a basis for zoning and subdivision of land, and the coordination of infrastructure on a neighbourhood or smaller scale.

The Geraldton Region Plan (1999) seeks to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a structure plan for the greater Geraldton area which identifies the subject land as 'Potential Rural Residential'. The 2011 update to the Greater Geraldton Structure Plan identifies Dolbys Drive as 'Rural Living'. Section 9.5 of the Region Plan notes that:

*"Rural-residential areas, immediately to the east of the residential development areas in a band two to three kilometres wide, include...the Cooper Street Precinct and White Peak in the Shire of Chapman Valley. The larger lot sizes provide the opportunity for rural and recreational uses, such as horse riding and hobby farming, not accommodated in conventional residential subdivisions. The rural-residential areas relate to natural features, including the rivers and the Moresby Range.*

*The areas of Woorree, Moresby, Eastlyn, and the Cooper Street Precinct are well serviced by infrastructure and in reasonable proximity to community facilities. The development of these areas for small rural lot subdivision is unlikely to use land that would otherwise be suitable for standard residential purposes, given the availability and location of residential land elsewhere."*

Dolbys Drive is located within Precinct No.7 – South West of the Shire of Chapman Valley Local Planning Strategy (2008). Figures 4 and 11 of the Local Planning Strategy identify the subject area as being 'Existing/Proposed Rural Residential'.

The preparation of a structure plan and the further subdivision of the area can be considered to accord with the following objectives of the Local Planning Strategy:

*"7.1.2 Encourage the rezoning and subdivision of land into Rural Smallholdings and Rural Residential lots in accordance with Figure 4 as a rounding off the greater northern Geraldton area."*

*"7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning."*

*"7.2.3 Ensure that Urban and Rural Residential development are adequately serviced by existing services and infrastructure that includes connection to a potable scheme water supply."*

*"7.3.3 Ensure that land use and development adjacent to and in proximity to coastal and river areas incorporate appropriate environmental protection based on natural resource management measures."*

The Dolbys Drive Structure Plan has been prepared with regard for the following objectives of the Local Planning Strategy:

- “7.3.5 *Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum.*”
- “7.4.1 *Enhance the standards of servicing and infrastructure commensurate with urban development standards (i.e. bitumen sealed roads, reticulated water, underground power etc.).*
- 7.4.2 *Ensure adequate levels of servicing and infrastructure, as determined by Council, exist or will be provided when supporting proposals for a change in land use/development or subdivision, to avoid burden (financial or otherwise) on the Council’s resources.*
- 7.4.3 *Identify, support and facilitate the efficient and coordinated use of existing road linkages.”*

**The preparation of the Dolbys Drive Structure Plan will facilitate the following direction for Precinct No.7 - South West as established by the Local Planning Strategy:**

***“Council may support the subdivision/amalgamation of land within this Precinct, having due regard to the objectives of the Precinct, in the following circumstances:***

- e) For urban and rural residential purposes in accordance with the Greater Geraldton Structure Plan 1999 development subject to structure planning, a potable reticulated scheme water supply, detailed land capability/suitability assessment and appropriate rezoning.”***

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community plan lists ‘*ensure planning and procedures are in place to promote and make the right land available to increase housing*’ as a Community Strategy to achieve the outcome of ‘*more people and families move into the Shire*’ and ‘*explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics*’ as an Environmental Strategy.

## **CONSULTATION**

The Shire wrote to the Dolbys Drive Structure Plan landowners on 18 January 2016 to advise of the project’s commencement and provide background information, and seeking to arrange on-site meetings with landowners to discuss, and gain their input into, the initial drafting of the structure plan.

Shire staff and the appointed consultant met on-site with 4 of the 6 Dolbys Drive landowners over 18-19 February 2016 and also with representatives of Main Roads WA and the Department of Water to discuss the project. The remaining 2 landowners were contacted by Shire staff at a later date.

The Shire wrote again to the 6 landowners on 27 May 2016 with a further update, and inviting comment upon a preliminary concept plan to assist in the drafting of the next stage of the structure plan process.

Should Council be satisfied with the draft Dolbys Drive Structure Plan it can resolve to proceed to advertising of the plan.

Schedule 2 Part 4 clause 18(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council forward a copy of the draft Dolbys Drive Structure Plan to the WAPC, and details of the advertising/consultation arrangements for the plan.

Schedule 2 Part 4 clause 18(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Section 5.22.8.1 of the Scheme provide the minimum advertising requirements for a structure plan.

However, it is suggested that the Shire should exceed the minimum requirements (this being a 21 day advertising period in the case of the Scheme, and a 14-28 day advertising period in the case of the Regulations) and allow for a consultation period of 60 days to enable a fairer and more reasonable opportunity for comment to be provided, particularly given that the advertising period would be conducted over the Christmas/New Year/Summer School Holiday period.



It is recommended that the consultation period include the following actions inviting comment:

- public notices placed in the Shire E-News & the Mid West Times;
- public notice being displayed on a sign erected on-site;
- placement of a copy of the structure plan on the Shire of Chapman Valley website;
- display of the structure plan at the Shire of Chapman Valley office/library;
- copy of the structure plan being mailed to all landowners within the structure plan area;
- correspondence advising of the structure plan and where it may be viewed being sent to all landowners abutting the study area;
- correspondence advising of the structure plan and where it may be viewed being sent to the following government agencies:
  - Alinta Energy
  - City of Greater Geraldton
  - Department of Aboriginal Affairs
  - Department of Environment Regulation
  - Department of Fire & Emergency Services
  - Department of Health
  - Department of Water
  - Main Roads WA
  - State Heritage Office
  - Telstra
  - Water Corporation
  - Western Power
  - Westnet Energy

Section 5.22.9 of the Scheme and Schedule 2 Part 4 Regulations 19 & 20 requires that Council give regard for any submissions received during the advertising period and, in the event that Council is satisfied with the structure plan, forward it to the WAPC (with or without modification arising from Council's consideration of any issues raised during the submission period) for final consideration and potential endorsement.

#### **RISK ASSESMENT**

Not applicable.

#### **VOTING REQUIREMENTS**

Simple Majority.

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

**MOVED: CR HUMPHREY**

**SECONDED: CR WARR**

That Council resolve to:

- 1 Adopt the draft Dolbys Drive Structure Plan for advertising;
- 2 Forward a copy of the draft Dolbys Drive Structure Plan to the Western Australian Planning Commission pursuant to Schedule 2 Part 4 clause 18(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and advise that the Shire will be conducting an extended consultation period;
- 3 Commence advertising of the Dolbys Drive Structure Plan pursuant to Schedule 2 Part 4 clause 18(2)&(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- 4 At the conclusion of the advertising period return the draft Dolbys Drive Structure Plan, and any received submissions, to Council for its further consideration.

**Voting 7/0  
CARRIED**

**Minute Reference 11/16-3**

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

|                            |                                                                                                                                                                                                                                                                          |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.1.3</b>                                                                                                                                                                                                                                                             |
| <b>SUBJECT:</b>            | <b>BILL HEMSLEY PARK</b>                                                                                                                                                                                                                                                 |
| <b>PROPONENT:</b>          | <b>SHIRE OF CHAPMAN VALLEY</b>                                                                                                                                                                                                                                           |
| <b>SITE:</b>               | <b>RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK</b>                                                                                                                                                                                                                        |
| <b>FILE REFERENCE:</b>     | <b>R49641</b>                                                                                                                                                                                                                                                            |
| <b>PREVIOUS REFERENCE:</b> | <b>09/09-11, 08/10-3, 04/11-4, 05/11-29, 12/11-3, 04/13-5, 06/13-25, 10/13-3, 02/14-10-13, 06/14-6, 08/14-5 &amp; 11/14-7, 12/14-19-21, 02/15-13, 03/15-4-5, 06/15-9, 09/15-2-8, 11/15-9, 04/16-10-11 &amp; 05/16-9-12, 06/16-1, 06/16-3-10, 07/16-6-9 &amp; 08/16-5</b> |
| <b>DATE:</b>               | <b>3 NOVEMBER 2016</b>                                                                                                                                                                                                                                                   |
| <b>AUTHOR:</b>             | <b>SIMON LANCASTER</b>                                                                                                                                                                                                                                                   |

#### **DISCLOSURE OF INTEREST**

Nil.

#### **BACKGROUND**

A meeting of the Bill Hemsley Park Management Committee was held on 17 October 2016 and 3 November 2016 and copy of the unconfirmed minutes from these two meetings have been provided to Councillors as a **separate attachment**.

#### **COMMENT**

The tender for construction of a nature playground at Bill Hemsley Park commenced on 3 September 2016 and concluded on 30 September 2016. The tenders received during this period were presented to the Bill Hemsley Park Management Committee for consideration and formulation of a recommendation to Council as per its 17 August 2016 resolution.

The received tenders were in excess of the Council budget allocation and the Management Committee have recommended that they be rejected.

The Management Committee minutes also provide an update on the lodgement of a grant application for building fit-out, groundwater testing, and the tender for construction period for the community centre that commenced on 22 October 2016 and will run until 21 November 2016.

#### **STATUTORY ENVIRONMENT**

The tender for construction of the nature playground at Bill Hemsley Park was conducted as per statutory requirements.

The legal agreement between the developer of the Parkfalls Estate and the Shire provided the terms for the transfer of the park and payment of funds by the developer to the Shire to be held in trust for expenditure on the park.

The Management Committee Agreement establishes the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the Management Agreement states:

*"3 Decisions not binding on Shire*

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

Part 4 of the Management Agreement states:

#### “4.1 Use of Trust Payment

*The Shire covenants and agrees to deposit the Trust Payment into a trust fund in accordance with the provisions of the Local Government Act 1995, and to only use such funds for construction and development upon the Recreation Site.*

#### 4.2 Acknowledgement

*The parties covenant and agree that the expenditure of the trust fund can only be approved by the Council of the Shire based on the recommendations of the Management Committee provided such expenditure is for construction and development upon the Recreation Site.”*

The Management Committee at its 5 August 2016 meeting endorsed the proposed expenditure from the Bill Hemsley Park Trust Account as contained within the 2016/2017 Council budget, and this Management Committee endorsement, along with its 10 November 2015 endorsement, satisfies Part 4 of the Management Agreement and enables expenditure of the trust funds.

### POLICY IMPLICATIONS

Section 5.70 of the Shire of Chapman Valley Policy Manual 2015/2016 notes that 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 for trust accounts.

### FINANCIAL IMPLICATIONS

Council’s 2016/2017 budget contains the following allocations relevant to Bill Hemsley Park.

| Bill Hemsley Park Project - Account No.2834, Job: CHEM                                                                                                    |                  |                  |                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|-----------------------------------------------|
|                                                                                                                                                           | Expenditure      | Income           | Funding Source                                |
| Nature Playground                                                                                                                                         | \$120,000        | \$100,000        | Lotterywest Grant                             |
|                                                                                                                                                           |                  | \$20,000         | PRA Trust Funds                               |
| Building Component                                                                                                                                        | \$462,300        | \$132,200        | SoCV Build Res - Office Component COA GL 1315 |
|                                                                                                                                                           |                  | \$100,000        | SoCV - Municipal Fund C/Fwd                   |
|                                                                                                                                                           |                  | \$230,100        | PRA Trust Funds                               |
| Drafting & Design Teakle & Lalor c/fwd                                                                                                                    | \$17,490         | \$17,490         | PRA Trust Funds                               |
| Associated Components i.e. Headworks Contingency, Road Surface, Carpark, Plants, Furnishings, Garden Design & species supply, Entrance Wall, Audits, etc. | \$210,440        | \$10,440         | PRA Trust Funds                               |
|                                                                                                                                                           |                  | \$200,000        | Loan/Grant Funds & in-kind                    |
| <b>Totals</b>                                                                                                                                             | <b>\$810,230</b> | <b>\$810,230</b> |                                               |

| Contribution Summary                                   |                  |
|--------------------------------------------------------|------------------|
| Lotterywest Grant                                      | \$100,000        |
| PRA Trust                                              | \$278,030        |
| Loan/Grants/In-Kind                                    | \$200,000        |
| Shire (Municipal \$100,000/Building Reserve \$132,200) | \$ 232,200       |
| <b>Total</b>                                           | <b>\$810,230</b> |

The 2016/2017 budget also includes an allocation of \$20,000 for groundwater testing funded from the Shire's own resources (Account 1522).

The Management Committee are monitoring opportunities to leverage funds in the 'Associated Components' budget allocation with external funds through grant applications, for eligible components of the Bill Hemsley Park project (this might include rainwater tanks, pumps, garden design and planting, foot/cycle paths, building fit-out etc.).

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan received by Council at its 18 September 2013 meeting identifies this as a major project to be determined by the Management Committee.

## **STRATEGIC IMPLICATIONS**

The Bill Hemsley Park project is contained within the Capital Building Works Program, as reviewed by the Building & Disability Services Committee and endorsed by Council at its 20 April 2016 meeting.

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

The Shire of Chapman Valley Strategic Community Plan was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting. The Plan lists developing community facilities to provide gathering places as a Community Strategy to achieve the outcome of stronger, inclusive communities across the Shire.

## **CONSULTATION**

The preparation of the Bill Hemsley Park Concept Plan was informed by a community survey undertaken by the Parkfalls Residents Association of 215 White Peak landowners that sought to ascertain what facilities the community wanted, and did not want, to see developed upon the park site. 62 surveys were returned (29% response rate) and the results of the community survey were presented to the Management Committee at its 15 August 2013 meeting.

Council resolved at the 20 August 2014 meeting to accept the Bill Hemsley Park preliminary concept plan (which included all the preferences listed in the community survey, and a meeting room and public toilets to cater for expected demand) and prepare a draft concept plan to send out to all landowners in the Parkfalls Estate seeking feedback.

The draft Bill Hemsley Park Concept Plan was advertised from 30 June 2015 until 24 July 2015 and the consultation period included the following actions:

- direct mail-out of the concept plan to all landowners in the Parkfalls Estate;
- placement of the concept plan on the Shire website;
- placement of a notice in the Shire E-News;
- placement of a sign on-site; &
- placement of a notice on the Parkfalls Estate noticeboard.

There are 222 lots in the Parkfalls Estate owned by 211 landowners, at the conclusion of the consultation period 42 submissions had been received, representing a response rate of 18.96% (this percentage figure discounts 1 of the 2 supporting submissions that were received from the same address, and 1 supporting submission from the Parkfalls Residents Association).

Following its advertising, Council resolved at its 16 September 2015 meeting to adopt the Bill Hemsley Park Concept Plan.

Council resolved at its 18 November 2015 meeting to endorse the Management Committee's recommendation that the following items be considered priorities for the development of the Bill Hemsley Park:

- Bore, tank, power, scheme water connection;
- Community Building/Pavilion/Viewing Decks (meeting room/toilets) (concept plan legend no.8, 9);
- Nature Playground (concept plan legend no.12, 17, 18, 19, 20);
- Walk Trail around Nature Playground (concept plan legend no.3);
- Turfed Play Area and BBQ/Shelter (concept plan legend no.11, 22, 15);

- Car Park (concept plan legend no.14);
- Entry Statement/Sign & Mrs Hemsley's Tree (concept plan legend no.7).

Council also resolved at its 18 November 2015 meeting to endorse the Management Committee's recommendation that funds from the Bill Hemsley Park trust account be referenced as a matching contribution in any external funding or Shire financial contribution for these items, and instruct Shire staff to seek external funding (matched from the Bill Hemsley Park trust account) for these items.

## **RISK ASSESMENT**

Not Applicable.

## **VOTING REQUIREMENTS**

Simple Majority required.

## **STAFF RECOMMENDATION**

**MOVED: CR ROYCE**

**SECONDED: CR WOOD**

That Council:

- 1 Receive the 17 October 2016 and 3 November 2016 minutes of the Bill Hemsley Park Management Committee.
- 2 Not accept the received tenders for the nature playground construction at Bill Hemsley Park as the tendered amounts significantly exceed the budgeted amount.
- 3 Delegate to the Shire CEO authority, in consultation with the Management Committee, to establish a playground at Bill Hemsley Park within budget, and authorise the Shire CEO to implement minor variations to the scope of works and design, again in consultation with the Management Committee, as required.

## **COUNCIL RESOLUTION**

**MOVED: CR HUMPHREY**

**SECONDED: CR WARR**

That Standing orders be suspended.

**Voting 5/2  
CARRIED  
Minute Reference 11/16-4**

## **COUNCIL RESOLUTION**

**MOVED: CR FARRELL**

**SECONDED: CR HUMPHREY**

That Standing orders be reinstated.

**Voting 7/0  
CARRIED  
Minute Reference 11/16-5**

## **AMENDMENT**

**MOVED: CR HUMPHREY**

**SECONDED: CR WARR**

That the words "as required" be removed from item 3 of the substantive motion.

**Voting 7/0  
CARRIED  
Minute Reference 11/16-6**



*The substantive motion then became*

That Council:

- 1 Receive the 17 October 2016 and 3 November 2016 minutes of the Bill Hemsley Park Management Committee.
- 2 Not accept the received tenders for the nature playground construction at Bill Hemsley Park as the tendered amounts significantly exceed the budgeted amount.
- 3 Delegate to the Shire CEO authority, in consultation with the Management Committee, to establish a playground at Bill Hemsley Park within budget, and authorise the Shire CEO to implement minor variations to the scope of works and design, again in consultation with the Management Committee.

*The Substantive motion was put.*

**Voting 7/0  
CARRIED  
Minute Reference 11/16-7**

*Deviation to Staff Recommendation: Motion better reflects the need for Management Committee to be fully engaged.*

*The meeting was adjourned at 9.53am*

*The meeting recommenced at 9.58am with Mrs Raymond joining the meeting.*

# **9.2 Finance November 2016**

---

## **Contents**

### **9.2 AGENDA ITEMS**

#### **9.2.1 Financial Reports for October 2016**

|                            |                                           |
|----------------------------|-------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.2.1</b>                              |
| <b>SUBJECT:</b>            | <b>FINANCIAL REPORTS FOR OCTOBER 2016</b> |
| <b>PROPONENT:</b>          | <b>SHIRE OF CHAPMAN VALLEY</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>16 NOVEMBER 2016</b>                   |
| <b>AUTHOR:</b>             | <b>DIANNE RAYMOND</b>                     |

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

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

## COMMENT

The monthly financial statements for October 2016 have been provided as a **separate attachment** for Council's review.

## STATUTORY ENVIRONMENT

*Local Government Act 1995 Section 6.4*

*Local Government (Financial Management) Regulations 1996 Section 34*

## POLICY IMPLICATIONS

CP-023 Significant Accounting Policies

Extract:

### *"2. Monthly Reporting*

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

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

## FINANCIAL IMPLICATIONS

As presented in October 2016 financial statements.

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

No significant affect on the LTFP

## STRATEGIC IMPLICATIONS

Nil

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

Nil

**CONSULTATION**

Not applicable

**RISK ASSESSMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR WARR**

**SECONDED: CR WOOD**

That Council receives the financial report supplied under separate attachment for the months of October 2016 comprising the following:

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

**Voting 7/0  
CARRIED  
Minute Reference 11/16-8**

*Mrs Raymond left Chambers at 10.03am*

# **9.3**

## **Chief Executive Officer**

### **November 2016**

---

## **Contents**

### **9.3 AGENDA ITEMS**

- 9.3.1 Coronation Beach Nature Based Camping Ground Hazard Management Plan
- 9.3.2 Management Licence – Yuna Multipurpose Community Centre
- 9.3.3 Bush Fire UHF Radios - (Budget Variation Request)
- 9.3.4 Nabawa Turf Wicket

|                            |                                                                            |
|----------------------------|----------------------------------------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.3.1</b>                                                               |
| <b>SUBJECT:</b>            | <b>CORONATION BEACH NATURE BASED CAMPING GROUND HAZARD MANAGEMENT PLAN</b> |
| <b>PROPONENT:</b>          | <b>CHIEF EXECUTIVE OFFICER</b>                                             |
| <b>SITE:</b>               | <b>WHOLE OF SHIRE</b>                                                      |
| <b>FILE REFERENCE:</b>     | <b>403.09</b>                                                              |
| <b>PREVIOUS REFERENCE:</b> | <b>MINUTE REFS:</b>                                                        |
| <b>DATE:</b>               | <b>16 NOVEMBER 2016</b>                                                    |
| <b>AUTHOR:</b>             | <b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>                          |

## DISCLOSURE OF INTEREST

## BACKGROUND

At the February 2014 OCM Council resolved the following (Minute Reference 02/14-19):

*“Council:*

1. *Receive the Minutes of the Shire of Chapman Valley Local Emergency Management Committee held on the 4th December 2013.*
2. ***Adopts the Shire of Chapman Valley Draft Local Emergency Management Arrangements as presented.***
3. *Awaits the outcome of the State Emergency Management Committee’s All West Australians Reducing Emergencies (AWARE) application for the establishment of a Midwest Emergency Management Network before continuing with investigating into the concept of a Regional Emergency Management Committee with its neighbouring Shire(s);*
4. *Endorse the All West Australians Reducing Emergencies (AWARE) application submitted for a desk-top exercise for the emergency evacuation of Coronation Beach Nature Reserve in the event of a fire.”*

Council subsequently received notification in August 2014 from the State Emergency Management Committee accepting the Local Emergency Management Arrangements (LEMA) in accordance the Emergency Management Act, 2005.

A Desktop Exercise was undertaken by the Shire Local Emergency Management Committee (LEMC) in 2014 on the “Coronation Beach Nature Based Camping Ground & Other Coastal Nodes Evacuation Plan” (*Evacuation Plan*). This Evacuation Plan was then added to the LEMA as an Addendum.

In 2016 the Batavia Regional LEMC endorsed a practical exercise to test the Evacuation Plan and determine if this needed adjustment. The practical exercise was undertaken on the 17<sup>th</sup> September 2016, with the outcomes reported to both Council (October Staff Information Bulletin) and the Batavia Regional LEMC for information.

The purpose of this Agenda Report is to present Council with an amended “Coronation Beach Nature Based Camping Ground & Other Coastal Nodes Hazard Management Plan” (*Hazard Management Plan*)” and seek endorsement of the revised plan. This Plan will then replace the existing Evacuation Plan as an Addendum to the LEMA.





Government of Western Australia  
State Emergency Management Committee

Our Ref: 803/099  
Enquiries: Jonnelle Tyson  
Telephone: 08 9956 6014

Cr John Collingwood  
Chair  
Shire of Chapman Valley  
RMB 572  
YETNA WA 6532

Dear Cr Collingwood

**RE: LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS**

Thank you for providing a copy of the Shire of Chapman Valley's Local Emergency Management Arrangements (LEMA). The LEMA has been reviewed by the State Emergency Management Committee (SEMC) Secretariat for compliance with the requirements of the *Emergency Management Act 2005*. I am pleased to advise that it meets the minimum requirements under the Act.

The Shire of Chapman Valley LEMA was tabled for noting at the last meeting of the SEMC held on 19 August 2014, Resolution number 70/2014 refers.

Please pass on my thanks to your Local Emergency Management Committee (LEMC) for their contribution to the arrangements.

Yours sincerely

Mal Cronstedt  
**EXECUTIVE DIRECTOR**  
**STATE EMERGENCY MANAGEMENT COMMITTEE SECRETARIAT**

29 / 8 / 2014

cc Jonnelle Tyson – Community Emergency Management Officer

20 Southport Street West Leederville Western Australia 6007  
T: (08) 9482 1700 E: [semc.secretariat@semc.wa.gov.au](mailto:semc.secretariat@semc.wa.gov.au)  
W: [www.semc.wa.gov.au](http://www.semc.wa.gov.au)

## COMMENT

There is no legislative requirement for Council to endorse the LEMA (and/or any Addendums attached) as this is covered by the LEMC and endorsed by the State EMC. However; I believe it is important Council is aware of the content if the LEMA of the Shire, of which the revised “*Coronation Beach Nature Based Camping Ground & Other Coastal Nodes Hazard Management Plan*” is an addendum to the LEMA.

The revised Hazard Management Plan (**see Attachment 1**) incorporates all the matters identified at the Briefing Session after the practical exercise, which are relevant to the Plan.

The attached documents has recommended amendments tracked for Council information.

## STATUTORY ENVIRONMENT

### ***Emergency Management Act - Division 2—Emergency management arrangements for local governments***

Section 41 - Emergency management arrangements in local government district

- (1) *A local government is to ensure that arrangements (**local emergency management arrangements**) for emergency management in the local government’s district are prepared.*
- (2) *The local emergency management arrangements are to set out —*
  - (a) *the local government’s policies for emergency management;*
  - (b) *the roles and responsibilities of public authorities and other persons involved in emergency management in the local government district;*
  - (c) *provisions about the coordination of emergency operations and activities relating to emergency management performed by the persons mentioned in paragraph (b);*
  - (d) *a description of emergencies that are likely to occur in the local government district;*
  - (e) *strategies and priorities for emergency management in the local government district;*
  - (f) *other matters about emergency management in the local government district prescribed by the regulations; and*
  - (g) *other matters about emergency management in the local government district the local government considers appropriate.*
- (3) *Local emergency management arrangements are to be consistent with the State emergency management policies and State emergency management plans.*
- (4) *Local emergency management arrangements are to include a recovery plan and the nomination of a local recovery co-ordinator.*
- (5) *A local government is to deliver a copy of its local emergency management arrangements, and any amendment to the arrangements, to the SEMC as soon as is practicable after they are prepared.*

## POLICY/PROCEDURE IMPLICATIONS

The LEMA will become a legal Policy of Council if adopted and will be reviewed annually by the LEMC.

## STRATEGIC IMPLICATIONS

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

No effect on the LTFP.

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

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

## CONSULTATION

The practical exercise included extensive consultation with and participation from the following:

- ~ Batavia Regional LEMC;
- ~ DFES;
- ~ Shire of Northampton;
- ~ City of Greater Geraldton;
- ~ WA Police;
- ~ St John Ambulance;
- ~ Howatharra Bushfire Brigade;
- ~ Waggrakine Bushfire Brigade
- ~ Dept. Agric. & Food WA;
- ~ Coronation Beach Caretaker;
- ~ Shire Staff

## RISK ASSESSMENT

The risks are identified within the *Hazard Management Plan* (see Appendix C of the Plan).

## VOTING REQUIREMENTS

Simply Majority.

## STAFF RECOMMENDATION

Council endorse the revised "*Coronation Beach Nature Based Camping Ground & Other Coastal Nodes Hazard Management Plan*" as provided and present this to the Batavia Local Emergency Management Committee for inclusion into the Regional Local Emergency Management Arrangements as an Addendum to these Arrangements.

## COUNCIL RESOLUTION

**MOVED: CR WOOD**

**SECONDED: CR MALUISH**

Council endorse the revised "*Coronation Beach Nature Based Camping Ground & Other Coastal Nodes Hazard Management Plan*" as provided with the following additional amendments listed below and present this to the Batavia Local Emergency Management Committee for inclusion into the Regional Local Emergency Management Arrangements as an Addendum to these Arrangements.

- Remove caretakers name in clause 9.1.

**Voting 7/0  
CARRIED  
Minute Reference 11/16-9**

*Deviation to Staff Recommendation was deemed that it was not necessary to have Caretakers name listed in the document.*



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

## Coronation Beach Nature Based Camping Ground & Other Coastal Nodes

### Evacuation Hazard Management Plan 20142016



This document is a sub-plan of the Shire of Chapman Valley Local Emergency Management Arrangements

Adopted – December 2014;  
Reviewed: November 2016



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Advisory Committee - SES - LEMC\LEMC - Local Emergency Management Committee\Agenda\2016\Coro  
Hazard Management Plan (Reviewed Oct 2016).docx

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## 1. Introduction

Pre-emergency ~~evacuation-hazard management~~ planning is an integral part of the emergency management planning process to be considered by the Local Emergency Management Committee (LEMC). The Shire of Chapman Valley ~~Local Emergency Management Committee (LEMC)~~ considers the locality of Coronation Beach, due to its popularity as a recreational destination, an area where there may be a high likelihood of the need for ~~evacuation-hazard management~~ during an emergency event. Following ~~an a desktop~~ evacuation exercise conducted at the Shire of Chapman Valley LEMC a decision was made that the Shire's other coastal nodes of South Coronation Beach and Buller River should also be given due consideration during emergencies or in the lead up period. These areas are predominantly accessed by four wheel drive vehicle from either Coronation Beach or Drummond Cove and may present a problem for emergency services personnel during an emergency. A comprehensive ~~Evacuation-Hazard Management~~ Plan for the area was considered to be of great value to Incident Controllers as a sub-plan of the local arrangements.

In preparing the scope of this plan, the ~~LEMC-Shire~~ has considered hazards that may present a high likelihood of impact on the Shire's beach areas and a comprehensive risk matrix forms part of this plan.

In preparing this plan ~~and testing it with a practical exercise in September 2016,~~ the ~~LEMC-Shire~~ considered the following:

- Community demographics;
- Geography of the area of Coronation Beach;
- Location in relation to impediments to evacuation;
- Distance from the site to regional centres and evacuation centres; and
- Organisational capacity of member agencies.
- ~~Consideration on whether to "evacuate" or to stay and "shelter in place".~~

## 2. Reference Documents

- Emergency Management Act 2005
- Emergency Management Regulations 2006
- WESTPLAN – Welfare
- WESTPLAN – Registration and Reunification
- State Emergency Management Policy (SEMP) 4.4 State Recovery Coordination
- SEMP 4.7 Community Evacuation
- State Emergency Management Manual OP7 Community Evacuation
- ~~Shire of Chapman Valley~~Batavia Regional Local Emergency Management Arrangements
- ~~Shire of Chapman Valley~~Batavia LEMC -Local Recovery Plan
- DCP Local Emergency Management Plan for the provision of welfare support
- Local Welfare Emergency Management Support – welfare sub centre plan

### 3. Area description

The subject of this ~~evacuation plan~~ hazard management plan is the coastal area, which includes the Coronation Beach Nature Based Camping Ground, south Coronation Beach and Buller River mouth. The area geographically known as Coronation Beach is a curving then straight 2 km long sheltered beach with a 100 m wide intertidal platform attached to the southern foreland and the shore parallel reefs continuing north 300-400 m offshore. The reefs create a relatively calm 'lagoon' between the reef and shore. The only ingress and egress route is via a 7 km sealed road from the North West Coastal Highway. The relatively steep beach is used to launch boats in the 'lagoon' and some boats are moored off the beach. There is an informal camping area at the southern end and 4WD access to the beach. This is a popular surfing and fishing location with a range of breaks out on the southern reef. The northern half of the beach continues straight in lee of the reef to the southern foreland of the Oakabella Creek mouth.

In addition to the Coronation Beach Nature Based Camping Reserve, South Coronation beach and Buller River mouth are both popular surfing areas accessible from Coronation Beach or Drummond Cove. The majority of people accessing these more remote areas do so for fishing, surfing and camping. In the lead-up to or during an emergency event consideration should be given to closing access to these locations.

The Coronation Beach Development Plan is available by reference to [Appendix D](#)

The Coronation Beach Location Plan is available by reference to [Appendix E](#)

### 4. Hazard and risk analysis

The practical exercise held in September 2016 identified the option to evacuate the area identified in this Plan needs to be carefully considered as it may well be safer to stay at the reserve in a fire hazard event, rather than evacuation.

The practical exercise debrief recommended evacuation should not be considered the only option in a fire event and each fire event needs to determine best possible action (i.e. stay in place or evacuate).

However, An Incident Controller's decision to recommend or direct an evacuation will reflect a consideration of relative risk. The following risk management factors may influence the decision whether or not to evacuate Coronation Beach Nature Based Camping Ground or other areas of the coast under the management of the Shire of Chapman Valley:

- The nature and probability of the threat presented by the hazard having a direct or highly likely impact on the community or interest;
- Any other risk management strategies that may be in place (e.g. community or asset preparedness);
- The potential consequences of evacuation compared with shelter in place (Building characteristics, defendability, community vulnerability);
- Engagement with other key stakeholders (E.g. those who may be required to assist);

- The potential consequences of making a decision to evacuate too early or too late (e.g. determine trigger points)
- Community groups/ individuals that may require special consideration;
- Likely loss of infrastructure that will affect the community's capacity to remain;
- The risks involved in sheltering;
- Whether a full, ~~or~~ partial or no evacuation is required;
- Time constraints (e.g. time of the day or night);
- The anticipated time to impact of the hazard; and
- Whether there is sufficient time to evacuate.

The Shire of Chapman Valley ~~LEMC~~ has considered the hazards likely to impact people recreating at the Coronation Beach Nature Based Camping Ground. The Risk matrix is at [Appendix C](#).

## 5. Community at risk descriptor

The Coronation Beach Nature Based Camping Ground is a well-known tourist stop over operated by the Shire of Chapman Valley. The camping ground has a resident caretaker and fees for entry and registrations are deposited by park users on a voluntary basis via a drop box system. The camping ground is utilised by traveller during all parts of the year and there is no way of knowing exactly how many persons may be resident at any one time. In addition the beach is the centre for the annual Long Board Carnival.

Emergency responders must be aware of the following factors when emergency events may impact on the area of Coronation Beach.

| Risk Factor                                       | Descriptor                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The number of persons reasonably expected on site | Facility capacity <ul style="list-style-type: none"> <li>• <u>274</u> caravans including 2 sites for long vehicles</li> <li>• Most campervans at peak period (during summer sailing season) <u>5448</u> vans, approximate 2 persons per van = <u>1040</u> campers maximum.</li> <li>• during winter <u>273</u> caravans, approx. 2 persons per caravan = <u>540</u></li> </ul> |
| Long Board Festival                               | The Long Board Festival is conducted in June annually                                                                                                                                                                                                                                                                                                                          |
| Power                                             | No power is available on-site                                                                                                                                                                                                                                                                                                                                                  |
| Potable water                                     | No potable water is available on-site                                                                                                                                                                                                                                                                                                                                          |
| Telecommunications                                | Mobile phone signal may be periodically available from the lookout (c) Appendix D with the exception of the on-site caretaker who is contactable 24/7 via mobile phone.<br><u>Signs to be located around Reserve directing people to best location for mobile phone signal.</u>                                                                                                |
| Ingress/egress                                    | Access to the site is via Coronation Beach Road a sealed two way carriageway. Entry to Coronation                                                                                                                                                                                                                                                                              |

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G:\040 Governance\403 Committees & Working Groups\403.09 - Bushfire Brigades Group Management Advisory Committee - SES - LEMC\LEMC - Local Emergency Management Committee\Agenda\2016\Coro Hazard Management Plan (Reviewed Oct 2016).docx

|            |                                                                                                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------|
|            | Beach Road from North West Coastal Highway.                                                                              |
| Sea access | Access to the beach from the ocean is difficult due to existing close inshore reefs allowing access to small boats only. |

People using this site are to be considered self-sufficient and highly mobile. Should sufficient warning regarding an impending impact by a hazard be given, most people could depart the site within a short space of time. Warnings to this community would need to be made in person due to the lack of communication as described in the above matrix or via direct mobile phone contact with the on-site caretaker. (Refer contacts list page 8)

The practical exercise in September 2016 identified the task to communicate with the community during a hazard was too onerous for one person (e.g. Caretaker) and additional assistance and alternative communication mechanisms need to be implemented e.g.

- Additional human resources to assist Caretaker during an event;
- Siren and/or loud speaker to be installed at Caretaker residence to advise community to gather at a specific muster point for the communication to be given to a collective group, rather than one at a time;
- Shire Rangers vehicle to be fitted with a loud speaker to assist in communications.

It may be more practical for the Caretaker to not be involved in the evacuation/communication process as this person will need to commence arrangement to de-camp their site in readiness for evacuation. In this situation the IC should allocate the community communication process to someone other than the Caretaker.

## 6. HMA and Controlling Agencies Responsibilities

| Hazard       | HMA  | Controlling Agency Responsibilities                                                                       | Supporting Agencies Responsibilities                                                |
|--------------|------|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Bush Fire    | DFES | Response and mitigation on UCL reserves                                                                   | CPFS Community support<br>WAPOL – Assist with early warning and assist evacuation   |
|              |      | Shire of Chapman Valley Volunteer Bushfire Brigades Bushfire - Response (level 1 fires) and early warning |                                                                                     |
|              |      | Shire of Chapman Valley - Community recovery                                                              |                                                                                     |
| Cyclone      | DFES | DFES (SES) - Response                                                                                     | CPFS - Community support<br>WAPOL – Assist with early warning and assist evacuation |
|              |      | Shire of Chapman Valley – Community recovery                                                              |                                                                                     |
| Tsunami      | DFES | DFES (SES) - Response                                                                                     | CPFS – Community support<br>WAPOL – Early warning and assist evacuation             |
|              |      | Shire of Chapman Valley – Community recovery                                                              |                                                                                     |
| Severe storm | DFES | DFES (SES) - Response                                                                                     | CPFS – Community support<br>WAPOL – Early warning and assist evacuation             |
|              |      | Shire of Chapman Valley - Community recovery                                                              |                                                                                     |

## 7. The evacuation process

The ~~In the event evacuation~~ evacuation is considered the preferred option the process encompasses five stages (decision, warning, withdrawal, shelter and return. These stages and the requirements for each are outlined below.



## 8. Decision to evacuate

Decisions relating to evacuation during an emergency rest with the Controlling Agency's Incident Controller who should be cognisant of:

- The threat of the hazard;
- Community preparedness (self-evacuation, asset preparedness);
- Community vulnerability (evacuation vs. protect in place)



- d) Time available to conduct evacuation safely;
- e) Safety of persons conducting evacuation;
- f) Local emergency management arrangements and other plans in place (including the identification of evacuation /welfare centres, refuge sites and safer places) to support the evacuation;
- g) Safer alternatives (protect/shelter in place);
- h) Identification of safest corridors for egress;
- i) Availability of effective public communication resources;
- j) The number of people, capability and demographics of groups to be evacuated;
- k) Method of evacuation including transport requirements;
- l) Any legislative provisions;
- m) Requirement to manage welfare of domestic pets of evacuees.

The Incident Controller may decide to recommend an evacuation (which is voluntary) ~~or~~ direct and evacuation (compulsory), depending on the circumstances or safer and shelter in place.

THE DECISION TO DIRECT AN EVACUATION WILL ONLY BE MADE BY A CONTROLLING AGENCY OR A DULY APPOINTED HAZARD MANAGEMENT OFFICER WHEN THE MEMBERS OF THE COMMUNITY AT RISK DO NOT HAVE THE CAPABILITY TO MAKE AN INFORMED DECISION OR WHEN IT IS EVIDENT THAT LOSS OF LIFE OR INJURY IS IMMINENT.

## 9. Warning

The Shire of Chapman Valley has placed Public Information Warning Signs ([Refer to Appendix F](#)) at the entrance to the Coronation Beach Nature Based Camping Ground and at strategic locations around the camping ground. The signs are specifically targeted at persons wishing to avail themselves of the caravan park facilities. In addition to the signs, the Shire provides flyers for the information of visitors.

### 9.1. Local community information

When the need to evacuate the Coronation Beach Nature Based Camping Ground has been made by the Incident Controller, the Incident Controller will endeavour to ensure that the occupants have sufficient time to make preparations to leave.

As far as is practicable, in the first instance contact should be made with the Shire of Chapman Valley Rangers and the on-site caretaker at the camping ground.

| Contact                                            | Contact numbers                          |
|----------------------------------------------------|------------------------------------------|
| Shire Ranger                                       | 0428 948 6073 or via VHF radio           |
| Camping Ground on-site Caretaker<br>Terry Sheridan | 0409 708 622 (Service enabled all hours) |

## 9.2. Public information strategy

On-site public information signs provide campers with information related to:

- General hazard information;
- Natural hazard information about bushfire, severe storm and Tsunami;
- Evacuation management advice including when an evacuation may be announced and Emergency Alerts;
- Best Location(s) for Mobile Phone signal;
- Information updates via ABC radio and telephone.

## 9.3 Self-evacuation

It is envisaged that most people will choose to self-evacuate from Coronation Beach Nature Based Camping Ground once they become aware of a potential threat, due mainly to the area being relatively remote and the fact that people will normally be expected to possess transport or have easy access to transport. It is fairly unlikely that people in the area at the time of an emergency occurring will require transport to be provided by the Controlling Agency.

Self-evacuation is the preferred option for the camping ground occupants and will be supported by the provision of timely information being communicated by the Controlling Agency as far as is practicable.

## 9.4 Area security

The Controlling Agency should ensure, as far as practicable, the security of the area that has been evacuated and the protection of remaining persons and property. This may be undertaken by undertaking regular patrols of the area where safe and practicable to do so.

It is anticipated in the event of an evacuation the Caretaker's residence will be the most difficult and time consuming to de-camp, specifically if the Caretaker is actively involved in the evacuation process of those in the area. Therefore, it is important to ensure the Caretaker's area is secured and protected and best as it possibly can be.

## 10. Evacuation facilities

Due to the nature of activities pursued by people recreating at Coronation Beach Nature Based Camping Ground it can be expected that there is a high degree of mobility, self-reliance and capacity to relocate at short notice. It is therefore considered appropriate that a decision to evacuate should also be followed by direction to suitable venues within the Shire able to cope with an influx of campers, as advised by the Controlling Agency, where appropriate welfare support may be coordinated by the Department of Child Protection and Family Support.

Recommended facilities and contact detail can be found at [Appendix G.](#)



## 11. Evacuation Hazard Management and Emergency Responsibilities

| Position / Task         | Responsible person / position / agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Controlling Agency      | <ul style="list-style-type: none"> <li>• Management of the emergency incident</li> <li>• Warning messages to the affected community</li> <li>• Decisions affecting the <u>possible</u> evacuation of locations likely to be impacted by the emergency</li> <li>• The decision to evacuate a community or portions thereof</li> <li>• Evacuation route planning and traffic management</li> <li>• Road closures during emergencies</li> <li>• Identification of evacuation centres</li> <li>• Return of the evacuated community</li> <li>• <u>Determine appropriate resources to communicate with residents (e.g. Caretaker, of other(s))</u></li> </ul> |
| WA Police               | <ul style="list-style-type: none"> <li>• Assist with evacuating the affected community</li> <li>• Assist with traffic management</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Shire of Chapman Valley | <ul style="list-style-type: none"> <li>• Liaise with Incident Controller</li> <li>• Participate in ISG and provide local information</li> <li>• Consider closure of Coronation Beach Nature Based Camping Ground</li> <li>• Direct the <u>Works Manager or</u> Ranger to close Coronation Beach Access Road at Great Northern Highway.</li> <li>• Consider closing access tracks to South Coronation Beach and Buller River Mouth</li> <li>• Provide early warnings and situational awareness to Coronation Beach Caretaker</li> <li>• Shire Ranger to assist with evacuation where required</li> </ul>                                                 |

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|                                                  |                                                                                                                                                                                                                                        |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department for Child Protection & Family Support | <ul style="list-style-type: none"> <li>Identify appropriate evacuation centres in consultation with Incident Controller and Local Government</li> <li>Receive evacuees and coordinate the provision of welfare for evacuees</li> </ul> |
| <b>Support Functions</b>                         | <b>Controlling Agency assisted by:</b>                                                                                                                                                                                                 |
| Property security                                | WA Police / Shire of Chapman Valley Rangers                                                                                                                                                                                            |
| Traffic management                               | WA Police<br>Traffic contractors as appointed by MRWA or the Shire of Chapman Valley                                                                                                                                                   |
| Welfare                                          | Department of Child Protection and Family Support (CPFS), and Shire of Chapman Valley                                                                                                                                                  |

## APPENDIX A: Glossary

**Assembly Areas:** A temporary safer area for a short-term evacuation or temporary stopping point before moving evacuees to evacuation centres for alternative accommodation.

**At Risk Persons:** Anyone who may have difficulty either receiving or responding to emergency public information, e.g. those with physical or intellectual disabilities or other health related issues, children, the aged, those who are socially isolated and those from remote or culturally and linguistically diverse communities.

**Authorised Officer/Person:** A person authorised by legislation to utilise a range of powers conferred by that legislation. E.g. an Authorised Officer under *the Emergency Management Act 2005* (EM Act) applies to the State Emergency Coordinator and officers appointed under section 61 during a State of Emergency, as declared by the Minister, enabling extraordinary powers under Part 6, Division 2 of *the EM Act* (see also Hazard Management Officer). An Authorised Person under the *Bush Fires Act 1954* applies to a Bush Fire Control Officer or another person authorised to take control of all operations in relation to a fire.

**Community:** A group of people living in the same place or having a particular characteristic in common. A community evacuation may refer to all inhabitants of an area affected or likely to be affected by a hazard, or parts thereof, defined by specific location and its proximity to the hazard, personal attributes affecting level of risk, etc.

**Controlling Agency:** An agency nominated to control the response activities to a specified type of emergency (either by legislation or by agreement with the Hazard Management Agency).

**Evacuation:** A risk management strategy that may be used to mitigate the effects of an emergency on a community. It involves the movement of people to a safer location and their return.

**Immediate Evacuation:** This results from a hazard impact that forces immediate action, thereby allowing little or no warning and limited preparation time (e.g. hazardous materials emergencies, air crashes, bushfires or earthquakes).

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**Pre-warned Evacuation:** This follows receipt of sufficient and reliable information that prompts a decision to evacuate ahead of a hazard impact (e.g. cyclones and storm surges).

**Controlled Evacuation:** A recommended or directed evacuation, where a Controlling Agency is undertaking specific activity to manage the withdrawal of people from an area that is at risk, or subject to the effects of, a hazard.

**Directed Evacuation:** A Controlling Agency may issue a direction for members of a community to evacuate with which they are obliged to comply in circumstances where it is believed there is an imminent and real threat to life should they remain.

**Recommended Evacuation:** A controlled evacuation whereby a Controlling Agency provides advice to members of a community that they evacuate, when the Incident Controller believes this represents the best option to mitigate the effects of an emergency on a community, based on the agency's risk assessment at that time, but where the risk is not perceived as extreme/imminent.

**Self-Evacuation:** A spontaneous type of evacuation involving the self-initiated movement of people, such as individuals, family or community groups.

**Evacuation Centres:** Temporary centres established to provide a safe and secure place to meet the basic needs of a community away from the immediate or potential effects of the emergency. The primary function is to address basic human needs and support requirements. They will normally be staffed by support organisation personnel.

**Evacuee:** A person who has withdrawn or been removed from a place of danger.

**Hazard Management Agency (HMA):** A public authority or other person, prescribed by Regulations because of that agency's functions under any written law or because of its specialised knowledge, expertise and resources, to be responsible for the emergency management of a hazard for a whole or part of the State. In most circumstances, this will also be the Controlling Agency for the emergency.

**Hazard Management Officer (HMO):** A specific term under *the EM Act* which applies to the persons appointed by the hazard management agency under section 55 during an Emergency Situation declared by the hazard management agency or State Emergency Coordinator authorising specific emergency powers under Part 6 of *the EM Act* (see also Authorised Officer).

**Immediate Sheltering:** Includes shelter in place, assembly areas and places of last resort.

**Place of Last Resort:** A place where members of a community can go/be taken at the last minute to seek shelter from an imminent threat when it is too late to evacuate. It should only be used when all other plans have failed and no other option exists. This may be a shed, area of the home, swimming pool, dam or other place appropriate to the hazard.

**Protect in Place:** May be used instead of shelter in place, but may be seen as implying that protective action is undertaken to reduce the risk of remaining in place (e.g. the issuing of personal protective equipment where there is no time to evacuate safely for a hazardous materials

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emergency).

**Relocation:** A term sometimes used in place of self-evacuation. It can also be used to refer to an individual's choice to move to a location of reduced risk of an emergency occurring under certain conditions even before an emergency has occurred (e.g. on a day where a catastrophic fire weather danger rating has been issued).

**Refuge Site:** A place where persons and/or animals may take shelter within the community that is suitable to the hazard that presents. This may be an open space, building or other suitable place of shelter identified by the local government and Controlling Agency. It will provide a minimum level of protection, and safety cannot be guaranteed in all circumstances. They are unlikely to have facilities or resources, and will not be staffed by agencies or services.

**Safer Place:** A preferred location where members of the community can evacuate to quickly that is safer than the location being threatened by the hazard. This may be a personal choice to go to family or friends. It may also be the only option if no official evacuation centre is opened or accessible/known to evacuees.

**Safest Route:** The route that evacuees take that presents the safest way to move away from the threat to a place of safety or 'safer place', sometimes known as the recommended egress for evacuation.

**Shelter:** A dynamic social process providing for the temporary respite of evacuees, including immediate sheltering, temporary sheltering and temporary housing.

**Shelter in Place:** An alternative to evacuation when it is considered that the risk associated with evacuation is greater than that of sheltering in place (e.g. cyclones or hazardous materials plumes or where time does not permit for a safe evacuation).

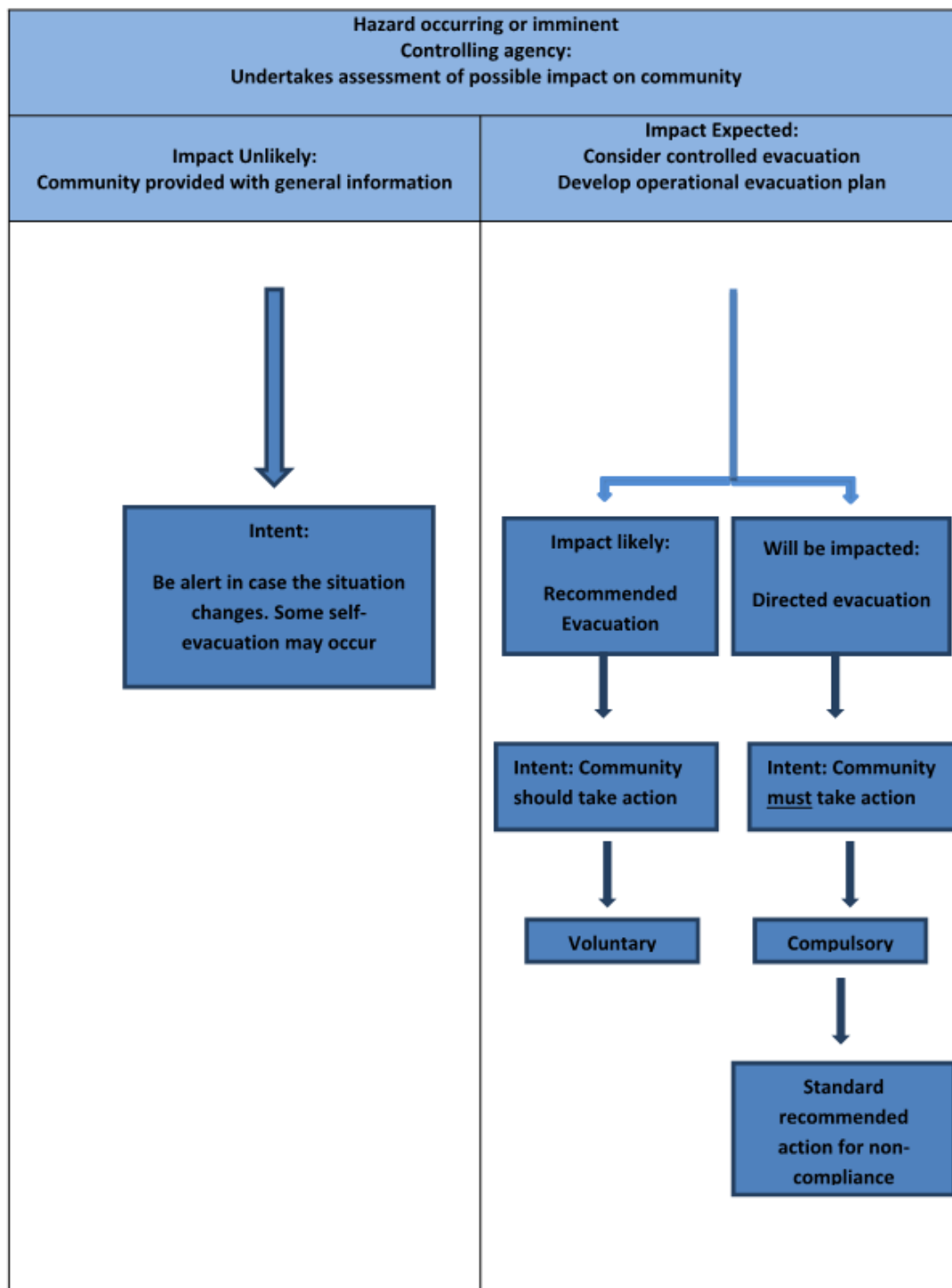
**Specialist facilities:** May be required when evacuees are unable to care for themselves or require additional care (e.g. hospitals, aged care or similar facilities, and disability care).

**Temporary housing:** Refers to ongoing recovery needs.

**Temporary sheltering:** Includes family, friends or commercial accommodation outside the impact zone, refuge sites, evacuation centres and specialist facilities.

**Warning:** the dissemination of a message signalling an imminent hazard, which may include information about protective measures (e.g. to seek further information, take shelter, activate your emergency plan and/or a recommendation or direction to evacuate).

## APPENDIX B: Types of Evacuation





## APPENDIX C: Risk Matrix

| Source of Risk                                                                                                                                  | Bushfire                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |               |            |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|
| Source of Risk Descriptor                                                                                                                       | The geographical area of Coronation Beach is undulating land with relatively thick coastal heath vegetation cover. The land tenure immediately abutting the Coronation Beach Nature Based Camping Ground consists of private undeveloped land to the north and west with two parcels of Unallocated Crown land reserves to the north and south. The area of Coronation Beach and the associated camping ground would be highly vulnerable to a bushfire particularly where winds are from the southeast or north east. |               |            |
| Risk statements                                                                                                                                 | Likelihood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Consequence   | Risk Level |
| There is a risk that an out of control bushfire in the vicinity of Coronation Beach will cause multiple deaths                                  | Likely                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minor         | High       |
| There is a risk that an out of control bushfire in the vicinity of Coronation Beach will cause life threatening or serious injuries             | Likely                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Moderate      | High       |
| There is a risk that an out of control bushfire in the vicinity of Coronation Beach will cause loss or damage to hard infrastructure            | Almost Certain                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Insignificant | Medium     |
| Source of Risk                                                                                                                                  | Cyclone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |            |
| Source of Risk Descriptor                                                                                                                       | Cyclones generated in the tropical north of the state can continue on a path southward and have not been uncommon in the Geraldton area. These cyclones or tropical depressions have been known to cause wide-spread damage and high rainfall. The geographical area of Coronation Beach and the associated camping ground would be highly susceptible to wind damage.                                                                                                                                                 |               |            |
| Risk statements                                                                                                                                 | Likelihood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Consequence   | Risk Level |
| There is a risk that if the Coronation Beach caravan park is not evacuated prior to a cyclone impacting there will be death or serious injuries | Likely                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minor         | Medium     |
| There is a risk that a cyclone will cause damage to Shire hard infrastructure                                                                   | Likely                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Minor         | Medium     |

| <b>Hazard</b>                                                                                                                                                   | <b>Tsunami</b>                                                                                                                                                                                                                                                                                                                                               |                    |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|
| <b>Hazard Descriptor</b>                                                                                                                                        | The Western Australian coastal area is within the area identified as having a high likelihood of Tsunami impact from seismic activity in the area off the Sumatra coastline. A moderate Tsunami wave would be deemed sufficient to inundate the low-lying camping ground area of Coronation Beach.                                                           |                    |                   |
| <b>Risk Statement</b>                                                                                                                                           | <b>Likelihood</b>                                                                                                                                                                                                                                                                                                                                            | <b>Consequence</b> | <b>Risk Level</b> |
| There is a risk that if the Coronation Beach camping ground is not evacuated prior to the impact of a tsunami there will be multiple deaths or serious injuries | Likely                                                                                                                                                                                                                                                                                                                                                       | Major              | <b>Extreme</b>    |
| <b>Hazard</b>                                                                                                                                                   | <b>Severe Storm</b>                                                                                                                                                                                                                                                                                                                                          |                    |                   |
| <b>Hazard Descriptor</b>                                                                                                                                        | Severe storms often impact of the Mid-west coastline during normal winter weather patterns but have also been known to be caused following cyclonic activity in the tropical north of the state during the southern summertime. Severe storms can cause damage to hard infrastructure and private vehicles utilising the camping ground at Coronation Beach. |                    |                   |
| <b>Risk Statements</b>                                                                                                                                          | <b>Likelihood</b>                                                                                                                                                                                                                                                                                                                                            | <b>Consequence</b> | <b>Risk Level</b> |
| There is a risk that if a severe storm was to impact on the Coronation Beach area death or serious injuries will occur                                          | Unlikely                                                                                                                                                                                                                                                                                                                                                     | Moderate           | <b>Medium</b>     |
| There is a risk that a severe storm will cause damage to hard infrastructure and private property                                                               | Likely                                                                                                                                                                                                                                                                                                                                                       | Moderate           | <b>Medium</b>     |

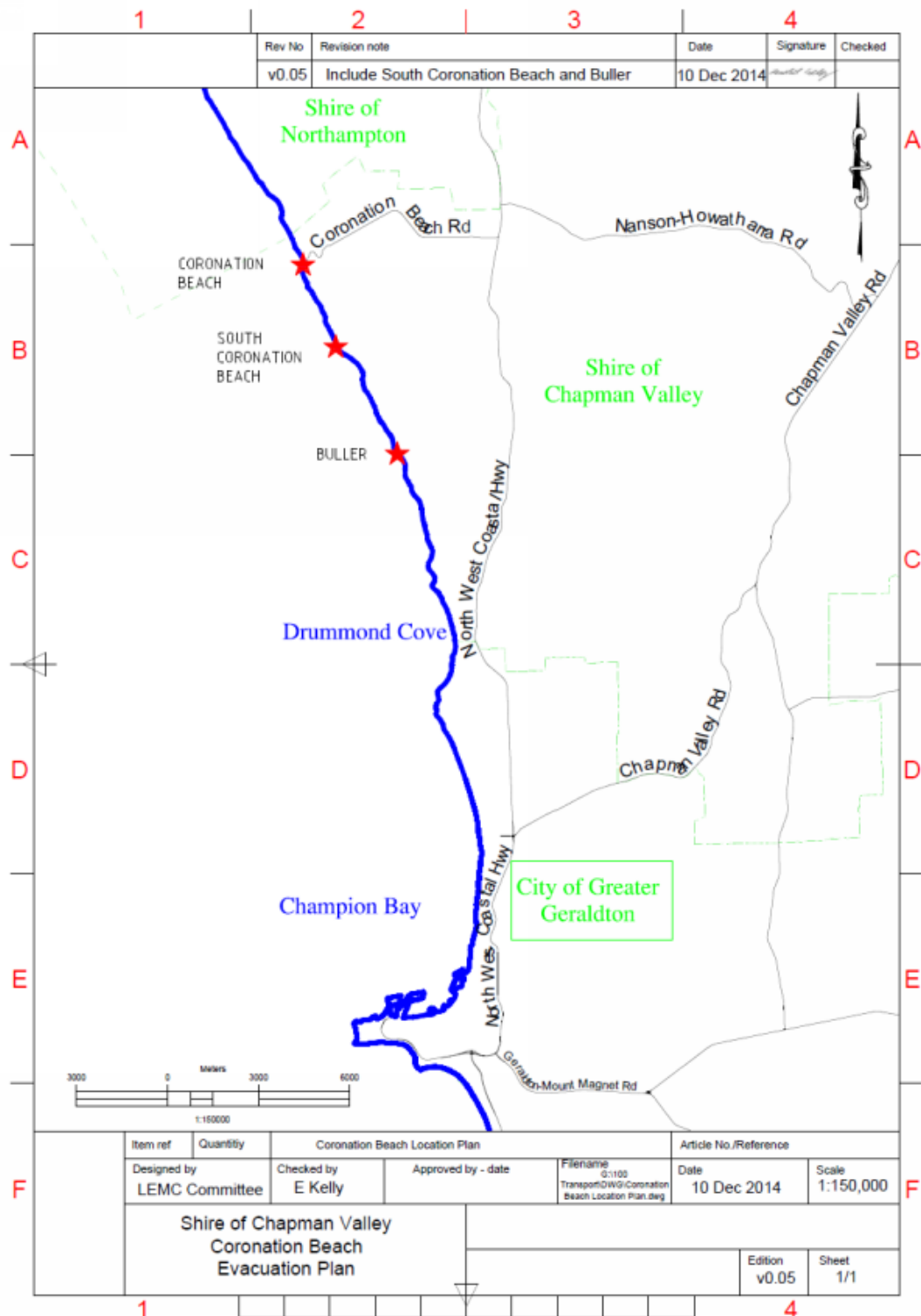
## APPENDIX D: Coronation Beach Site Plan



### Coronation Beach Hazard Management Plan

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## APPENDIX E: Coronation Beach Location Plan





## APPENDIX F: Emergency Information Signage



### EMERGENCY INFORMATION



**PLEASE BE AWARE CAMP FIRES ARE STRICTLY FORBIDDEN AT ANY TIME WITHIN THIS RESERVE**

#### EMERGENCIES THAT MAY IMPACT IN THIS COASTAL AREA



This is a bushfire risk area



This is a cyclone and severe storm risk area



During storm and cyclone activities this area may be subject to tidal surges.

IN THE EVENT OF AN EMERGENCY YOU WILL BE ADVISED OF ACTIONS YOU NEED TO TAKE.

PLEASE BE AWARE THAT THE SITE MAY BE EVACUATED AND CLOSED

FOR EMERGENCY INFORMATION TUNE TO ABC RADIO CHANNEL 828 AM

Dial 000 for fire and life threatening emergencies

13 3337 for information about major emergencies (Emergency Information Line)

**IF AN EMERGENCY OCCURS, ACT IMMEDIATELY FOR YOUR OWN SAFETY.**



The Shire of Chapman Valley is working with the hazard management agencies to ensure you have a safe stay

## APPENDIX G: Alternate camping and caravan sites

| Site Name                                                                                                                                                                                                                      | Street Address & Contact details                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| Drummond Cove Holiday park<br>Caravan sites<br>Camping sites<br>Privately owned venue fees apply                                                                                                                               | 1633 North West Coastal Hwy<br>Drummond Cove via Geraldton<br>(08) 9938 2524<br><br>32.9 km by road south from Coronation Beach Drive |
| Fig Tree Crossing Reserve<br>18km north-east of Geraldton on the north-western side of Chapman Valley Road<br>Shire owned reserve \$7 per person honesty system applies<br>Free gas BBQ<br>No power or water available on site | 1290 Chapman Valley Road<br>Yetna WA 6532<br><br>35.3 km by road south east from Coronation Beach Drive                               |
| Nukara Farm<br>Van sites available<br>No power available<br>Privately operated business, fees apply<br>Can accommodate up to 500 persons                                                                                       | 115 Nanson-Howatharra Road NANSON WA 6532<br>15.3 km East from Coronation Beach Drive                                                 |



|                     |                                                         |
|---------------------|---------------------------------------------------------|
| AGENDA ITEM:        | 9.3.2                                                   |
| SUBJECT:            | MANAGEMENT LICENCE – YUNA MULTIPURPOSE COMMUNITY CENTRE |
| PROPONENT:          | CREATING A BETTER YUNA (CABY)                           |
| SITE:               | LOT 10404 CHAPMAN VALLEY RD, YUNA                       |
| FILE REFERENCE:     | 801.00                                                  |
| PREVIOUS REFERENCE: | MINUTE REFERENCE: 10/15-7                               |
| DATE:               | 17 <sup>th</sup> AUGUST 2016                            |
| AUTHOR:             | MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER              |

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

At the October 2015 OCM the following was resolved:

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

*Council endorses the amended “Management Licence for the use of the Yuna Multipurpose Community Centre” at Lot 10404 Chapman Valley Road, Yuna as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions to be effective immediately.*

Voting 7/0

CARRIED

Minute Reference: 10/15-7

A copy of the final Management Licence is provided at **Attachment 3**.

## COMMENT

I have recently been in discussions with members of CABY regarding the Management Licence for the Yuna Multipurpose Community Centre (YMCC), specifically their request for CABY and the affiliated organisations to have fifteen (15) annual community “get-togethers” to promote the well-being of and foster the community spirit, among residents (see CABY correspondence dated 19<sup>th</sup> July 2016 at **Attachment 1**).

Correspondence was also received from CABY dated 14<sup>th</sup> September 2016 on this matter (see **Attachment 2**).

The issue of booking the YMCC has highlighted situations where the organisations affiliated under the current Licence were not booking the building for use in accordance with Clause 4.1 of the Licence i.e.

### “Licence of Licensed Areas

*The Shire grants a licence to the Licensee to use, under the terms and conditions provided for in this agreement, the Licensed Area for the Term.*

***The permitted use of the Licensed Areas will only be for the normal activities as indicated within the affiliated groups constitution or rules.***

***The Shire will determine if any activity is not within the normal activities of the affiliated groups. Any activities that are considered outside an affiliated group’s normal activity will be required to pay the fees and charges to the Licensor as set by the Shire.***

*All use by individual members of the affiliated groups requested use of the licensed areas for their own purpose will be required to pay the required fees and charges to the Licensor as set by the Shire.”*

Bookings are being made for events which are being determined by the CEO as not being normal activities as indicated within the organisation's constitutions or rules (e.g. booking for a get-together to watch an AFL game on the big screen, Yoga being booked under CABY).

The problem is the venue bookings can easily be made for something, which reflects the organisation's normal activities, yet this may not necessarily always be the case. Therefore, I convened a meeting with CABY representatives to discuss possible solutions and a way forward to resolve this issue.

The feeling from discussions was the possibility of the affiliated groups being offered a block number of booking for "*get-togethers*" which may not necessarily be linked to an organisations "*normal activities*". For example, I would envisage the Yuna Tennis Club's fixture events would be considered part of their normal activities and though these would need to be booked, no charge would be imposed.

Whereas, if the Yuna Tennis Club wished to hold an event outside their normal fixture event just to get together then this would also need to be booked and would be part of the block annual events for which no charge would be made.

I feel the proposed system may still be open to manipulation; however, does attempt to put some controls in place. The other concern is this may set a strong precedent for local organisation using other Shire owned/controlled buildings and/or facilities.

Another option discussed with CABY representatives was to hand-over the control and management of the YMCC to CABY and they become responsible for the use of the Centre.

The Shire of Northampton has recently finalised a Lease arrangement with Horrocks Community Centre Inc. for this organisation to control and manage the new Horrocks Community Centre. This Lease places the responsibility on the tenant (Horrocks Community Centre Inc.) e.g.

- Payment of services (e.g. electricity, water, gas, etc.)
- Air-conditioning maintenance;
- Lease preparation;
- Cannot detract from the appearance or value of the premises, is dangerous to people or property, overloads any part of the premises or services; interferes with anyone's use or enjoyment of any other property or is unlawful;
- Responsible for all damage to the premises except to the extent it is caused by the landlord;
- Report to the Landlord certain matters;
- Maintain and clean the premises;
- Repaint the premises during the last three months of the lease term;
- Must obtain prior landlord consent for works on the premises;
- Reimburse landlord for specific works undertaken by the landlord;

The above listed items are some of the areas extracted from the Horrocks Community Centre lease agreement and should not be considered exhaustive of the entire agreement.

It will be noted from the CABY correspondence (dated 14<sup>th</sup> September 2016) the following position:

- ~ *They would like to take more ownership and responsibility for our inventory within the Yuna Community Centre (YCC), and would like to propose the following amendments to the current YCC Lease Agreement:*
- a) *CABY to manage the Booking System of the YCC. We propose that all Booking forms would be lodged with the CABY Secretary/Treasurer (both affiliated groups and external groups), and those bookings NOT covered under one of the affiliated groups would be referred to the Shire of Chapman Valley for payment of a bond and hire fee. All usage would be logged on a cloud- based calendar that the Shire of Chapman Valley could view.*
  - b) *CABY would liaise directly with the Cleaner to ensure the YCC was suitably prepared for all bookings. However, CABY have agreed that the employment, management and payment of wages of a cleaner is to be executed by the Shire of Chapman Valley. CABY would like to nominate Carisa Mincherton as the proposed cleaner.*

I do not see the advantage of item (a) above as this would simply create a dual booking system and would increase the chance of conflict/double bookings of the facility. Therefore I would suggest the existing one central booking operation based with the Shire be retained.

Cleaning referred to in item (b) above would also be difficult if the Cleaner was employed by the Shire, yet directed by both CABY and Shire Staff. Therefore, again, I believe this should stay under the control of the Shire Staff only (i.e. no change to the existing Management Licence arrangements).

## STATUTORY ENVIRONMENT

The Management Licence is a legally binding document, which both parties have signed and therefore required to adhere to.

Clause 9.4 of the current YMCC Management Licence caters for variations as required i.e.

*“Variation*

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

## POLICY/PROCEDURE IMPLICATIONS

Council has a number of Policies/Procedures, which deal with specific conditions associated with the use of properties under the control/ownership of the Shire. The current YMCC Management Licence incorporates the Policies/Procedures relevant to such Shire owned/controlled buildings. Therefore, no specific Policies or Management Procedures are affected.

## FINANCIAL IMPLICATIONS

The operating costs for the YMCC for 2015/2016 are shown in the table below. However; it must be understood the facility was not in operation for a full year and being new will have lower maintenance cost and issues due to these predominantly being covered the builder (GBSC) under the twelve month building maintenance period i.e.

|                         |                   |
|-------------------------|-------------------|
| • Employee Costs        | \$1230.80         |
| • Materials & Contracts | \$2983.92         |
| • Utilities             | \$1,111.36        |
| • Insurance             | \$1,432.12        |
| <b>Total</b>            | <b>\$6,758.20</b> |

Currently the affiliated organisations under the Management Licence are charged one total annual hire fee of \$1,522 (GST Excl.) This amount can be reviewed by Council in accordance with Clause 4.1(2) of the Licence and Item 7 of the Schedule.

An analysis of the YMCC use since it was opened on the 31<sup>st</sup> August 2015 has revealed the following (see **Attachment 4** for full details):

|                                                             |            |                |
|-------------------------------------------------------------|------------|----------------|
| Number of No Charge Functions - Yuna PS                     | 18         | 14.52%         |
| Number of SoCV Organised Functions                          | 5          | 4.03%          |
| Number of Booking for Non-Affiliated Groups Paying Hire Fee | 11         | 8.87%          |
| Number of Booking for Affiliated Groups Not Paying Hire Fee | 90         | 72.58%         |
| <b>Total Days Used</b>                                      | <b>124</b> | <b>100.00%</b> |

**Total Days for Period** 426  
**Average Use Over Period** 29%

| Summary of Individual Affiliated Groups Use                                                             |            |
|---------------------------------------------------------------------------------------------------------|------------|
| ~ Tennis Club                                                                                           | 35         |
| ~ CABY - Yoga                                                                                           | 39         |
| ~ CABY - Other                                                                                          | 5          |
| ~ YFIG                                                                                                  | 8          |
| ~ Yuna CWA                                                                                              | 3          |
| <b>Total</b>                                                                                            | <b>90</b>  |
| Annual Lease Payment by CABY under Management Licence                                                   | \$1,522.50 |
| Average Cost per Use By Affiliated Groups under Management Licence                                      | \$16.92    |
| Average Cost per Use By Non-Affiliated Groups under Management Licence                                  | \$83.61    |
| Actual Costs that would have been charged to Affiliated Groups if no exemption under Management Licence | \$7,525.00 |

The question is whether (or not) the existing annual amount set under the Management Licence reflects a fair recompense for the use of the facility.

Prior to the YMCC being established the only annual payment made was \$334 (15/16) by the Yuna Tennis Club for the use of the old facilities. This was the same amount charges to the Nabawa Tennis Club.

The 2016/2017 fee charged to the Nabawa Tennis Club is \$340; therefore it would be fair the suggest the Yuna Tennis Club would have been the same amount if they were not included into the YMCC Management Licence affiliated groups fee of \$1,522.50.

A comparison of other annual fees charged for the use of Shire recreational in the 2016/2017 budget is shown below:

|                                            |                |
|--------------------------------------------|----------------|
| CV Football Club                           | \$1,635        |
| CV Basketball Club (only if facility used) | \$1,177        |
| Geraldton Cricket Club (CVNCC)             | \$1,353        |
| Nabawa Tennis Club                         | \$ 340         |
| Greenough Western Riding Club              | \$ 406         |
| CV Agricultural Society                    | \$ 406         |
| <b>CABY YMCC</b>                           | <b>\$1,522</b> |

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

The LTFP will not be affected by the proposed variation(s) to the Management Licence.

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

#### 4.6 No alterations Capital Upgrades and/or Replacement

- (1) *The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.*
- (2) *Any alteration, capital upgrades/replacements or installation effected by the Licensee will be at the sole cost of the Licensee (see Clause 5.3 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).*
- (3) *The Licensee agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Licensee cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Licensee on demand and recoverable in a Court of competent jurisdiction.*

### **STRATEGIC IMPLICATIONS**

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

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

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

### **CONSULTATION**

The establishment of a Management Licence for the YMCC was a lengthy process undertaken over a number of months with members of CABY, Council and Shire Staff.

Since the finalisation of the Management Licence discussions have continued with CABY members on how the Licence may be improved/amended to ensure use of the YMCC is not stifled, yet also not manipulated.

### **RISK ASSESSMENT**

#### Ineffective Management of facilities/Venues

Failure to effectively manage the day to day operations of facilities and / or venues - This includes:

- Inadequate procedures in place to manage the quality or availability.
- Ineffective signage
- Booking issues
- Financial interactions with hirers / users
- Oversight/provision of peripheral services (e.g. cleaning / maintenance)

### **VOTING REQUIREMENTS**

Simple Majority

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

**MOVED: CR WARR**

**SECONDED: CR FARRELL**

Council advise CABY the existing Management Licence will be retained with the following variations and confirmations:

1. Annual Fee amount will be reconsidered at the time the 2017/2018 Budget is being developed to determine if this needs to be increased to better reflect the usage of groups/organisations affiliated under the Management Licence;

2. A maximum amount of twelve (12) annual community '*get-together*' bookings be incorporated into the Licence to cover all booking made by all affiliated groups/organisations for events not considered by the Chief Executive Officer as part of the groups/organisations activities as indicated within the affiliated groups/organisations constitution or rules.

The annual community '*get-together*' bookings will not be accrued if unused in any one year.

3. The Shire Chief Executive Officer will continue to determine if any activity is not considered within the normal activities of the affiliated group/organisation and these will be required to pay the fees and charges as set by the Shire.

**Voting 7/0**  
**CARRIED**  
**Minute Reference 11/16-10**





## Creating A Better Yuna Inc. (CABY)

ABN 31 452 366 372

PO Box 275, MOONYOONOOKA WA 6532  
(08) 99 244 074 cabymail@gmail.com

19th July 2016

Attn: Maurice Battilana  
CEO Chapman Valley Shire  
PO Box 1  
NABAWA WA 6532

Dear Maurice

As per our discussion at the Shire offices on Wednesday 6th July 2016, with yourself and our Office Bearers, the CABY Committee would like to request the following usage of the Yuna Community Centre (YCC).

- Fifteen (15) annual community get-togethers to promote the well-being of, and foster the community spirit, among residents.

Approximate dates of these events will be lodged with the CV Shire at the start of the financial year and amendments to these dates will be made through the Shire Booking System.

All other community events hosted by the Affiliated groups will be booked with the CV Shire as required.

Kind regards

Fiona Mann  
Secretary/Treasurer



## Creating A Better Yuna Inc. (CABY)

ABN 31 452 366 372

PO Box 275, MOONYOONOOKA WA 6532  
(08) 99 244 074 cabymail@gmail.com

14th September 2016

Attn: Maurice Battilana  
CEO Shire of Chapman Valley  
PO Box 1  
NABAWA WA 6532

Dear Maurice

After consultation with the Community and further discussion of a number of items, the Creating A Better Yuna (CABY) Management Committee would like to communicate our position on the following subjects.

The CABY Management Committee have agreed that we would like to take more ownership and responsibility for our inventory within the Yuna Community Centre (YCC), and would like to propose the following amendments to the current YCC Lease Agreement:

- 1) CABY to manage the Booking System of the YCC. We propose that all Booking forms would be lodged with the CABY Secretary/Treasurer (both affiliated groups and external groups), and those bookings NOT covered under one of the affiliated groups would be referred to the Shire of Chapman Valley for payment of a bond and hire fee. All usage would be logged on a cloud-based calendar that the Shire of Chapman Valley could view.
- 2) CABY would liaise directly with the Cleaner to ensure the YCC was suitably prepared for all bookings. However, CABY have agreed that the employment, management and payment of wages of a cleaner is to be executed by the Shire of Chapman Valley. CABY would like to nominate Carisa Mincherton as the proposed cleaner.

These proposed changes would ensure the contents of the YCC are used as intended and a detailed inventory can be maintained. A "usage manual" will also be developed to ensure ease of use of the building (e.g. Audio-visual instructions, Kitchen instructions, Air-conditioner instructions, Setup & Packup Checklists, Fault log-sheet etc).

The CABY Management Committee have decided there is no other change required to the Management Structure as the Community agree this is working well. We would like to thank the Shire of Chapman Valley for their efforts implementing the Agreement, however the CABY Management Committee is always open to change should the need arise.

CABY would also like to endorse the decision to remove access to the disabled toilet from the exterior of the YCC. This door is to remain locked at all times and this will be communicated to the Community.

Kind regards

Fiona Mann  
Secretary/Treasurer

October 2015

# Management Licence for use of Yuna Multipurpose Community Centre

## Lot 10404 Chapman Valley Road, Yuna

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Shire of Chapman Valley

and

Creating A Better Yuna Incorporated



**McLEODS**

Barristers & Solicitors

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

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

Email: [mcleods@mcleods.com.au](mailto:mcleods@mcleods.com.au)

Ref: TF:CHAP 33687.1

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# Details

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## Parties

### **Shire of Chapman Valley**

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

### **Creating A Better Yuna Incorporated**

of PO Box 1045 Geraldton WA 6531  
(Registration Number A1008137M)  
(Licensee)

## Background

- A The Shire is the owner and management body of the Lot 10404 Chapman Valley Road, Yuna, known as the land (**Land**).
- B The Shire has agreed to grant to the Licensee a licence to use that part of the Land, described in **Item 1** of the schedule (**Licensed Area**), together with any additional rights that are specified in this Licence.
- C The Shire and the Licensee enter into this agreement to set out the terms and conditions of their agreement.

## Agreed terms

### 1. Definitions

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

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

**Licensee** means the Creating A Better Yuna Incorporated to which this licence is granted.  
(See Annexure 2 for list of affiliated organisations forming part of this Agreement);

**CEO** means the Chief Executive Officer of the Shire;

**Commencement Date** means the date that the Licence commences;

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

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

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

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

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

**Other Amenities** means any part of the Land or its surrounds that the Licensee is permitted to use in conjunction with the other users of the Land, as specified in **Item 14** of the Schedule;

**Outgoings** means

- (a) local government rubbish collection charges for the Land (only if applicable);
- (b) water, drainage and sewerage rates, charges for disposal of stormwater, meter rent and excess water charges (only if applicable);
- (c) telephone, electricity, gas and other power and light charges including but not limited to meter rents and the cost of installation of any meter, wiring or telephone connection;
- (d) premiums and other costs arising from the insurance obtained by the Lessor pursuant to **clause 5.1** (only if applicable). For the avoidance of doubt, the parties agree such insurance will include insurance for the full replacement value of the buildings constructed on the Land; and
- (e) any other consumption charge or cost, statutory impost or other obligation incurred or payable by the Shire in respect of the Land.

**Land** means, the Yuna Community Centre and Tennis courts on Lot 10404 Chapman Valley Road, Yuna;

**Schedule** means the schedule to this Licence;

**Shire** means the Shire of Chapman Valley and its employees and agents; and

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

## 2. Licence condition upon 'Shire of Chapman Valley' consent

This Licence is subject to and conditional on the approval of the Shire of Chapman Valley Council

## 3. Grant of Licence

### 3.1 Licence of Licensed Areas

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

The permitted use of the Licensed Areas will only be for the normal activities as indicated within the affiliated groups constitution or rules.

The Shire will determine if any activity is not within the normal activities of the affiliated groups.

Any activities that are considered outside an affiliated group's normal activity will be required to pay the fees and charges to the Licensor as set by the Shire.

All use by individual members of the affiliated groups requested use of the licensed areas for their own purpose will be required to pay the required fees and charges to the Licensor as set by the Shire.

### **3.2 Use of Other Amenities**

The Licence includes the right to use the Other Amenities for the Agreed Hours (only if applicable).

### **3.3 Agreed Hours**

- (1) The Licensee is to use the Licensed Area and the Other Amenities (if applicable) only on days and during the Agreed Hours.
- (2) All affiliated groups must book all activities and events within the Licensed area direct with the Shire booking system. Failure to do so may result in a double booked licensed area, with the first registered booking taking precedence of any others.

## **4. Licensee's Obligations**

### **4.1 Licence Fee for Licensed Areas**

- (1) The Licensee must pay annually in advance the Licence Fee for the Licensed Area.
- (2) Unless otherwise agreed by the Shire, the Licence Fee will be reviewed on the dates specified in **Item 7** of the Schedule by CPI. A rent review based on CPI may (at the Shire's discretion) increase the amount of Rent payable during the immediately preceding period by the percentage of any increase in CPI having regard to the quarterly CPI published immediately prior to the later of the Commencement Date or the last Rent Review Date as the case may be and the quarterly CPI published immediately prior to the relevant Rent Review Date. If there is a decrease in CPI having regard to the relevant CPI publications the Rent payable from the relevant Rent Review Date will be the same as the Rent payable during the immediately preceding period.
- (3) If any GST is payable on the Licence Fee or any other supply made as a result of this Licence, the Licensee must pay that GST.
- (4) The Licensee must pay the specified bond as indicated in Item 5 of the Schedule. This Bond will be held in Trust and is to be reinstated by the Licensee in the event the Shire is required to use the Bond for non-compliance with the any aspects of this Agreement and/or hire conditions of the licensed area.

### **4.2 Fees for Other Amenities**

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

### **4.3 Permitted Purpose of Licensed Area**

- (1) The Licensee agrees to ensure that the use of the Licensed Area and the Land is at all times consistent with the Permitted Purpose.
- (2) The Licensee agrees that it must not permit the Licensed Area or Land to be used as a residence or sleeping place unless otherwise approved by the Shire. Lot 10404 has 24hr camping alongside the Yuna Hall which incorporates Lot 10404.

#### **4.4 Condition of Land and Licensed Area**

The Licensed Area and the Other Amenities are made available to the Licensee in the condition that they are in at the Commencement Date.

#### **4.5 Compliance with Legislation**

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

#### **4.6 No Alterations, Capital Upgrades and/or Replacement**

- (1) The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.
- (2) Any alteration, capital upgrades/replacements or installation effected by the Licensee will be at the sole cost of the Licensee. (see Clause 5.3 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).
- (3) The Licensee agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Licensee cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Licensee on demand and recoverable in a Court of competent jurisdiction.

#### **4.7 Security of Licensed Area and its contents**

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

#### **4.8 Indemnity**

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

#### **4.9 Insurance**

- (1) The Licensee must take out and maintain for the Term, a public liability insurance policy.
- (2) All user groups must provide the Licensee with a Certificate of Currency for public liability insurance with their annual membership.
- (3) The insurance policy identified in paragraph (1) above must cover both the Shire and the Licensee for any public liability claim that arises out of, or is connected in any way with, the Licensee's use of the Licensed Area, Other Amenities or the Land generally.
- (4) The amount of the cover given by the insurance policy identified in paragraph (1) above must be a minimum of \$10,000,000 for any one claim.

- (5) The Licensee must not do anything in the Licensed Area, Other Amenities or the Land generally that may affect any insurance taken out by the Shire, or render any such insurance void.

(Note: See Clause 5.1 regarding Building Insurance)

#### **4.10 Entry and Inspection**

The Licensee must permit the Shire to enter the Licensed Area at any reasonable time to inspect and view the area, to carry out any maintenance work (if applicable) or to rectify any breach of the conditions of this Licence.

#### **4.11 Outgoings**

- (1) The Shire will be responsible to pay all Outgoings for the Land
- (2) In the event any Outgoings are incurred which are considered excessive by the Shire, the Shire will be entitled to invoice and recover any shortfall amount from users of the Land, including the Licensee.
- (3) In respect of the recovery of any costs pursuant to paragraph (2) above, the parties agree as follows:
  - (a) the Shire will seek to recover such costs from user groups of the Land (including the Licensee) on the basis of an appropriate apportionment determined by the Shire acting reasonably;
  - (b) where an outgoing is incurred due to a user group's specific use of the Land, the Shire will seek (where appropriate) for that user group to pay that outgoing; and
  - (c) the Licensee must pay any invoice issued by the Shire pursuant to paragraph (2) within 28 days of receipt.

#### **4.12 Maintenance and Cleaning**

- (1) Refer to Item 9 Yuna Community Centre Building and Environmental Maintenance Checklist

#### **4.13 Subletting, Assignment or Hire**

- (1) The Licensee will not sublet, assign or hire the facility and may only assign or sublet the Licensed Area, with the prior consent of the Shire.

#### **4.14 Licensee's equipment and possessions**

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

### **5. Shire's Obligations**

#### **5.1 Building Insurance to be Effected by Shire**

The Shire shall effect and keep effected policies of insurance in relation to any risk relating to the Shire's ownership or interest in the Land and buildings located on the Land including, without limitation, insurance for buildings comprising the Licensed Area.

## **5.2 Shire responsible for Other Amenities**

- (1) The Shire will maintain the Land (excluding the Licensed Area) and the Other Amenities (if applicable) in accordance with the Shire's maintenance standards.
- (2) The standard of the maintenance and the frequency of the repairs and replacements identified in paragraph (1) above will be dependent on the Shire's general maintenance program and budgetary considerations and may vary from time to time.

## **5.3 Consider request for financial assistance**

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

## **6. Default**

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

## **7. Dispute Resolution**

- (1) Any dispute between the Licensee and the Shire in regard to anything arising from the Licence or this agreement is to be addressed in the first instance by a meeting between representatives of the Licensee, appointed for that purpose, and the officer of the Shire responsible for administering the Land.
- (2) If the dispute cannot be resolved, in a manner that is satisfactory to both parties through such a meeting, the Licensee agrees that the CEO of the Shire and a Councillor from the Building Committee will have the power to make a final determination in resolution of the dispute, but only after giving due consideration to all of the matters discussed at the meeting referred to in paragraph (1) above and setting out in writing the reasons for his or her decision.

## **8. Acknowledgements**

The Licensee acknowledges and agrees that:

- (a) it only has use of the Land, the Licensed Area and Other Amenities (if applicable) during the Agreed Uses and that other users of the Land may be permitted to use the Land (at other times);
- (b) the Agreed Uses may be modified from time to time provided any proposed modification is agreed in advance with the Shire and recorded in the Shire's booking system;

- (c) this Licence will automatically terminate if the ownership the Shire holds the Land under is changed or sold;
- (d) if the Licence is terminated in accordance pursuant to paragraph (c) above the Licensee will not be entitled to any form of compensation or damages as a result of the termination; and
- (e) the Licensee must not obstruct any person or other organisation from using the Land.

## **9. General Provisions**

### **9.1 Acts by Agents**

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

### **9.2 Governing Law**

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

### **9.3 Severance**

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

### **9.4 Variation**

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

### **9.5 Moratorium**

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

### **9.6 Further Assurance**

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

### **9.7 Interpretation**

- (1) In this Licence, unless expressed to the contrary -
  - (a) words importing -
    - (i) the singular includes the plural and vice versa; and
    - (ii) a gender or genders include each other gender;
  - (b) if a word or phrase is assigned a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
  - (c) a reference to -
    - (i) a natural person includes a body corporate or local government;



- (ii) a body corporate or local government includes a natural person;
- (iii) a professional body includes a successor to or substitute for that body;
- (iv) a Party includes its legal personal representatives, successors and assigns and if a Party comprises two or more persons, the legal personal representatives, successors and assigns of each of those persons;
- (v) a statute, includes an ordinance, code, regulation, award, town planning scheme, regulation, local law, by-law, requisition, order or other statutory instruments made under any of them and a reference to any of them, whether or not by name, includes any amendments to, re-enactments of or replacements of any of them from time to time in force;
- (vi) a right includes a benefit, remedy, discretion, authority or power;
- (vii) an obligation includes a warranty or representation and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
- (viii) this Licence or provisions of this Licence or any other deed, agreement, instrument or contract includes a reference to -
  - (A) both express and implied provisions; and
  - (B) that other deed, agreement, instrument or contract as varied, supplemented, replaced or amended;
- (ix) writing includes any mode of representing or reproducing words in tangible and permanently visible form and includes facsimile transmissions;
- (x) any thing (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a Licensee of things or persons is a reference to any one or more of them; and
- (xi) a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure is a reference to, respectively, a subparagraph, paragraph, subclause, clause, Item, Schedule or Annexure of this Licence;
- (d) the covenants and obligations on the part of the Licensee not to do or omit to do any act or thing include -
  - (i) covenants not to permit that act or thing to be done or omitted to be done by a person authorised by the Licensee; and
  - (ii) a covenant to take all reasonable steps to ensure that that act or thing is not done or omitted to be done;
- (e) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- (f) if a Party comprises two or more persons, the covenants and agreements on their part bind them and must be observed and performed by them jointly and each of them severally, and may be enforced against any one or more of them.
- (2) Except in the Schedule, headings do not affect the interpretation of this Licence.

# Schedule

| ITEM            | TASK                                                    | FREQUENCY                  | RESPONSIBILITY                                     |
|-----------------|---------------------------------------------------------|----------------------------|----------------------------------------------------|
| Hire Conditions | Comply with all the Hire Conditions of Licensed Area as | Each time facility is used | All Affiliated Groups & Organisations as listed in |

Item 1

## Licensed Area

- (i) Yuna Community Centre and Tennis Courts located on the Land and generally labelled on the sketch annexed hereto as **Annexure 1**.

## Item 2 Commencement Date

## Item 3 Term

20 years commencing on 2015 and expiring on 2035.

## Item 4 Other Amenities

Nil

## Item 5 Licence Fee

- 5.1 Annual fee of \$1500 reviewed annually;  
This amount is to be paid in full by the Licensee who will be responsible for recouping cost from affiliated groups and organisations listed in this License;
- 5.2 Bond fee of \$700 paid by the Licensee and held in Trust by the Shire on behalf of all Affiliated Groups listed in this License

## Item 6 Permitted purpose

Yuna community activities and uses reasonably ancillary thereto.

## Item 7 Licence Fee Review Dates

As determined by Concil.

## Item 8 Agreed Uses

Unrestricted, unless otherwise determined by Council

## Item 9 Building & Environmental Maintenance Responsibilities

|                                           |                                                                                                      |                            |                                                               |
|-------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------|---------------------------------------------------------------|
| Hire Conditions                           | Comply with all the Hire Conditions of Licensed Area as determined and stipulated by the Shire       | Each time facility is used | All Affiliated Groups & Organisations as listed in Annexure 2 |
| Exterior walls                            | Check for damage/fretting & reseal weathered areas and report all issues to the Shire                | Annually                   | CABY – Facility Management Group                              |
| Interior walls                            | Check for corrosion/defects and report all issues to the Shire                                       | Annually                   | CABY – Facility Management Group                              |
| Roof – external                           | Check for corrosion/rust and report all issues to the Shire                                          | Annually                   | CABY – Facility Management Group                              |
|                                           | Clean Guttering                                                                                      | Annually                   | CABY – Facility Management Group                              |
| Windows and doors – external and internal | Check for corrosion & lock maintenance and report all issues to the Shire                            | Annually                   | CABY – Facility Management Group                              |
| Electrical                                | Emergency Lighting & RCD Check and report all issues to the Shire                                    | Annually                   | Shire of Chapman Valley                                       |
|                                           | Check external lighting and report all issues to the Shire                                           | Annually                   | CABY – Facility Management Group                              |
|                                           | Check Internal lighting and report all issues to the Shire                                           | Annually                   | CABY – Facility Management Group                              |
|                                           | Inspect all portable appliances                                                                      | Annually                   | Shire of Chapman Valley                                       |
|                                           | Extraction fans and report all issues to the Shire                                                   | as required                | CABY – Facility Management Group                              |
|                                           | Main earth electrode                                                                                 | as required                | Shire of Chapman Valley                                       |
| Plumbing/gas                              | Check all taps/fixtures etc. for leaks and report all issues to the Shire                            | 6 monthly                  | CABY – Facility Management Group                              |
| Air-conditioning                          | Service all hardware and appliances                                                                  | as required                | Shire of Chapman Valley                                       |
| Public Health check                       | Shire –building risk assessment                                                                      | as required                | Shire of Chapman Valley                                       |
| Fire Protection                           | Fire hydrant                                                                                         | Annually                   | Shire of Chapman Valley                                       |
|                                           | Dry chemical extinguishers                                                                           | Annually                   | Shire of Chapman Valley                                       |
|                                           | Fire detection system                                                                                | Annually                   | Shire of Chapman Valley                                       |
| Pest & Weed control                       | Check all outside; paved/concrete areas, pathways, car parks etc. and report all issues to the Shire | as required                | CABY – Facility Management Group                              |
| Storm drainage                            | Clean and maintain                                                                                   | Annually                   | Shire of Chapman Valley                                       |
| Tennis Courts & Lights                    | Maintain                                                                                             | As required                | Yuna Tennis Club                                              |
| Tennis Court Fence and Shelter            | Maintain and replace                                                                                 | As required                | Yuna Tennis Club                                              |

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

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Executive Officer

**THE COMMON SEAL of Creating A Better Yuna Incorporated**

was hereunto affixed pursuant to the constitution of the Creating A Better Yuna Incorporated in the presence of each of the undersigned each of whom hereby declares by the execution of this document that he or she holds the office in the Creating A Better Yuna Incorporated indicated under his or her name-

\_\_\_\_\_  
Office Holder Sign

\_\_\_\_\_  
Office Holder Sign

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Address:

\_\_\_\_\_  
Office Held:

\_\_\_\_\_  
Office Held:



## Annexure 2 – Licensee Affiliated Groups & Organisations

- a) Creating A Better Yuna Incorporated (Licensee);
- b) Yuna Tennis Club Incorporated;
- c) Chapman Valley Playgroup;
- d) Yuna Farm Improvement Group Incorporated
- e) Yuna CWA
- f) Yuna Bush Fire Brigade

## YMCC - HIRE ANALYSIS

| DATE       | PURPOSE                                 | HOST              | Actual Fee Paid | Applicable Fee if Imposed |
|------------|-----------------------------------------|-------------------|-----------------|---------------------------|
| 31/08/2015 | Women's Economic Independence Event     | SoCV (YFIG Grant) | \$105           | \$105                     |
| 7/09/2015  | GRDC Meeting                            | YFIG/NEFF/GRDC    | 0               | \$35                      |
| 11/09/2015 | YCC Opening                             | SoCV/CABY/YFIG    | 0               | \$0                       |
| 14/09/2015 | CBH Meeting                             | CBH               | \$68            | \$68                      |
| 14/09/2015 | YFIG Meeting                            | YFIG              | 0               | \$35                      |
| 3/10/2015  | AFL Grand Final Community Event         | CABY              | 0               | \$105                     |
| 9/10/2015  | Rabobank Client Function                | Rabobank          | \$105           | \$105                     |
| 16/10/2015 | NEFF Meeting                            | NEFF              | \$35            | \$35                      |
| 19/10/2015 | Yoga                                    | CABY              | 0               | \$75                      |
| 26/10/2015 | Yoga                                    | CABY              | 0               | \$75                      |
| 3/11/2015  | Yoga                                    | CABY              | 0               | \$75                      |
| 6/11/2015  | Cloud Chasing screening night           | Yuna CWA/SoCV     | 0               | \$0                       |
| 9/11/2015  | Yoga                                    | CABY              | 0               | \$75                      |
| 16/11/2015 | PATHS Course                            | Yuna Primary      | 0               | \$0                       |
| 16/11/2015 | Yoga                                    | CABY              | 0               | \$75                      |
| 22/11/2015 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 29/11/2015 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 30/11/2015 | Yoga                                    | CABY              | 0               | \$75                      |
| 2/12/2015  | Management Meeting                      | CABY              | 0               | \$35                      |
| 6/12/2015  | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 11/12/2015 | Community Christmas Tree                | Yuna CWA          | 0               | \$105                     |
| 13/12/2015 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 14/12/2015 | Yoga                                    | CABY              | 0               | \$75                      |
| 14/12/2015 | Scripture Activity                      | Yuna Primary      | 0               | \$0                       |
| 15/12/2015 | YFIG Community Christmas Function setup | YFIG              | 0               | \$0                       |
| 16/12/2015 | School end of year Camp Out             | Yuna Primary      | 0               | \$0                       |
| 18/12/2015 | YFIG Christmas Function                 | YFIG              | 0               | \$105                     |
| 19/12/2015 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 30/12/2015 | CABY Committee Meeting                  | CABY              | 0               | \$35                      |
| 1/02/2016  | Yoga                                    | CABY              | 0               | \$75                      |
| 4/02/2016  | YFIG meeting                            | YFIG              | 0               | \$35                      |
| 6/02/2016  | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 9/02/2016  | Yuna P&C meeting                        | Yuna P&C          | 0               | \$0                       |
| 9/02/2016  | YFIG/CBH meeting                        | YFIG              | 0               | \$35                      |
| 18/02/2016 | Tennis busy bee                         | Yuna Tennis Club  | 0               | \$105                     |
| 20/02/2016 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 22/02/2016 | Yoga                                    | CABY              | 0               | \$75                      |
| 22/02/2016 | CABY Management Meeting                 | CABY              | 0               | \$35                      |
| 27/02/2016 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 29/02/2016 | Yoga                                    | CABY              | 0               | \$75                      |
| 1/03/2016  | NEFF (GRDC updates) x 4 days            | NEFF              | \$210           | \$210                     |
| 5/03/2016  | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 7/03/2016  | Yoga                                    | CABY              | 0               | \$75                      |
| 12/03/2016 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 14/03/2016 | yoga                                    | CABY              | 0               | \$75                      |
| 19/03/2016 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 21/03/2016 | yoga                                    | CABY              | 0               | \$75                      |
| 26/03/2016 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 28/03/2016 | yoga                                    | CABY              | 0               | \$75                      |
| 3/04/2016  | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 4/04/2016  | yoga                                    | CABY              | 0               | \$75                      |
| 8/04/2016  | Yuna P&C                                | Yuna P & C        | 0               | \$0                       |
| 9/04/2016  | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |
| 16/04/2016 | Tennis                                  | Yuna Tennis Club  | 0               | \$105                     |



## YMCC - HIRE ANALYSIS

|                     |                            |                        |       |         |
|---------------------|----------------------------|------------------------|-------|---------|
| 3/05/2016           | yoga                       | CABY                   | 0     | \$75    |
| 17/05/2016          | yoga                       | CABY                   | 0     | \$75    |
| 24/05/2016          | yoga                       | CABY                   | 0     | \$75    |
| 31/05/2016          | yoga                       | CABY                   | 0     | \$75    |
| 7/06/2016           | yoga                       | CABY                   | 0     | \$75    |
| 14/06/2016          | yoga                       | CABY                   | 0     | \$75    |
| 15/06/2016          | YFIG                       | YFIG                   | 0     | \$75    |
| 16/06/2016          | E Conect & Post Emergent   | YFIG                   | 0     | \$75    |
| 21/06/2016          | yoga                       | CABY                   | 0     | \$75    |
| 22/06/2016          | Chat to a Champ - Yuna PS  | Yuna PS                | 0     | \$0     |
| 23/06/2016          | CABY Meeting               | CABY                   | 0     | \$35    |
| 28/06/2016          | yoga                       | CABY                   | 0     | \$75    |
| 1/07/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 5/07/2016           | yoga                       | CABY                   | 0     | \$75    |
| 8/07/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 12/07/2016          | yoga                       | CABY                   | 0     | \$75    |
| 15/07/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 19/07/2016          | yoga                       | CABY                   | 0     | \$75    |
| 22/07/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 22/07/2016          | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 26/07/2016          | yoga                       | CABY                   | 0     | \$75    |
| 29/07/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 31/07/2016          | Batavia Coast Car Club     | Batavia Coast Car Club | \$105 | \$105   |
| 2/08/2016           | yoga                       | CABY                   | 0     | \$75    |
| 5/08/2016           | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 5/08/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 9/08/2016           | yoga                       | CABY                   | 0     | \$75    |
| 12/08/2016          | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 12/08/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 14/08/2016          | Aerial Photography Display | Ian Jacobs             | \$35  | \$35    |
| 16/08/2016          | yoga                       | CABY                   | 0     | \$75    |
| 18/08/2016          | Term 3 General meeting     | Yuna PS                | 0     | \$0     |
| 19/08/2016          | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 19/08/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 23/08/2016          | yoga                       | CABY                   | 0     | \$75    |
| 26/08/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 30/08/2016          | yoga                       | CABY                   | 0     | \$75    |
| 2/09/2016           | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 2/09/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 6/09/2016           | yoga                       | CABY                   | 0     | \$75    |
| 7/09/2016           | Yuna PS - cooking          | Yuna PS                | 0     | \$0     |
| 9/09/2016           | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 9/09/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 12/09/2016          | CBH Pre harvest brief      | CBH                    | \$65  | \$65    |
| 12/09/2016          | Meedac Inc                 | Meedac Inc             | \$35  | \$35    |
| 13/09/2016          | Agrimaster                 | Yuna CWA               | 0     | \$105   |
| 13/09/2016          | yoga                       | CABY                   | 0     | \$75    |
| 15/09/2016          | Agrimaster                 | Yuna CWA               | 0     | \$75    |
| 16/09/2016          | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 16/09/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 19/09/2016          | Yuna PS                    | Yuna PS                | 0     | \$0     |
| 20/09/2016          | Fire Awareness workshop    | YFIG/CWA/SoCV          | 0     | \$0     |
| 20/09/2016          | yoga                       | CABY                   | 0     | \$75    |
| 22/09/2016          | Yuna PS                    | Yuna PS                | 0     | \$0     |
| 23/09/2016          | Tennis lessons             | Yuna PS                | 0     | \$0     |
| 23/09/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 27/09/2016          | yoga                       | CABY                   | 0     | \$75    |
| 29/09/2016          | Meedac Inc                 | Meedac Inc             | \$35  | \$35    |
| 30/09/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 2/10/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 9/10/2016           | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 11/10/2016          | Yoga                       | CABY                   | 0     | \$75    |
| 16/10/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 18/10/2016          | Yoga                       | CABY                   | 0     | \$75    |
| 20/10/2016          | MWDC Board meeting         | SoCV                   | 0     | \$0     |
| 21/10/2016          | MWDC Board meeting         | SoCV                   | 0     | \$0     |
| 23/10/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| 25/10/2016          | Meedac Inc                 | Meedac Inc             | \$35  | \$35    |
| 25/10/2016          | Yoga                       | CABY                   | 0     | \$75    |
| 30/10/2016          | Social Play Tennis         | Yuna Tennis Club       | 0     | \$105   |
| Total Fees Received |                            |                        | \$833 | \$8,358 |

YMCC - HIRE ANALYSIS

|                                                                                                         |            |                |
|---------------------------------------------------------------------------------------------------------|------------|----------------|
| Number of No Charge Functions - Yuna PS                                                                 | 18         | 14.52%         |
| Number of SoCV Organised Functions                                                                      | 5          | 4.03%          |
| Number of Booking for Non-Affiliated Groups Paying Hire Fee                                             | 11         | 8.87%          |
| Number of Booking for Affiliated Groups Not Paying Hire Fee                                             | 90         | 72.58%         |
| <b>Total Days Used</b>                                                                                  | <b>124</b> | <b>100.00%</b> |
| <b>Total Days for Period</b>                                                                            | <b>426</b> |                |
| <b>Average Use Over Period</b>                                                                          | <b>29%</b> |                |
| <b>Summary of Individual Affiliated Groups Use</b>                                                      |            |                |
| ~ Tennis Club                                                                                           | 35         |                |
| ~ CABY - Yoga                                                                                           | 39         |                |
| ~ CABY - Other                                                                                          | 5          |                |
| ~ YFIG                                                                                                  | 8          |                |
| ~ Yuna CWA                                                                                              | 3          |                |
| <b>Total</b>                                                                                            | <b>90</b>  |                |
| Annual Lease Payment by CABY under Management Licence                                                   | \$1,522.50 |                |
| Average Cost per Use By Affiliated Groups under Management Licence                                      | \$16.92    |                |
| Average Cost per Use By Non-Affiliated Groups under Management Licence                                  | \$83.61    |                |
| Actual Costs that would have been charged to Affiliated Groups if no exemption under Management Licence | \$7,525.00 |                |

**Note: Yuna Hall was hired out once during the same period for the Yuna PS EOY Function/Concert - No Fee Charged.**

|                            |                                                            |
|----------------------------|------------------------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.3.3</b>                                               |
| <b>SUBJECT:</b>            | <b>BUSH FIRE UHF RADIOS<br/>(BUDGET VARIATION REQUEST)</b> |
| <b>PROPONENT:</b>          | <b>SHIRE OF CHAPMAN VALLEY</b>                             |
| <b>SITE:</b>               | <b>SHIRE OF CHAPMAN VALLEY</b>                             |
| <b>FILE REFERENCE:</b>     | <b>601.04</b>                                              |
| <b>PREVIOUS REFERENCE:</b> | <b>MINUTE REF: 09/16-11</b>                                |
| <b>DATE:</b>               | <b>16 NOVEMBER 2016</b>                                    |
| <b>AUTHOR:</b>             | <b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>          |

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

Council resolved the following at the September 2016 OCM:

*“MOVED: CR FORRESTER*

*SECONDED: CR WOOD*

- Council endorse the following variations to the 2016/2017 Budget to allow flexibility for the following Projects to be incorporated into an overall total expenditure:*

| COA/Job No | COA Description                                                                         | Budgeted        | Estimated Overall<br>Actual<br>Expenditure<br>Across All<br>COAs/Jobs | Variation  |
|------------|-----------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------|------------|
| 0744       | Capital Exp. – Land & Buildings<br>(Tower Repairs)                                      | \$12,000        | \$42,000                                                              | \$0        |
| 3132/CD018 | Community Development<br>Expenditure<br>(Dedicated Fixed Wireless<br>Internet Services) | \$10,000        |                                                                       |            |
| 3132/CD017 | Community Development<br>Expenditure<br>(MWDC Internet Pilot Project)                   | \$20,000        |                                                                       |            |
| 3132/New   | Community Development<br>Expenditure<br>(NCZ Telco Internet Proposal)                   | \$0             |                                                                       |            |
|            | <i>Total</i>                                                                            | <i>\$42,000</i> | <i>\$42,000</i>                                                       | <i>\$0</i> |

- Authorise the Chief Executive Officer only to proceed with the (Dedicated Fixed Wireless Internet Services) if he is assured the new service will satisfactorily accommodate and improve upon the needs of the organisations internet service and the annual internet service fees are not excessive in comparison to current costs being incurred.*

*Voting 7/0*

*CARRIED*

*Minute Reference: 09/16-11”*

The purpose of this report is to seek Council’s endorsement for another amendment to this resolution to allow for the acquisition and installation of UHF 80 Channel Radios in to ten (10) shire owned fire fighting vehicles.

## COMMENT

At a recent Bush Fire Control Officer (BFCO) pre-season meeting the question was asked if Shire could install stand-alone 80 Channel UHF Radios into the Shire Fire Fighting Units (i.e. Fast Attacks & Tanker). The reason for this request was the concerns all BFCOs have with the existing WAERN radios and the difficulty in operating these appliances and determining where the call is coming from (VHF or UHF).

It was explained all volunteer fire units (farmers vehicles) operate on UHF radios during the fire as they do not have the VHF/WAERN access.

I have enquired with the Department of Fire & Emergency Services (DFES) if the cost to install UHF Radios into the Shire fire fighting vehicles would be covered under the Local Government Grants Scheme (LGGS) as an eligible expenditure to claimed back from DFES. The response was negative (as expected) i.e.

*“.....I have discussed your request regarding the installation of standalone UHF radio on the Shires firefighting appliances and if these cost can be claimed via the LGGS with my Manager in our meeting this morning and unfortunately these costs cannot be claimed via the LGGS. As you are aware DFES supports the WAERN system and this is fully supplied and maintained by DFES’ Radio and Communications branch. Should you have any concerns or issues regarding the WAERN system may I suggest that you contact Anthony Benbow, Manager Radio Communications, on 9478 8210.*

*I have also forwarded your email to Anthony so he is aware of your concerns regarding the WAERN system.”*

Staff have obtained quotes for the cost to install ten (10) UHF Radios into the Shires firefighting vehicles with the best of these quotes being approximately \$4,100 (GST Exclusive).

At the September 2016 OCM Council endorsed the following recommended budget variation (Minute Reference 09/16-11):

| COA/Job No | COA Description                                                                | Budgeted        | Estimated Overall Actual Expenditure Across All COAs/Jobs | Variation  |
|------------|--------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------|------------|
| 0744       | Capital Exp. – Land & Buildings (Tower Repairs)                                | \$12,000        | \$42,000                                                  | \$0        |
| 3132/CD018 | Community Development Expenditure (Dedicated Fixed Wireless Internet Services) | \$10,000        |                                                           |            |
| 3132/CD017 | Community Development Expenditure (MWDC Internet Pilot Project)                | \$20,000        |                                                           |            |
| 3132/New   | Community Development Expenditure (NCZ Telco Internet Proposal)                | \$0             |                                                           |            |
|            | <b>Total</b>                                                                   | <b>\$42,000</b> | <b>\$42,000</b>                                           | <b>\$0</b> |

I am now seeking a variation to this resolution (which has not been acted on, so does not require a revocation process) to be able to accommodate the acquisition & installation of the ten (10) UHF Radios into the Shires firefighting vehicles:

| COA/Job No  | COA Description                                                                               | Budgeted        | Estimated Overall Actual Expenditure Across All COAs/Jobs | Variation       |
|-------------|-----------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------|-----------------|
| 0744        | Capital Exp. – Land & Buildings (Tower Repairs)                                               | \$12,000        | \$4,500                                                   | -\$7,500        |
| <b>1722</b> | <b>Acquisition/Installation of ten (10) UHF Radios into the Shires firefighting vehicles)</b> | <b>\$0</b>      | <b>\$4,100</b>                                            | <b>+\$4,100</b> |
| 3132/CD017  | Community Development Expenditure (MWDC Internet Pilot Project)                               | \$20,000        | \$0                                                       | -\$20,000       |
| 3132/CD018  | Community Development Expenditure (Dedicated Fixed Wireless Internet Services)                | \$10,000        | \$33,400                                                  | +\$23,400       |
| 3132/New    | Community Development Expenditure (NCZ Telco Internet Proposal)                               | \$0             |                                                           |                 |
|             | <b>Total</b>                                                                                  | <b>\$42,000</b> | <b>\$42,000</b>                                           | <b>\$0</b>      |

## STATUTORY ENVIRONMENT

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

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

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
- (b) is authorised in advance by resolution\*; or
- (c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

(1a) In subsection (1):

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

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

## POLICY IMPLICATIONS

No existing policy affected or relevant.

## FINANCIAL IMPLICATIONS

The Staff Recommendation is requesting the reallocation of funds, yet with no increase in total expenditure across the overall expenditure budgeted for in 2016/2017.

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

Nil affect.

## STRATEGIC IMPLICATIONS

No significant effect on strategic planning of the Shire.

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

Reallocation of funds as recommended will assist in achieving the following aspects of Council's Strategic Community Plan:

| Objective                                                   | Strategy                                                                                                         | Actions                                                                        |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| We need good services to support our development as a Shire | Maintain and improve existing services and facilities and look at what additional services the community require | Support improved telecommunications, power and water services in the community |

## CONSULTATION

The issue of the WAERN Radio system has been item for discussion over many years, specifically how difficult they are to use. This was part of the discussions at the most recent BFCO pre-season meeting, which has triggered the item being presented to Council for consideration.

## RISK ASSESSMENT

DFES has expressed concern with the proposal to install additional UHF radios into the fire fighting vehicles and below is an extract from an email received from DFES on this matter:

*“....I have received the following response back from Anthony Benbow, Manager Radio Communications which may be of some assistance:*

*“The fitment of UHF CB seems unnecessary, as the WAERN radios have the full set of channels and can operate as effectively as any CB, therefore they are duplicating a capability they’ve already got. Many volunteer FCOs in other regions successfully use them as CB.” “.....if these CB radios are for installation into ESL appliances I would be concerned for any work to follow DFES’ procedures for radio installation.”*

*(In addition to the radios and EW gear, these vehicles now have (or are having) crew protection measures added, and will soon have AVL equipment fitted, all this needs to be worked around.)....”*

I have been in discussions with Anthony Benbow, Manager Radio Communications, DFES, who has been very helpful in assisting with how the UHF radios can be fitted to ensure the installation does not adversely affect existing or possible future appliances, etc. on the fire vehicles. Anthony has work directly with ML Communications on the installation requirements.

## VOTING REQUIREMENTS

### Absolute Majority

## COUNCIL RESOLUTION / STAFF RECOMMENDATION

**MOVED: CR ROYCE**

**SECONDED: CR WOOD**

Council endorses the following variations to the 2016/2017 Budget:

| COA/Job No   | COA Description                                                                        | Budgeted | Estimated Overall Actual Expenditure Across All COAs/Jobs | Variation |
|--------------|----------------------------------------------------------------------------------------|----------|-----------------------------------------------------------|-----------|
| 0744         | Capital Exp. – Land & Buildings (Tower Repairs)                                        | \$12,000 | \$4,500                                                   | -\$7,500  |
| 1722         | Acquisition/Installation of ten (10) UHF Radios into the Shires firefighting vehicles) | \$0      | \$4,100                                                   | +\$4,100  |
| 3132 / CD017 | Community Development Expenditure (MWDC Internet Pilot Project)                        | \$20,000 | \$0                                                       | -\$20,000 |
| 3132 / CD018 | Community Development Expenditure (Dedicated Fixed Wireless Internet Services)         | \$10,000 | \$33,400                                                  | +\$23,400 |
| 3132 / New   | Community Development Expenditure (NCZ Telco Internet Proposal)                        | \$0      |                                                           |           |
|              | Total                                                                                  | \$42,000 | \$42,000                                                  | \$0       |

**Voting 7/0  
CARRIED  
Minute Reference 11/16-11**

|                            |                                      |
|----------------------------|--------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>9.3.4</b>                         |
| <b>SUBJECT:</b>            | <b>NABAWA TURF WICKET</b>            |
| <b>PROPONENT:</b>          | <b>CHIEF EXECUTIVE OFFICER</b>       |
| <b>SITE:</b>               | <b>NABAWA RECREATION CENTRE</b>      |
| <b>FILE REFERENCE:</b>     | <b>803.05</b>                        |
| <b>PREVIOUS REFERENCE:</b> | <b>Minute Ref: 02/14-24</b>          |
| <b>DATE:</b>               | <b>16<sup>th</sup> NOVEMBER 2016</b> |
| <b>AUTHOR:</b>             | <b>MAURICE BATTILANA</b>             |

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

At the February 2016 Ordinary Council Meeting the following was resolved:

*"Council:*

- 1 Commence discussions with the City of Greater Geraldton to investigate a possible collaborative approach to cater for the maintenance and curator requirements of all five turf wickets (i.e. four in City of Greater Geraldton and one in the Shire of Chapman Valley);*
- 2 Include in discussions with the City of Greater Geraldton other possible parks and garden resource requirements (e.g. Shire of Chapman Valley Western Regions);*
- 3 After completion of discussions with the City of Greater Geraldton bring this item back to Council for further consideration;*
- 4 Continue with the existing annually reviewed Formal Instrument of Agreement at the current annual payment made to the Geraldton Regional Cricket Board until the outcome of discussions with the City of Greater Geraldton are known.*

*Voting 7/0*

**CARRIED**

*Minute Reference 02/14-24"*

It appears this matter has not gone any further with the City of Geraldton and has not been dealt with since the current Agreement expired on the 30<sup>th</sup> April 2014.

The existing Agreement has continued with the annual fee paid to the GRCB being retained at the amount of \$7,360, as set in September 2013.

## COMMENT

Contact was made with the CEO with the City of Greater Geraldton (CGG) to discuss the possibility of establishing a contract (or employee) to look after all five turf wickets (i.e. four in the CGG and one at Nabawa). It was thought this concept may also have fitted into the Tender Council called at the time for the Western Regions Mowing, Slashing and Maintenance works as a variation to the contract. History has resulted in Council not continuing with the external contractor and employing an additional gardener to assist with gardening requirements of the Western Regions of the Shire. The regional approach to work with the CGG was not considered favorable and therefore not entered into. Therefore the existing Agreement with the GRCB was simply continued with. However; this was not brought back to Council for review after the expiration of the Agreement (i.e. September 2014).

The purpose of this Agenda Item is to request Council review the current Agreement and amend the term to allow for an ongoing renewal at the CEOs discretion, with the contract only being brought back to Council for consideration on an as-needs basis.

## STATUTORY ENVIRONMENT

The *Formal Instrument of Agreement* is a legally binding document, signed by Council and the GRCB to maintain the Nabawa turf wicket.



## POLICY IMPLICATIONS

No existing policy affected.

## FINANCIAL IMPLICATIONS

The Shire currently spend an average of approximately \$8,000 per annum. This is predominantly comprised of payment to the GRCB for the curator to maintain the turf wicket (i.e. \$7,360 pa) with the balance being materials, chemicals, etc.

As previously reported, the cost estimate to install a synthetic cricket wicket is in the vicinity of \$20,000 (i.e. concrete slab & synthetic turf material) with the annual maintenance requirements needing to include:

- Acquisition, placement & removal of rubberized mat to cover slab during football season;
- Light sanding around slab & mat for football season. This will eventually result in a build up of grass growth at the edges of the mat, which will require periodical cutting & leveling.

The Chapman Valley Northampton Cricket Club (CVNCC) currently pays an annual fee of \$1,353 to the Shire of Chapman Valley to use the recreational facilities at Nabawa. This is in comparison to:

|                                            |         |
|--------------------------------------------|---------|
| CV Football Club                           | \$1,635 |
| CV Basketball Club (only if facility used) | \$1,177 |
| Geraldton Cricket Club (CVNCC)             | \$1,353 |
| Nabawa Tennis Club                         | \$ 340  |
| Greenough Western Riding Club              | \$ 406  |
| CV Agricultural Society                    | \$ 406  |
| CABY YMCC                                  | \$1,522 |

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

The LTFP will not be affected by the continuation of the current Agreement.

## STRATEGIC IMPLICATIONS

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

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

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

## CONSULTATION

The establishment of an Agreement for the ongoing maintenance of the Nabawa turf wicket was carried out in 2013 and discussions were entered into with the CGG subsequently.

## RISK ASSESSMENT

Ineffective Management of facilities/Venues

Failure to effectively manage the day to day operations of facilities and/or venues. This includes:

- Inadequate procedures in place to manage the maintenance, quality or availability of facilities;
- Financial interactions with hirers/users of facilities.

## VOTING REQUIREMENTS

Simple Majority

## **COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR WOOD**

Council:

- 1 Endorses the existing *Formal Instrument of Agreement* with the Geraldton Regional Cricket Board Inc. for the ongoing maintenance and curation of the Nabawa turf wicket as presented;
- 2 Approves the ongoing continuation of the *Formal Instrument of Agreement* for current and future annual cricket seasons, with the Chief Executive Officer bringing any major variations to the Agreement back to Council for consideration as he/she determines necessary, or as requested by the Geraldton Regional Cricket Board Inc.;
- 3 Reviews the annual contract payment amount listed in the *Formal Instrument of Agreement* made to the Geraldton Regional Cricket Board Inc. as part of the Shire's annual budget determinations.

**Voting 7/0**

**CARRIED**

**Minute Reference 11/16-12**



## FORMAL INSTRUMENT OF AGREEMENT

### THIS AGREEMENT

made this \_\_\_\_\_ day of \_\_\_\_\_ 2016

**BETWEEN** Geraldton Regional Cricket Board Inc  
(hereafter referred to as 'The Contractor')  
Of

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

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

### WITNESS that:

1. The Shire will pay the Contractor the amount listed below for a contract curator services for the Nabawa Oval Turf wicket:

- Seven Thousand Three Hundred and Sixty Dollars (\$7,360), reviewed annual as part of the Shire's budget determinations

The:

- Commencement date of the contract is 1<sup>st</sup> September 2016;
- For a period as determined by the Shire of Chapman Valley.

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

- Eight equal monthly payments of \$920 payable at the end of each month.
- Payments to commence on 30 September with final payment on 30<sup>th</sup> April each year.
- Payments to be deposited directly into the Geraldton Regional Cricket Board nominated bank account:

Geraldton Regional Cricket Board  
Westpac Marine Terrace Geraldton  
BSB: 036 103  
Acc No: 250576

3. The Shire has accepted the Contractor's **OFFER** at the proposed rates submitted subject to the conditions specified in this Agreement to the fair spirit, intent and meaning of the contract.
4. The Contractor agrees to undertake all necessary work as a contract curator responsible for turf wickets located at Nabawa Oval for the Shire on Shire purchase orders issued to the Contractor during the period of the contract, in conformity with the detailed requirements and the conditions described herein.
5. The Shire covenants with the Contractor that it will pay in accordance with conditions of contract for services supplied by the Contractor where such services are acceptable to the Shire and of the quality described in the documents.

6. The Contractor agrees to render the following services under this contract:
  - a) Maintain and prepare wickets between the months of September to April of the contract year and this includes mowing, top dressing, watering, rolling, fertilising, spraying, grassing etc.
  - b) Provide a log book of hours, tasks and location (park).
  - c) Provide daily service (maintenance, fuel and oil for machinery).
7. The Shire covenants with the contractor that for the period of the contract, it will provide the following goods and services:
  - a) Supply soil, fertilizer, chemicals, hoses, machinery and equipment.
  - b) Service machinery.
  - c) Mow as required between the periods of June to July of the contract year.
8. Fertilizer and chemicals to be supplied by the Shire:
  - 1) Nitrofoska Perfek Fertilizer Granules (2 Bags @ 20KG per bag)
  - 2) Fungonil – Fungicide 6 litres
  - 3) Spinflo – Fungicide 6 litres
  - 4) Roural GT – Fungicide 6 litres
  - 5) Sulphur of Amonia (1 Bag @ 20 kg per bag)
  - 6) Lorsban – Insecticide 3 litres
  - 7) Flat White Water Based Paint – 10 litres
  - 8) Soaker Hoses – 2 hoses @ 15 metres each
  - 9) Timer to be fitted to tap near pitch for soaker hoses.

**EXECUTED BY THE PARTIES**

**SIGNED BY:**

\_\_\_\_\_  
GERALDTON REGIONAL CRICKET  
BOARD 'CONTRACTOR'

\_\_\_\_\_  
PRINTED NAME

**IN THE PRESENCE OF:**

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
PRINTED NAME

or

The Company **COMMON SEAL** was affixed in accordance with its Articles of Association pursuant to a resolution of the Board of Directors in the presence of

\_\_\_\_\_  
DIRECTOR

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
DIRECTOR / SECRETARY

\_\_\_\_\_  
PRINTED NAME

**AND BY THE SHIRE OF CHAPMAN VALLEY:**

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
PRINTED NAME

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
PRINTED NAME

**10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

11.1 Elected Member Reports

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

Nil

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

13.1 Deputy CEO Contract

**COUNCIL RESOLUTION**

**MOVED: CR FARRELL**

**SECONDED: CR WOOD**

That Council resolve the meeting be closed to members of the public to discuss Agenda Item 13.1 in accordance with the Local Government Act 1995 Section 5.23(2)(a) as it is considered a matter affecting an employee

**Voting 7/0**

**CARRIED**

**Minute Reference 11/16-13**

*Mr Lancaster and Mrs McKay left Chambers at 10.58am.*

|                            |                                              |
|----------------------------|----------------------------------------------|
| <b>AGENDA ITEM:</b>        | <b>13.1</b>                                  |
| <b>SUBJECT:</b>            | <b>RENEWAL OF CONTRACT – SIMON LANCASTER</b> |
| <b>PROPONENT:</b>          | <b>CHIEF EXECUTIVE OFFICER</b>               |
| <b>SITE:</b>               | <b>SHIRE OF CHAPMAN VALLEY</b>               |
| <b>FILE REFERENCE:</b>     | <b>908.102</b>                               |
| <b>PREVIOUS REFERENCE:</b> | <b>MINUTE REF: 6/13-20</b>                   |
| <b>AUTHOR:</b>             | <b>MAURICE BATTILANA</b>                     |

**COUNCIL RESOLUTION / STAFF RECOMMENDATION**

**MOVED: CR FARRELL**

**SECONDED: CR WOOD**

That Council endorse the contract for the extension of employment of Simon Lancaster to the position of Deputy Chief Executive Officer for the Shire of Chapman Valley for the period of five years commencing on the 16<sup>th</sup> November 2016 in accordance with section 5.37 and 5.39 of the *Local Government Act 1995* superseding previous contracts.

**Voting 7/0**

**CARRIED**

**Minute Reference 11/16-14**

**COUNCIL RESOLUTION**

**MOVED: CR FARRELL**

**SECONDED: CR WOOD**

That the meeting be re-opened to the public.

**Voting 7/0**

**CARRIED**

**Minute Reference 11/16-15**



#### **14.0 CLOSURE**

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 11.08am.