



Shire of
Chapman Valley
Love the Rural Life

UNCONFIRMED MINUTES

MAY 2012

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council was held on Wednesday 16th May 2012
at the Council Chambers, Nabawa, commencing at 10.03am

Stuart Billingham
CHIEF EXECUTIVE OFFICER

SHIRE OF CHAPMAN VALLEY

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**

DISCLAIMER



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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.


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CHIEF EXECUTIVE OFFICER

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Disclaimer (To be provided to visitors present)

Order of Business:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Chairman, Cr John Collingwood welcomed Elected Members and Staff and declared the meeting open at 10:03am.

2.0 LOYAL TOAST

The Presiding member proposed a loyal toast to her Majesty the Queen.

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 Peter Batten - Deputy President	North East Ward
Cr Beverly Davidson	North East Ward
Cr Anthony Farrell	North East Ward
Cr Trevor Royce	North East Ward
Cr Pauline Forrester	North East Ward
Cr Peter Humphrey	South West Ward
Cr David Bell	South West Ward

b. Staff

Officer	Position
Mr Stuart Billingham	Chief Executive Officer
Mr Simon Lancaster	Manager of Planning
Mrs Dylan Stainton-Owen	Executive Assistant (minute taker)

3.2 APOLOGIES

Nil

3.3 VISITORS

Name	Time In/ Time Out
Chantelle Peace	(10.00am – 10.35am)
Trish Meredith	(10.00am – 10.35am)
Suzanne Ward	(10.00am – 10.34am)
Peter Ward	(10.00am – 10.34am)
Gail Paterson	(10.00am – 10.59am)
Peter Erlandson	(10.00am – 10.59am)

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4.0 PUBLIC QUESTION TIME

4.1 Questions on Notice

As presented by Mrs G Paterson – 11.05.2012 (CR126938)

4.2 Questions without Notice

1. Mrs Trish Meredith – Winds in Shire of Chapman Valley

Mrs Meredith stated that winds currently being experienced in the Shire of Chapman Valley are from an easterly direction in the afternoon and as a consequence blow directly upon her property. Mrs Meredith advised that she has been collecting recent wind data and that further information is also obtainable from the Bureau of Meteorology.

2. Mrs Gail Paterson – Agenda 10.1.2 Proposed Clubhouse

a. Why did a Public Discussion/ Forum not take place?

- Cr Collingwood responded that for a Public Discussion/ Forum to take place, it must be called by members of the public.
- Mr Lancaster advised that in accordance with the Scheme there is no requirement for advertising and the application could be have been dealt with under delegated authority however the decision was made by the Shire to advertise the application to provide the opportunity for public comment.
- Mr Lancaster provided further advice following a query regarding the date of 29th February by Cr Humphrey. This advice highlighted the date referred to originally by Mrs Paterson related to the date the application was received.

b. How many Club houses have three (3) bedrooms?

- An answer could not be provided to this question due to its broad nature.

c. Has there been consultation with the Geraldton/ Northampton Police Authorities?

- Mr Lancaster advised that the Geraldton/ Northampton Police Authorities had not been consulted.

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- d. Can it be assured that a liquor licence will not be granted in the future?
 - Mr Lancaster advised that the Shire of Chapman Valley is not the responsible authority for the granting of Liquor Licences. Should the applicant seek to acquire a liquor licence, an application will need to be lodged to the Department of Racing, Gaming and Liquor. The Shire of Chapman Valley is provided an opportunity to comment on such an application.
 - Mr Lancaster advised that the Conditions outlined within the Officer Recommendation clearly state that that should approval be granted for the Reclassification, this will not constitute approval for a liquor licence.
 - e. Why are non residents of the area allowed to undertake such activity within the town site?
 - Cr Collingwood expressed belief that the property was purchased by the landowners for its traditional/ cultural heritage. It is believed that the application is related to this.
3. Mr Peter Erlandson – Nabawa Water Supply & Quality
- a. Is Nabawa's water supply from Geraldton or is it Groundwater/ Rainwater?
 - Mr Billingham advised that water tanks located south of Nabawa's town site have been decommissioned. Water Corporation has confirmed that 100 per cent of town water supplies are now being carted by truck from Waggrakine and then pumped and pressured throughout the town site. It has been confirmed the quality of water has become poorer. However it has also been confirmed that acceptable quality standards can be up to 1000, Nabawa is currently receiving water of a standard of 600.
 - Cr Humphrey advised that the water quality in Parkfalls Estate is also of a poorer standard.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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6.0 DISCLOSURE OF INTEREST

Nil

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 18th April 2012

That the minutes of the Ordinary Meeting of Council held on Wednesday 18th April 2012 be confirmed as a true and accurate record.

COUNCIL DECISION

MOVED: CR PETER BATTEN

SECONDED: CR PAULINE FORRESTER

That the Minutes of the Ordinary Meeting of Council held on 18th April 2012 be confirmed as a true and accurate record as amended by Cr Pauline Forrester:

Item 3.1 (page 3) Present Councillors: Cr David Bell - South West Ward and Cr Anthony Farrell - North East Ward.

**CARRIED
Voting 8/0
Minute Reference 05/12-1**

9.0 ACCEPTANCE OF MONTHLY STATUS REPORT

Received

10.0 REPORTS OF COMMITTEE & OFFICERS

10.1 Manager of Planning

10.1.1 Proposed Extractive Industry (Gravel & Sand)

10.1.2 Proposed Club Premises & Building Reclassification of an Existing Structure

10.1.3 Proposed Chalets – Buller

10.1.4 Application to Reside in a Caravan – Yetna

10.1.5 Review of Local Planning Policy – Outbuildings

10.2 Chief Executive Officer

10.2.1 Provision of Audit Services – Appointment of Individual Auditors

10.2.2 Future of Batavia Regional Organisations of Councils (BROC)

10.2.3 Country Local Government Fund (CLGF) Batavia Group Regional Component Timetable

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10.3 Finance & Administration

10.3.1 Financial Report May 2012

10.3.2 Differential Rates 2012/13

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

Nil.

12.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

12.1 Elected Member Reports

Nil

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10.1 MANAGER OF PLANNING

AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED EXTRACTIVE INDUSTRY (GRAVEL & SAND)
PROPONENT:	P & S WARD
SITE:	LOTS 12 & 54 URCH ROAD, YETNA
FILE REFERENCE:	A997 & A1280
PREVIOUS REFERENCE:	Nil
DATE:	8 MAY 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

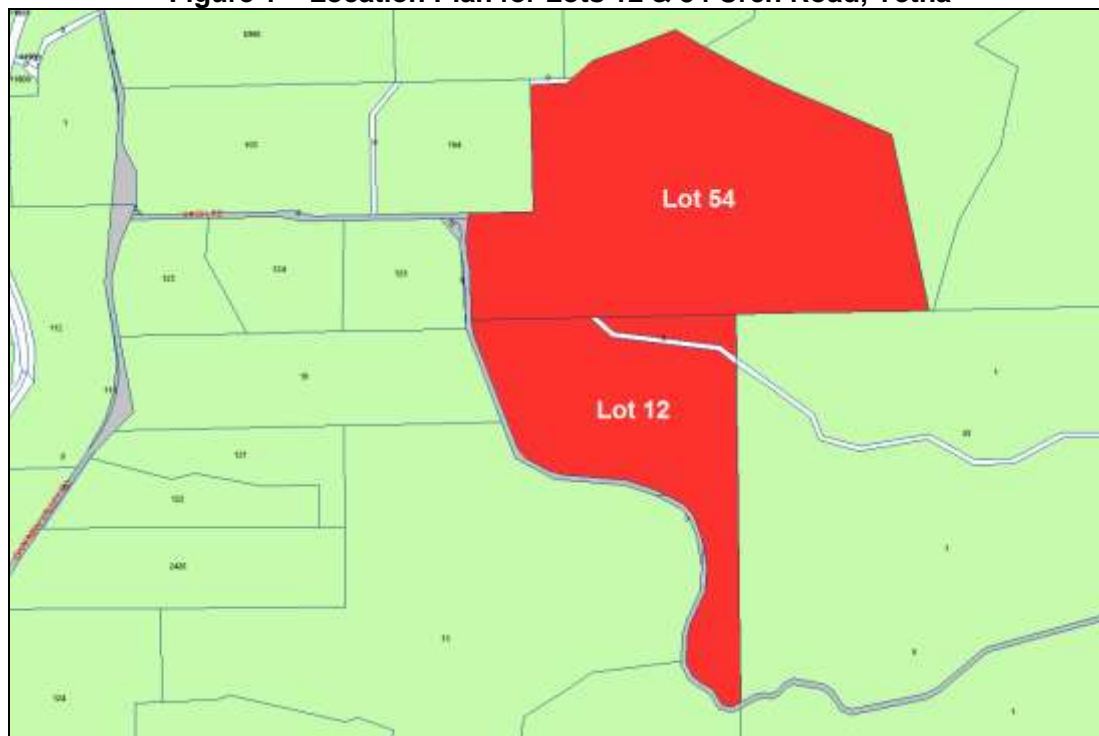
BACKGROUND

Council is in receipt of an application that seeks to establish an extractive industry (gravel and sand) upon Lots 12 and 54 Urch Road, Yetna. This report recommends approval of the applicant's proposed gravel extraction site and refusal of the applicant's proposed sand extractive site. This report further recommends approval of an alternative sand extractive site located elsewhere upon the applicant's property.

COMMENT

The applicant owns Lot 54 (146.5166ha) which contains a residence and outbuilding and Lot 12 (72.4027ha) both of which have frontage to the gravel standard Urch Road.

Figure 1 – Location Plan for Lots 12 & 54 Urch Road, Yetna



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The applicant proposes to extract 2,000m³ of yellow sand per annum from Lot 54 and 2,000m³ of gravel per annum from Lot 12. A copy of the applicant's submitted correspondence and site plan has been included as **Attachment 1** to this report.

The extractive industry areas would not require the clearing of native vegetation and it is proposed that approximately 500mm of top soil would be removed prior to extraction and replaced after each pit has expired to enable cropping to be resumed. The on-site operation would comprise the extraction to a depth of 3m for the sand quarry and 1.5m for the gravel quarry (in both instances this would be additional to the 500mm removed top soil) using a loader, bulldozer, 6 wheel trucks, water truck and semi-tipper. The applicant proposes that vehicle movements would not exceed 10 truckloads per day and the hours of operation would be 7am to 6pm Monday to Saturday over a resource life of 10 years.

Figure 2 – Aerial photograph for Lots 12 & 54 Urch Road, Yetna



The proposed gravel quarry upon Lot 12 would be setback 100m from Urch Road and in the location where previously the Shire has pushed up gravel for planned roadworks. The proposed sand quarry upon Lot 54 would be setback 250m from Urch Road and access the road via the existing driveway that leads to the applicant's residence.

The application has been lodged subsequent to the commencement of the operation of the sand quarry upon Lot 54 in the proposed location. Shire staff received a complaint concerning dust emissions relating to trucks utilising a track along the northern boundary of Lot 54 to access Urch Road. The Shire contacted the landowner by phone and in writing on the day of the complaint being received and advised that the operation of an extractive industry required the approval of the Local Government. Shire staff further advised the applicant that in their assessment the track being utilised to access Urch Road was located in a position that was unsafe for vehicles travelling along Urch Road

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and presented concerns relating to dust emissions impacting upon a neighbouring landowner.

The landowner ceased the extractive industry activities and lodged the application now before Council, it is noted that the applicant has proposed that the access to the sand quarry site would be via the existing driveway to their residence and not via the previously utilised track.

Figure 3 - View of proposed sand extraction area upon Lot 54



Figure 4 – View of extractive industry vehicle travelling along Urch Road



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The proposed sand quarry is located 300m south-east of the nearest residence, this setback does not conform to the generic 500m separation distance for quarries not involving blasting set by the Environmental Protection Authority's Buffer Distance Table as contained within the draft 'Guidelines for Environment and Planning' (1997) document. The superseding 'Guidance for the Assessment of Environmental Factors – Separation distances between industrial and sensitive land uses' (2005) prescribes a buffer distance of 300-500m for sand extraction dependant upon the size of the operation.

The proposed gravel quarry is located 330m north-east of the nearest third party residence. The 'Guidance for the Assessment of Environmental Factors – Separation distances between industrial and sensitive land uses' (2005) does not prescribe a buffer distance for extractive industries such as gravel that do not require blasting, instead deeming that buffer distances should be set on a case by case basis.

Figure 5 – View of gravel extraction area upon Lot 12



The application was advertised for public comment from 22 March 2012 until 16 April 2012 with the following actions being undertaken inviting comment:

- Placement of a notice in the Mid West Times on 22 March 2012;
- Erection of an advisory sign on-site between 22 March 2012 and 16 April 2012;
- Direct notification being sent to the 10 surrounding and Urch Road landowners; &
- Direct notification being sent to the following government agencies; Alinta Gas, Department of Agriculture & Food, Department of Environment & Conservation, Department of Indigenous Affairs, Department of Industry & Resources, Department of Water, Fire & Emergency Services Authority, Main Roads WA, Telstra, Water Corporation and Western Power.

At the conclusion of the advertising period 6 submissions had been received, with a further 5 submissions received following the conclusion of the 25 day advertising period. 6 submissions expressed support/no objection to the application, 2 submissions provided technical comment upon the application, and 3 submissions expressed an objection to the application.

A Schedule of Submissions has been prepared and included as **Attachment 2** to this report, the Schedule identifies the respondents, summarises the matters raised, provides individual comment upon the matters raised, and a recommendation in regard to each. A copy of the received submissions can be provided to Councillors upon request.

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The objections to the proposed development largely concerned the issue of dust emissions from the sand quarry site in its proposed location with some additional objection to truck movements along Urch Road.

The applicant was advised of the nature of the objections following the conclusion of the advertising period and given opportunity to make a response, the applicant's comments have been included within the Schedule of Submissions. The applicant also advised that their preference for the sand quarry site was in the original location given the quantity of good quality yellow sand, however, if that was not considered acceptable by Council then they have provided an alternative site for consideration. A copy of the applicant's alternative location for the sand quarry (immediately south of the proposed gravel location on Lot 12) has been included as **Attachment 3** to this report.

Shire staff considers that the alternative site for the sand quarry is a preferable location to the original site, however, it should be noted that the alternative sand quarry location (and the gravel quarry) would access Urch Road along a bend. Should Council approve the application for the alternative location for the sand quarry then it is recommended that the access point for the gravel and sand quarries be co-located and sited approximately 30m south of the existing gravel quarry entrance to improve the sightlines in both directions. It is also recommended that the applicant be required to make payment to the Shire for the installation of traffic advisory signage on both approaches to the quarries entrance.

Figure 6 – view of Urch Road looking south from gravel extraction area access point



Figure 7 – view of Urch Road looking north from gravel extraction area access point



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It is also noted that the alternative location for the sand quarry would position it 300m away from a third party residence, which is comparable to the distance from another third party residence in the original location, which gave rise to considerable objection. However, the alternative location for the sand quarry would be north-east of a third party residence as opposed to south-east of a third party residence which would mitigate some potential dust emissions due to the direction of the prevailing winds. In summer the winds are generally from a south to south-easterly direction in the mornings with a strengthening south-southwesterly sea breeze in the afternoon. It is noted that winds can come from a north-easterly direction but this is generally confined to winter mornings when dust emissions would be less likely due to higher moisture content. North-easterly winds are generally confined to winter mornings and winter afternoons tend to produce variable winds that can be from any direction but with a westerly predominance. Council may impose a condition, should it be supportive of a gravel quarry in the proposed location, and a sand quarry in the alternative location, that operational activity be ceased when winds are from a north-easterly direction.

Council may consider that any approval of the sand quarry, either in the original or alternate location, should be for a time-limited period and that at the expiry of that period the matter be returned to Council for its consideration of the application again and any impacts or planning issues arising from that development's operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a 'permanent' approval.

Figure 8 - View of proposed alternative sand extraction area upon Lot 12



STATUTORY ENVIRONMENT

Lots 12 and 54 Urch Road, Yetna are zoned 'General Farming' under the Shire of Chapman Valley Town Planning Scheme No.1, the Policy Statement for which reads:

"This zone embraces the broad acre farming areas of the Shire. It is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit, or where a non-farming use is proposed on the amount of land required for that purpose."

The Zoning and Development Table of the Scheme specifies 'Industry-Extractive' as an 'AP' use under the 'General Farming' zone, this being a use that is permitted if:

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- approval to it is given by the Council after the proposal has been advertised in accordance with Section 5.2.2 of the Scheme;
- it complies with the conditions of the approval (if any) of the Council; and
- it complies with the relevant standards contained in the Scheme Text and in the Zoning and Development Table.

Section 1.7 of the Scheme defines 'Industry-Extractive' to mean:

"Industry - Extractive: Means an industry which involves:

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals (but not including radioactive minerals, unless incidental to the mining of non-radioactive minerals), or similar substances from the land and also the storage, treatment or manufacture of products from those materials on the land from which those materials are extracted or on land adjacent thereto; or*
- (b) the production of salt by the evaporation of sea water."*

The proposed development falls within the interpretation outlined above, and therefore may be considered by Council within the 'General Farming' zone, with or without conditions, following advertising in accordance with Section 5.2 of the Scheme.

Sections 5.2.1 and 5.2.2 of the Scheme require that notice of the application be given in accordance with Section 5.2.3 of the Scheme, and that one or more of the following actions shall be carried out:

- "(a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent, stating that submissions may be made to the Council within twenty-one days of the service of such notice;*
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publications thereof;*
- (c) a sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this Clause."*

Section 5.2.5 of the Scheme requires that at the expiration of the advertising period that Council shall consider and determine the application.

Section 5.3.2 of the Scheme states that:

"The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality issued, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit."

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It is considered that the advertised application with its proposed siting of the sand quarry to the south of a third party residence does not comply with the following objective of the Scheme:

- “1.3.1.(b) To secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;”*

POLICY IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 16.90 ‘Extractive Industry’ sets specific requirements and minimum standards for the establishment of extractive industries in the ‘General Farming’ zone:

“Policy Statement:

- 1. The extraction of basic raw materials to a depth of 1.0 metre or less to be used for improvements the same farming property or for municipal purposes, including the building of roads, is exempt from obtaining planning consent.*
- 2. Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour, visual intrusion or contamination.*
- 3. An extractive industry is not permitted within the principal area (as defined by Council) of the Moresby Flat Topped Ranges and associated valleys until such time as a Moresby Ranges Management Strategy has been completed and endorsed by Council and the Western Australian Planning Commission.*
- 4. No extractive industry will be approved until such time as Council has received advice from the Indigenous Affairs Department and Department of Environment and Conservation in relation to heritage and flora and fauna issues respectively. An extractive industry will not be approved if there are substantiated objections from either of these agencies.*
- 5. An application for an extractive industry will not be favourably considered by Council unless the following information has been submitted with the application for planning consent form:*
 - A surveyed plan of the site showing the proposed area of extraction in relation to topographical features, area of remnant vegetation, existing and proposed access and internal roads, existing buildings, proposed stock pipe area and setback distances from property boundaries;*
 - A cross section of the proposed extraction area showing the depth of extraction, height and battering of the pit walls and face, and access ramp/area;*
 - A rehabilitation plan for the area of extraction prepared in accordance with DEC guidelines showing the re-contouring of the land and areas of re-planting.*

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- *Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.*
6. *Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.*
 7. *Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.*
 8. *Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy 15.20.*
 9. *Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.*
 10. *The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1000 metres from the closest neighbouring residence upon which the Council may entertain extended operating times:*
 - *Monday to Saturday - 7:00 am to 6:00 pm;*
 - *Sundays and Public Holidays - no operations.*
 11. *The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis.*

For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.
 12. *This Policy supersedes previous Town Planning Scheme Policy 16.90 adopted 15th July 2003.*
 13. *Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme No.1, the Town Planning Scheme shall prevail."*

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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.

FINANCIAL IMPLICATIONS

Applications for extractive industry are charged a fee of \$696 under the Shire's Planning Fee Schedule, however, given that the extractive industry was commenced without approval then the additional fee of \$1392 has been charged in this instance by way of penalty as per the Shire's Fee Schedule.

Should Council refuse this application and the applicant proceed to exercise their right of appeal a cost is likely to be imposed on the Shire through its involvement in the appeal process.

Should Council approve the application as lodged it is considered that Shire resources will be directed towards management of the development with particular regard for dust emissions from the sand extractive area.

STRATEGIC IMPLICATIONS

The western portion of Lots 12 and 54 are within Planning Precinct No.3 – Chapman Valley as contained in the Shire of Chapman Valley Local Planning Strategy (2008). The eastern portion of both lots fall within Precinct No.2 – East Chapman under the Strategy.

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

The Strategy lists the following economic objectives for both Precincts:

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

The proposed development would be required to comply with the following environmental objectives listed for both Precincts within the Strategy:

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

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

It is suggested that the applicant should make contribution to the Shire for the upgrading of Urch Road to assist in meeting with the following infrastructure objectives listed for both Precincts within the Strategy:

“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.

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Identify, support and facilitate the efficient and coordinated use of existing road linkages."

The Moresby Range Management Strategy (WAPC, 2009) seeks to coordinate management of the Moresby Range by government agencies, private sector organisations, landowners and community groups, with the aims of protecting, enhancing and promoting the regional significance of the Moresby Range. The subject land falls within the study boundary of the Strategy but is not identified as a visually sensitive area or requiring further investigation. Section 4.5.3 of the Strategy 'Resource extraction and infrastructure' notes that:

"In recognising that mining interests exist on the range it should be noted that the extraction of resources may conflict with other land uses such as conservation, recreation and tourism; therefore, it is important to ensure careful management of potential and existing raw material extraction and mineral resources. This will facilitate the minimisation of potential land use conflict, the loss of visual amenity, a reduced conservation value, and noise and dust pollution. Given that exploration licenses exist in the study area, subdivision and development applications should be referred to the DMP for their comment. In addition, any mining proposal in the study area received by DMP should be referred to the WAPC for consideration so the objectives and recommendations of the strategy are addressed."

Recommendation No.50 of the Strategy states that developments of this nature should seek to:

"Minimise and manage the impact of mineral extraction on the landscape, visual and conservation values of the range with reference to the manual, Visual Landscape Planning in Western Australia (DPI, 2007)."

VOTING REQUIREMENTS

Simple Majority required.

OFFICER RECOMMENDATION

That Council:

- 1 Refuse planning approval to establish an extractive industry (sand) upon Lot 54 Urch Road, Yetna as the proposed location of the sand extractive area, when considered against the prevailing wind direction, the siting of the nearest residence, and the issues raised in objection to the proposal, is not considered consistent with objective 1.3.1(b) of the Shire of Chapman Valley Town Planning Scheme No.1, and objectives 3.3.4 and 3.3.5 of the Shire of Chapman Valley Local Planning Strategy, and policy statement 2 of the Shire of Chapman Valley Local Planning Policy 16.90 'Extractive Industry'.
- 2 Instruct the applicant to level and stabilise the disturbed sand extractive area upon Lot 54, to the requirements of the Local Government as this activity has been undertaken without the necessary approval having been obtained as required by Section 3.1.1 of the Shire of Chapman Valley Town Planning Scheme No.1.

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- 3 That Council grant formal planning consent for the establishment of an extractive industry (gravel and sand) upon Lot 12 Urch Road, Yetna subject to compliance with the following:

Conditions:

- (a) Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
- (b) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- (c) The approval is valid for a period of 12 months (until 16 May 2013) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- (d) The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.
- (e) The installation of warning/safety signage on Urch Road on both directional approaches to the access point to the approval of the Local Government, with all costs met by the proponent;
- (f) The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.
- (g) The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- (h) Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.
- (i) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.
- (j) Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.

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- (k) Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.
- (l) The applicant is to contribute to the upgrade and maintenance of the intersection of Chapman Valley Road and Urch Road to the approval of the Local Government.
- (m) The installation of appropriate safety/warning signage and/or rope barrier fencing in a highly visible colour around the extraction area should the depth of the extraction area exceed 1m.
- (n) Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant.
- (o) No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.
- (p) No blasting of material is permitted as part of extraction operations.
- (q) The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:
 - Monday to Saturday – 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- (r) The development must comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions and should noise or dust monitoring be required, all costs shall be met by the applicant.
- (s) The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.
- (t) Post closure requirements shall become applicable upon the earlier of the following events:
 - acknowledgement by the landowner that extractive activities are completed; or
 - the approval period for the development having expired.

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Notes:

- i In relation to condition (d) the applicant shall arrange to meet with the Shire's Works Supervisor on site prior to the commencement of extractive industry operations to confirm a location (that is approximately 30m south of the existing entry to the gravel resource location) that is acceptable to the Local Government.
- ii In relation to condition (e) the applicant shall liaise with the Shire's Works Supervisor prior to the commencement of extractive industry operations to confirm the payment amount required to be made to the Local Government for its installation of advisory signage.
- iii The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Environmental Protection Act 1986 and the Mines Safety and Inspection Act 1994. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- iv The Department of Water have advised that if the applicant seeks to utilise groundwater for the purpose of dust suppression or water supply then the applicant is required to obtain from the Department of Water any necessary groundwater license under the Rights in Water and Irrigation Act 1914.
- v If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

COUNCIL RESOLUTION

MOVED: CR PETER BATTEN

SECONDED: CR ANTHONY FARRELL

That Council:

- 1 Refuse planning approval to establish an extractive industry (sand) upon Lot 54 Urch Road, Yetna as the proposed location of the sand extractive area, when considered against the prevailing wind direction, the siting of the nearest residence, and the issues raised in objection to the proposal, is not considered consistent with objective 1.3.1(b) of the Shire of Chapman Valley Town Planning Scheme No.1, and objectives 3.3.4 and 3.3.5 of the Shire of Chapman Valley Local Planning Strategy, and policy statement 2 of the Shire of Chapman Valley Local Planning Policy 16.90 'Extractive Industry'.
- 2 Instruct the applicant to level and stabilise the disturbed sand extractive area upon Lot 54, to the requirements of the Local Government as this activity has been undertaken without the necessary approval having been obtained as required by Section 3.1.1 of the Shire of Chapman Valley Town Planning Scheme No.1.

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- 3 That Council grant formal planning consent for the establishment of an extractive industry (gravel and sand) upon Lot 12 Urch Road, Yetna subject to compliance with the following:**

Conditions:

- (a) Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.**
- (b) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.**
- (c) The approval is valid for a period of 12 months (until 16 May 2013) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.**
- (d) The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.**
- (e) The installation of warning/safety signage on Urch Road on both directional approaches to the access point to the approval of the Local Government, with all costs met by the proponent;**
- (f) The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.**
- (g) The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.**
- (h) Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.**
- (i) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.**
- (j) Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.**
- (k) Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.**

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- (l) The applicant is to contribute gravel to the upgrade and maintenance of the intersection of Chapman Valley Road and Urch Road to the approval of the Local Government.**
- (m) Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant.**
- (n) No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.**
- (o) No blasting of material is permitted as part of extraction operations.**
- (p) The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:**
 - Monday to Saturday – 7:00am to 6:00pm;**
 - Sundays and Public Holidays - no operations.**
- (q) The development must comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions and should noise or dust monitoring be required, all costs shall be met by the applicant.**
- (r) The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.**
- (s) Post closure requirements shall become applicable upon the earlier of the following events:**
 - acknowledgement by the landowner that extractive activities are completed; or**
 - the approval period for the development having expired.**

Notes:

- i In relation to condition (d) the applicant shall arrange to meet with the Shire's Works Supervisor on site prior to the commencement of extractive industry operations to confirm a location (that is approximately 30m south of the existing entry to the gravel resource location) that is acceptable to the Local Government.**
- ii In relation to condition (e) the applicant shall liaise with the Shire's Chief Executive Officer prior to the commencement of extractive industry operations to confirm the payment amount required to be made to the Local Government for its installation of advisory signage.**

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- iii The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Environmental Protection Act 1986 and the Mines Safety and Inspection Act 1994. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- iv The Department of Water have advised that if the applicant seeks to utilise groundwater for the purpose of dust suppression or water supply then the applicant is required to obtain from the Department of Water any necessary groundwater license under the Rights in Water and Irrigation Act 1914.
- v If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Voting

6/2

CARRIED

Cr Beverley Davidson and Cr Trevor Royce Against

Minute Reference 05/12 – 2

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

ATTACHMENT 1

Mr Simon Lancaster
Manager of Planning
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

FILE No	APP 4A1280
CEO	
CORPORATE SERVICES	
PLANNING	✓
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

RECEIVED
12 FEB 2012

BY: _____
169 Urch Road
YETNA WA 6532

Record No CL126513.

Dear Simon

We are submitting an application for the right to extract yellow sand and gravel from Lots 54 and 12 Urch Road, Yetna.

Please find accompanying this application the following documents:

- Plan of sites (Lots 12 and 54 Urch Road) showing proposed extraction area, proposed access and internal roads, existing buildings, proposed stock pile area and setback distances from property boundaries.
- A cross section of the proposed extraction area showing the depth of extraction.

Rehabilitation will be carried out through top soil being removed prior to extraction and replaced after the pit has expired. Cropping will be resumed on the rehabilitated pit. It is not anticipated there will be a noticeable change in the natural contours of the land. There is no remnant vegetation as both areas are located within cleared, previously cropped areas.

It is planned to extract approximately 2,000 cubic metres of yellow sand per annum from Lot 54 Urch Road and approximately 2,000 cubic metres per annum of gravel from Lot 12 Urch Road. This will be extracted on an ad hoc basis therefore it is not possible to predict stages of extraction. It is anticipated the gravel will be extracted to a depth of 1.5 metres and sand to a depth of 3 metres. The life expectancy of the resource is approximately 10 years. The hours of operation will be between the hours of 7am to 6pm Monday to Saturday. The vehicle movements should not exceed 10 truck loads a day, from time to time. The machinery to be used may involve a combination of a loader, a dozer, 6 wheel trucks, a water truck and semi tipper.

Should you require any further information please do not hesitate to contact me. I look forward to a favourable reply.

Yours sincerely



Suzanne J Ward

19 February 2012

SHIRE OF CHAPMAN VALLEY

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UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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ATTACHMENT 2

Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receiptal Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
1 (27/3/2012)	Water Corporation (PO Box 43 GERALDTON WA 6531)	No objection Water Corporation has no facilities in the area proposed for this extractive industry and therefore there are no objections.	No additional comment.	Note submission
2 (3/4/2012)	Department of Water (PO Box 73 GERALDTON WA 6531)	<p><i>Comment provided</i> The Department has assessed the proposal and offers the following advice:</p> <p>Department of Water Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) provides a general guide on issues of environmental concern and should be provided to the applicant.</p> <p>It is recommended that the applicant contact the Department of Environment as a section of Lot 54 has been identified as a moderate acid sulphate soil disturbance risk. A preliminary site investigation may be required to determine whether acid sulphate soils are present on the land and, if present, their extent and severity.</p> <p>If groundwater is to be used by the applicant for the purpose of dust suppression or water supply it is recommended that development approval be subject to the applicant acquiring any necessary groundwater license requirements under the Rights in Water and Irrigation Act 1914.</p> <p>All stormwater runoff from disturbed land should be contained on-site to achieve effective removal of sediment and turbidity. Settling or sediment basins should be constructed according to the guidance in Department of Water Water Quality Protection Note 27 'Liners for containing pollutants using engineered soils'. Overland stormwater flows from outside the project area should be diverted via bypass</p>	<p>The applicant has been provided with a copy of the Department of Water's submission.</p> <p>The applicant can be provided with a copy of the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15).</p> <p>The officer recommendation is that the application for a sand extractive industry upon Lot 54 be refused and that an alternative location upon Lot 12 be conditionally approved.</p> <p>The applicant can be advised that if groundwater is to be used for the purpose of dust suppression or water supply then the landowner is required to obtain from the Department of Water any necessary groundwater license under the Rights in Water and Irrigation Act 1914.</p> <p>It is suggested that any approval of the application be made subject to a requirement requiring containment of water on-site as the proposed gravel extraction area could discharge water onto the road network if not contained on-site potentially causing damage. However, it should be noted from similar operations in existence along Urch Road and</p>	<p>Note submission and provide a copy of the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to the applicant.</p> <p>Recommended that any approval be made subject to the following advice note:</p> <p>*Advise the applicant that if groundwater is to be used for the purpose of dust suppression or water supply then the applicant is required to obtain from the Department of Water any necessary groundwater license under the Rights in Water and Irrigation Act 1914.</p> <p>Require that any approval of the development be made conditional to the following:</p> <p>*The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.</p> <p>*The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure</p>

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Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetha				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
3 (4/4/2012)	G Gaunt Property Owner: Lot 123 Urch Road YETHA WA 6532 (Postal Address: PO Box 2108 GERALDTON WA 6531)	<p>drains/earthen bunds around disturbed surfaces and stockpiled matter. More detailed guidance on design, management, treatment and disposal of stormwater is given in the Department of Water's Stormwater Management Manual for WA and Water Quality Protection Note 52 'Stormwater management at industrial sites'.</p> <p>All vehicle and plant fuelling facilities should be placed and operated within low permeability bunded compounds designed to allow effective recovery of any chemical spill without loss to the environment.</p> <p>Written approval is required from the Department of Water for bulk chemical storage.</p> <p>A rehabilitation plan should be prepared and implemented to satisfy relevant State and Local Government requirements. Section 59 – 62 of WQPN15 provides more information on this.</p>	<p>elsewhere in the district that stormwater runoff has not been an issue previously.</p> <p>The application does not propose refuelling or chemical storage on-site.</p> <p>The application, if approved, should be made subject to post-closure rehabilitation being undertaken to the approval of the Local Government, and post-closure obligations should have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15).</p> <p>The applicant was advised of the nature of the objections raised during the advertising period and provided with the opportunity to address these concerns. The applicant has supplied the information provided below in italic text, and the officer comment is provided in non-italic text.</p> <p>It is understood that the existing gravel extraction area upon Lot 12 was previously created by the Shire for upgrading of the surrounding road network and was not created for general commercial sale.</p>	<p>obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.</p> <p>"Post closure requirements shall become applicable upon the earlier of the following events:</p> <ul style="list-style-type: none"> - acknowledgement by the landowner that extractive activities are completed; or - the approval period for the development having expired." <p>Note submission and require that any approval of the development be made conditional to the following:</p> <p>"The approval is valid for a period of 12 months (until 16 May 2013) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period."</p>

SHIRE OF CHAPMAN VALLEY

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Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>If the sand pit increases truck and machinery traffic more than what it already is i.e. there are 2 gravel pits operating on Urch Road within 1km of my place then the noise and dust levels will not be acceptable for a camping ground that the Shire has conditionally agreed to.</p> <p>Do these proponents have to pay for future traffic as I did?</p>	<p>"This has been a shire gravel pit for many years. Shire use in our term of ownership - 15,000m³ used for Narra Tarra realignment, 7,500m³ pushed to upgrade Urch Road and at least 2,500 for farm use including our access from Urch Rd to the house. All of the above not requiring an extractive license."</p> <p>The applicant has advised that they would consider the truck movements along Urch Road to be minimal. However, in order to address the respondents concern Council may consider that any approval of the development should be for a 12 month period and that at the expiry of that period the matter would be returned to Council for its consideration of the application again and any impacts or planning issues arising from that development's operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a permanent approval.</p> <p>"Noise and dust will exist as this is a public road used by stock trucks, shire etc. The sand pit proposed is a 'boutique' pit i.e. there will be minimal use."</p> <p>It is standard practice for Council to assess the impact upon its road network arising from the approval of a given development and require the applicant to make appropriate contribution towards the upgrade of the road network, this contribution may take the form of monetary contribution, materials contribution or a combination thereof.</p> <p>"We already have 7,500 tonne of gravel pushed for Urch Rd upgrade sitting on our</p>	<p>"Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions."</p> <p>"The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise."</p> <p>"Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads."</p> <p>"The applicant is to contribute to the upgrade and maintenance of the intersection of Chapman Valley Road and Urch Road to the approval of the Local Government."</p> <p>"Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant."</p>

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**

Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
4 (3/4/2012)	M Crispe Barristers & Solicitors (PO Box 8113 SUBIACO EAST)	<p>Would the sandpit have to be watered down? I think excessive sand drift would have to be a problem throughout the year. How would this effect the neighbours?</p> <p>Does something like this require Department of Water or EPA approval?</p> <p>Do the pits have to be screened from the road?</p> <p>One of the attractions of the proposed camping ground is that it is in a quiet, semi-secluded rural setting. I believe heavy vehicle and machinery movements adjacent to the camping ground will severely detract from this.</p> <p>I would also anticipate pedestrian traffic to increase with the camping ground operating. A lot of traffic would definitely generate too much dust and noise for holiday makers.</p> <p>If all the quarries have 10 movements a day, then possibly could be over 30 heavy trucks/machinery 6 days a week. No thanks.</p> <p>It is for these reasons I oppose it in its present form.</p>	<p>property."</p> <p>"Progressive rehabilitation will take place as sand is extracted and cropping will be resumed on the rehabilitated land i.e. there will not be an expanse of exposed sand."</p> <p>Both the Department of Water and the Department of Environment and Conservation were written to directly by the Shire and invited to make comment upon this application.</p> <p>It is recommended that any approval of the development be made subject to a requirement for landscaping to be installed and maintained along the Urch Road frontage to assist in screening the extraction area.</p> <p>The applicant is proposing a maximum of 10 (6 wheel) truck movements per day associated with their development.</p> <p>It would be appropriate for any approval to require the applicant to undertake dust mitigation procedures including wetting down or covering of loads.</p> <p>"Urch Road is a service road to general farming properties and stock, grain, fuel and fertilizer trucks already use this road. The camping grounds approval followed approval for a gravel pit. Any additional traffic generated from this proposal, although minimal, could also use Urch Rd to Angel Rd and East Chapman Rd in the event a problem was identified."</p> <p>The correspondence and photographs received from the objecting landowner on 15 March 2012 in relation to dust emissions from Lot 54 have previously been provided to Councilors for their information.</p>	<p>Note submission and recommend that:</p> <p>"Planning approval be refused to establish an extractive industry</p>

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Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna			
Submission No. & Receiptal Date	Submitter & Affected Property	Nature of Submission	Comment
	WA 6008) on behalf of: P Meredith Property Owner: Lot 104 Urch Road YETNA WA 6532 (Postal Address: Kiamichi Springs RSM 500 GERALDTON WA 6530)	sort of persistent dust that is now coming as a result of the disturbed land and the sand that is already the remnants of the piles left and that was only one day's activity.	<p>The applicant was advised of the nature of the objections raised during the advertising period and provided with the opportunity to address these concerns. The applicant has supplied the information provided below in italic text, and the officer comment is provided in non-italic text.</p> <p><i>"Material piled up is the top soil that is to be used to rehabilitate the pit after extraction. This is general farming land and as such could generate much more dust if it were heavily stocked or ploughed in summer to mitigate melons growing."</i></p> <p>Shire staff have inspected the site under several climatic conditions and are in agreement that the proposed location for the sand extraction area upon Lot 54 is located in a position that due to the prevailing winds presents an issue in relation to dust emissions. It is not considered that dust mitigation measures including wetting down of the area, erection of screening/catchment fencing (e.g. shade cloth material), installation of screening landscaping, or confining the operational activity to wind direction limited periods will be successful in suppressing dust from the proposed site upon Lot 54.</p> <p><i>"The proposed sandpit is located in the lee of a small hill and the main winds are from the south which this hill protects from blowing right across the sand. It takes time to mobilize a water truck. Prior to its arrival, proceedings were halted by this person parking her car partly on my property in my gate way. When the water truck arrived, witnesses advised removal of the car was</i></p>
		There is no possible way the dust can be abated in its current location and the suggestion of a water truck would be unsuitable. On the very day this activity began, which was the same day it was closed down, for it to continue during the day there was a promise by the proponent that a water truck would be used immediately but no such water truck was used on that day. Even if the water truck had been used, the problem is the persistent prevailing winds drying out the sand and allowing it to blow across the property.	<p>(sand) upon Lot 54 Urch Road, Yetna as the proposed location of the sand extractive area, when considered against the prevailing wind direction, the siting of the nearest residence, and the issues raised in objection to the proposal, is not considered consistent with objective 1.3.1(b) of the Shire of Chapman Valley Town Planning Scheme No.1, and objectives 3.3.4 and 3.3.5 of the Shire of Chapman Valley Local Planning Strategy, and policy statement 2 of the Shire of Chapman Valley Local Planning Policy 16.90 "Extractive Industry"</p> <p>"Instruct the applicant to level and stabilise the disturbed sand extractive area upon Lot 54, to the requirements of the Local Government as this activity has been undertaken without the necessary approval having been obtained as required by Section 3.1.1 of the Shire of Chapman Valley Town Planning Scheme No.1."</p>

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna			
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment
			Recommendation
		<p>The respondent has been diagnosed with asthma and such a large operation that is proposed is likely to create large amounts of dust.</p> <p>Application intends to extract 2,000m³ per annum. There is nothing to suggest that it cannot be greater than that and 2,000m³ of gravel. The proponent indicates on an ad hoc basis, whatever that means, it can cover anything from once a month to every second or third day. The proponent's suggestion of the depth and life expectancy are again vague estimates.</p> <p>The activity is so close to the boundary it is likely as it develops to make living in the neighbouring premises unbearable and unsustainable. If the activity is allowed the dust will become an immediate problem it will get worse and worse.</p> <p>Once this activity is commenced it has the capacity to be expanded to continue and will become a major pollution issue. The quiet enjoyment of the property is likely to be utterly destroyed.</p> <p>I also put the Council on notice that it will devalue substantially the amenity and value of the neighbouring property and it will set a dangerous precedent for what could amount to a major extractive industry over time being allowed within such a close proximity to a</p>	<p>refused preventing use of the water truck. As this property is zoned general farming, I will in the future as I have in the past, farm the land which involves burning stubble, deep ripping, plowing, seeding, spraying, harvesting, baling hay and carting it."</p> <p>"This is not proposed to be a large operation. Please refer to guidelines set out in my application. It is a boutique sand pit i.e. operating occasionally.</p> <p>"My application clearly defines the dimensions of the proposed pits as it is a requirement of the application process to provide this. The proposal cannot operate outside of these guidelines. "Ad hoc means the material would only be extracted when it was requested by the contractor for his requirements.</p> <p>The pit will be rehabilitated as the material is extracted and the land will be reused as general farming as per my application.</p> <p>As in my application and the guidelines set by the shire, the proposal cannot expand and grow into a major pollution issue. It will be no worse than farming activities."</p> <p>It is considered that the respondent is expressing a matter of opinion in relation to this matter.</p> <p>"This is NOT going to grow out of all proportion as there is a finite supply of material both</p>

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
5 (11/4/2012)	T & K Carr Property Owner: Lot 121 Chapman Valley Road YETNA WA 6532 (Postal Address: PO Box 3222 BLUFF POINT WA 6530)	resident's quiet enjoyment of her property	<p>required and available. As the rehabilitation follows closely behind the extraction, the negative impact will not devalue the property."</p> <p>Based upon an inspection of the proposed sand extraction area and the neighbouring residence Shire staff do not support the establishment of a sand extractive industry in the proposed location upon Lot 54 Urch Road, and recommend that the applicant be required to level and stabilise the disturbed sand extractive area upon Lot 54.</p> <p>Shire staff have inspected the proposed access point for the gravel quarry (and alternative location for the sand quarry as submitted by the applicant) and are concerned with its location along a bend in Urch Road. It is suggested that any access point for the quarries should be co-located and sited approximately 30m south of the existing entrance to the gravel quarry to improve the sightlines in both directions. It is also recommended that, should Council approve the application that the applicant be required to make payment to the Shire for the installation of traffic advisory signage on both approaches to the quarries entrance.</p> <p>The applicant is proposing a maximum of 10 (6 wheel) truck movements per day associated with their development.</p> <p>It would be appropriate for any approval to require the applicant to undertake dust mitigation procedures including wetting down or covering of loads.</p> <p>However, in order to address the respondent's concern Council may consider that any approval of the development should be for a 12 month period and that at the expiry of that period the matter would be returned to Council</p>	<p>Note submission and as per the recommendation outlined in relation to Submission 4 recommend that the sand extractive application as originally proposed be refused and the gravel extractive area, and sand extractive area in the alternative location proposed by the applicant be approved subject to application of the following conditions:</p> <p>"The approval is valid for a period of 12 months (until 16 May 2013) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period."</p> <p>"The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant."</p>

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Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
			for its consideration of the application again and any impacts or planning issues arising from that development's operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a 'permanent' approval.	"The installation of warning/safety signage on Urch Road on both directional approaches to the access point to the approval of the Local Government, with all costs met by the proponent."
			It would be appropriate for any approval of the development to be made subject to the applicant making contribution to the upgrade of Urch Road and Urch Road-Chapman Valley Road intersection.	"The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge."
		The proposed site is too close to residential properties.	As per comments provided in relation to proximity to residences and potential for noise and dust emissions as outlined for Submission 4.	"Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions."
		The site will have a negative impact on adjoining properties i.e. severe noise disturbances, dust issues, sand blowing and a negative visual impact.	It would be appropriate for any approval of the development to be made subject to the installation and landscaping along the Urch Road frontage for the purpose of softening the visual impact of the development and mitigating potential dust emissions.	"Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down of the access road and the covering of loads."
				"The applicant is to contribute to the upgrade and maintenance of the intersection of Chapman Valley Road and Urch Road to the satisfaction of the Local Government."
				"Repairing of any damage to Urch Road including the surface is required by reason of use of the road

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UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
6 (24/4/12)	Department of Mines and Petroleum (Mineral House 100 Plain Street EAST PERTH WA 6004)	No objection A continuing supply of low cost basic raw materials is an important part of maintaining the lifestyle and infrastructure that all Western Australians enjoy.	No additional comment.	in connection with the development to the approval of the Local Government with all costs met by the applicant." "The development must comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions and should noise or dust monitoring be required, all costs shall be met by the applicant." Note submission.
late submission 7 (17/4/2012)	Department of Environment & Conservation (PO Box 72 GERALDTON WA 6531)	No comment	The Shire wrote to the Department of Environment and Conservation inviting comment upon the application and it is known that one of the objecting landowners contacted the Department of Environment and Conservation to make complaint over dust emissions. It is disappointing that the Department have not provided advice based upon the Department's publications including 'Guidance for the Assessment of Environmental Factors - Separation distances between industrial and sensitive land uses' (2005), 'Guidance Statement No.33 'Environmental Guidance for Planning and Development' (2008) and Guidance Statement No.18 'Prevention of Air Quality Impacts from Land Development Sites' (2000).	Note submission.
late submission 8 (17/4/2012)	Department of Indigenous Affairs (PO Box 7770)	No objection Confirm that there are currently no registered sites within the development area.	The archival search of the 'Aboriginal Sites Register' of the Department of Indigenous Affairs confirmed that there are no recorded	Note submission and provide a copy of the Department of Indigenous Affairs' advice to the applicant to

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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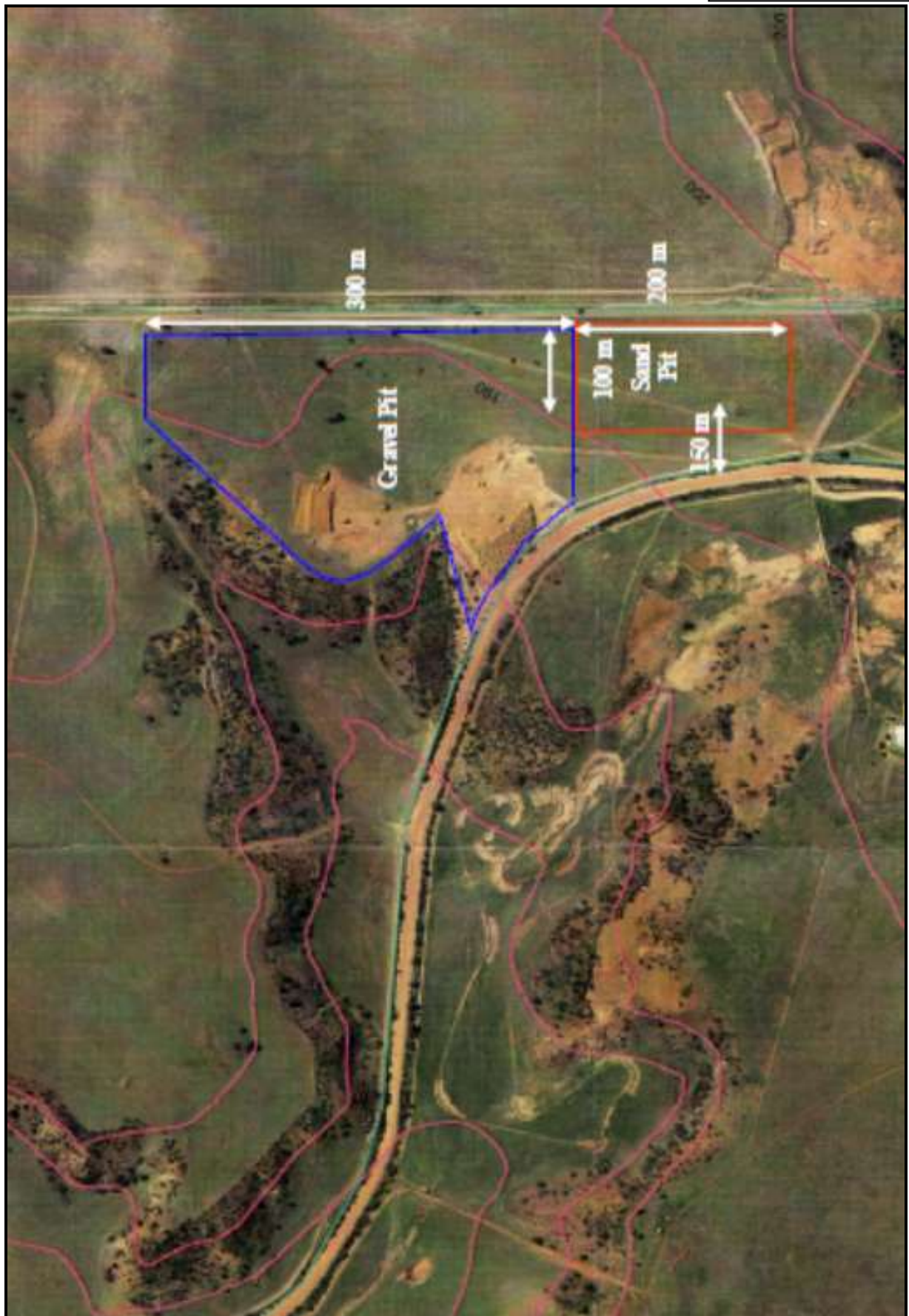
Schedule of Submissions - Proposed Extractive Industry, Lots 12 & 54 Urch Road, Yetna				
Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
	PERTH WA 6850)		Aboriginal heritage sites in the area specific to the development. The Aboriginal Heritage Act 1972 protects Aboriginal heritage sites in the event of their discovery during on-site development. The applicant was provided with a copy of the received submission to ensure that they are aware of the requirements of the Department of Indigenous Affairs in the event that any on-site works are undertaken.	ensure that they are aware of its requirements
Late submission 9 (17/4/2012)	Department of Agriculture and Food (PO Box 110 GERALDTON WA 6531)	No objection The gravel extraction site is located on a summit plateau of the Moresby Range. Disturbance of the soils in this exposed landscape position will make them highly susceptible to wind erosion. Dust suppression measures may need to be applied. Wind erosion precautions are also suggested for the sand extraction site on the foot slopes of the range. Biosecurity standards need to be maintained throughout the life of the pits. This is important to ensure a minimal biosecurity risk for the landowner and the adjoining farms and along the transport route.	As per comments provided in relation to proximity to residences and potential for dust emissions as outlined for Submissions 3, 4 and 5.	Note submission and as per the recommendation outlined in relation to Submission 4 recommend that the sand extractive application as originally proposed be refused and the gravel extractive area, and sand the gravel extractive area (in the alternative location proposed by the applicant) be approved subject to application of the following conditions: "Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions." "Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down of the access road and the covering of loads."
				"The use hereby permitted shall not cause injury to or prejudicially affect

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Submission No. & Receipt Date	Submitter & Affected Property	Nature of Submission	Comment	Recommendation
		<p>While it is unlikely that Main Roads WA assets would be detrimentally impacted directly by runoff from the application site the Shire should be satisfied that there would be no indirect impacts as a result of stormwater runoff on Urch Road or Chapman Valley Roads due to extraction and alterations to the topographical levels.</p>	<p>development it may then resolve to approve the application for a further time-limited period or issue a 'permanent' approval.</p> <p>It is suggested that any approval of the application be made subject to a requirement requiring containment of water on-site as the proposed gravel extraction area and alternative sand extractive area could discharge water onto the road network if not contained on-site potentially causing damage. However, it should be noted from similar operations in existence along Urch Road and elsewhere in the district that stormwater runoff has not been an issue previously.</p>	<p>upgrade and maintenance of the intersection of Chapman Valley Road and Urch Road to the satisfaction of the Local Government."</p> <p>"Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant."</p> <p>"The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise."</p>



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UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.1.2
SUBJECT:	PROPOSED CLUB PREMISES & BUILDING RECLASSIFICATION OF AN EXISTING STRUCTURE
PROPONENT:	NAAGUJA WARANKARRI ABORIGINAL CORPORATION
SITE:	LOT 2075 OLD NABAWA-NORTHAMPTON ROAD, NABAWA
FILE REFERENCE:	A1528
PREVIOUS REFERENCE:	N/A
DATE:	7 MAY 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application for the reclassification of a portion of an existing structure from a Class 1a habitable building (dwelling) to a Class 9b (assembly) building upon Lot 2075 Old Nabawa-Northampton Road, Nabawa. The applicant seeks to undertake the following activities within the main area of the building:

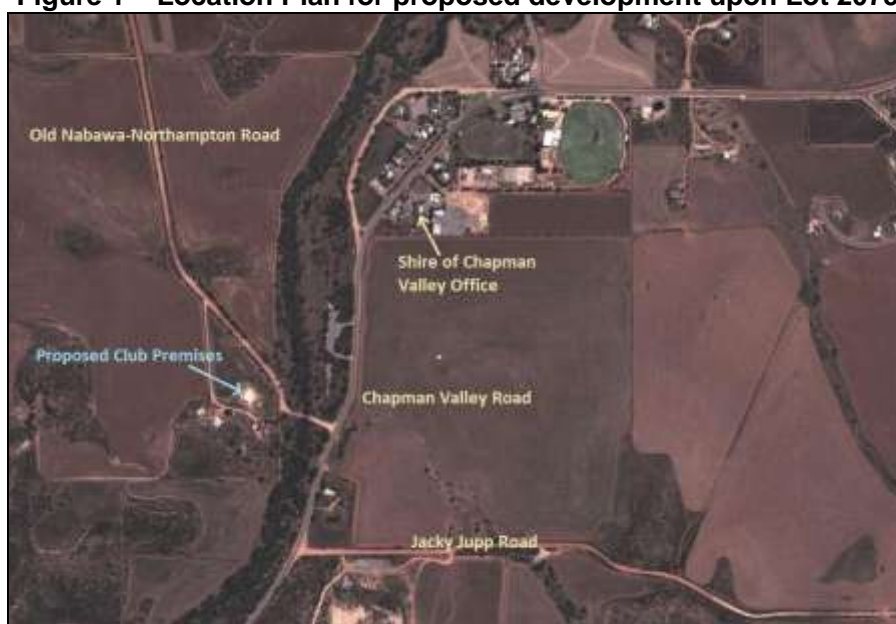
- cultural awareness workshops with approximately 10 to 15 people at any one sitting;
- corporate meetings; and
- working group meetings for Naaguja native title.

This report recommends conditional approval of the application.

COMMENT

Lot 2075 is a 39.3ha lot set amidst a wider farm totalling 753.6ha in area, the proposed development would operate from within an existing building that is setback 60m from Old Nabawa-Northampton Road, and is accessible along a 250m length driveway.

Figure 1 – Location Plan for proposed development upon Lot 2075



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The subject building is single storey, clad in colorbond and is clearly visible from Old Nabawa-Northampton Road but cannot be seen from Chapman Valley Road. The building is setback approximately 160m from the Chapman River and is located 550m south-west of the Shire office and Nabawa townsite.

Figure 2 – Aerial Photograph of existing buildings upon Lot 2075



The applicant seeks to use the 135.79183m² main area of the building to hold meetings, with the existing kitchen area and two toilets (one being constructed to a disabled access standard) supporting the use.

The existing building was given development approval by the Shire on 21 November 2008 as a second dwelling upon the property and was given building approval by the Shire as a Class 1a building pursuant to the Building Code of Australia on 15 December 2008. In order to use the building for the proposed purposes, planning consent is required for the change of use and a subsequent building approval is also required for the conversion of the structure to a Class 9b building.

Figure 3 - Building proposed to be used for meeting purposes as viewed from the road



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The applicant constructed the building beyond the requirements of a Class 1a building installing a disabled toilet, exit doors and lighting, fire hose reels, extinguishers and fire blankets, and commercial kitchen aspects. The applicant now seeks approval from Council for the structure to be reclassified. Included as **Attachment 1** to this report is a copy of the applicant's correspondence and the floor and elevation plans for the existing structure.

Figure 4 – View of entry into Lot 2075 looking south along driveway



Figure 5 - View looking south-east from entry of property



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The application was advertised for public comment from 2 April 2012 until 30 April 2012 with the following actions being undertaken inviting comment:

- Placement of a notice in the Geraldton Guardian on 2 April 2012;
- Erection of an advisory sign on-site between 2 April 2012 and 30 April 2012; and
- Direct notification being sent to the 24 surrounding landowners within a 1km radius of the proposed site.

At the conclusion of the advertising period 7 submissions had been received, with a further submission received following the conclusion of the 28 day advertising period. 2 submissions expressed support for the application, 1 expressed indifference to the application, and 5 submissions expressed an objection to the application.

A Schedule of Submissions has been prepared and included as **Attachment 2** to this report, the Schedule identifies the respondents, summarises the matters raised, provides individual comment upon the matters raised, and a recommendation in regard to each. A copy of the received submissions can be provided to Councillors upon request.

Given the concerns raised in the objections over the potential impacts arising from the proposed development, Council may consider that any approval, if granted, be for a time-limited period and that at the expiry of that period the matter is returned to Council for its consideration of the application again and any impacts or planning issues arising from that development's operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a 'permanent' approval.

STATUTORY ENVIRONMENT

Lot 2075 is zoned 'General Farming' under the Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme').

The Policy Statement for the 'General Farming' zone within the Scheme states that:

"This zone embraces the broad acre farming areas of the Shire. It is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit, or where a non-farming use is proposed on the amount of land required for that purpose."

The proposed activities can be accommodated under the definition of a 'Club Premises' as listed in the Scheme:

"Means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Act, 1970 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme."

'Club Premises' is listed in the Scheme as a 'PS' use within the 'General Farming' zone, that is a use permitted if special approval is given by the Council and if it complies with the conditions of approval (if any) of the Council and the relevant standards of the Scheme.

It should be noted that the terminology 'Club Premises' is provided by the Scheme and is not the requested terminology of the applicant. It is recognised that the terminology of the

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Scheme can give the connotation that this application is for a liquor licence. The application as received, and advertised, and before Council for its deliberation, does not include a liquor licence component.

Should the application seek to acquire a liquor licence for the land use this will require the lodgement of a separate application to both the Shire of Chapman Valley and the Department of Racing, Gaming & Liquor.

Section 5.3.4 of the Scheme states:

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

Section 5.3.2 of the Scheme states:

“The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality issued, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.”

Given that the concerns raised by the respondents demonstrate that the proposed development may have some variance to the Policy Statement for the ‘General Farming’ zone, Council may consider that any approval, if granted, be for a time-limited period as permitted under Section 5.3.4 of the Scheme.

Further Council may require that at the expiry of that period the matter is returned to Council for its consideration of the application again and any impacts or planning issues arising from that development’s operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a ‘permanent’ approval, or refuse the application as per Section 5.3.2 of the Scheme.

Section 1.3.2(a) of the Scheme states that the particular objects of the Scheme are:

“To endeavour to ensure that the settlement of Nabawa retains its village character and for that purpose to control the expansion thereof; and to provide community facilities in the locality.”

Pursuant to sections 6 and 7 of the Building Regulations 2012 the use of the building shall not be changed from one Class to that of another Class unless the building complies with the requirements of the Building Code of Australia that are applicable to the new Class and the change of use has been approved by the Local Government. Part 5 of the Building Regulations 2012 requires that the Local Government issue an occupancy certificate prior to the use of the building for the proposed purpose.

Should Council issue development approval for the application under the Planning and Development Act 2005, the application will be required to then obtain from the Shire the necessary building approval that will require the application’s compliance with the requirements of the Building Regulations 2012, Building Code of Australia, Health Act 1911 and Health (Public Buildings) Regulations 1992.

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POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Should Council refuse this application and the applicant proceed to exercise their right of appeal a cost is likely to be imposed on the Shire through its involvement in the appeal process.

STRATEGIC IMPLICATIONS

Lot 2075 Old Nabawa-Northampton Road is contained within Planning Precinct No.3 – Chapman Valley in the Shire of Chapman Valley Local Planning Strategy (2008). The Vision for this Precinct is as follows:

“A diverse range of rural pursuits and incidental tourist developments that complement the sustainable use of agricultural resources.”

The Local Planning Strategy identifies the following relevant environmental and infrastructure objectives for this Precinct:

“3.3.3 Ensure development does not adversely impact on river systems, associated catchment areas and groundwater resources through the provision/submission of detailed/supporting research, information and analysis.

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

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

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

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

VOTING REQUIREMENTS

Simple majority of Council.

OFFICER RECOMMENDATION

That Council grant formal planning consent for portion of the existing structure upon Lot 2075 Old Nabawa-Northampton Road, Nabawa to be classified a Class 9b – Assembly Building and utilised for the purposes of holding cultural awareness workshops with approximately 10 to 15 people at any one sitting, corporate meetings, and working group meetings for Naaguja native title subject to compliance with the following:

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Conditions

- 1 Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The approval is valid for a period of 2 years (until 16 May 2014) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 4 The approval is NOT for a liquor licence and should the applicant/landowner seek to undertake any activities requiring a liquor licence then this will require the lodgement of a separate application to both the Local Government and the Department of Racing, Gaming & Liquor.
- 5 This planning approval does NOT extend to signage for the development, for which a separate application will be required, and consultation with Main Roads WA is recommended prior to any sign application being lodged given that the Chapman Valley Road is under the control of Main Roads WA and directional signage must be to their requirements.
- 6 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and car parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.
- 7 The applicant is to ensure that a maximum speed limit of 20km/hour within the development is adhered to and appropriate measures taken to ensure dust suppression.
- 8 The development must access Old Nabawa-Northampton Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.
- 9 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- 10 All lighting devices must be positioned in such a way as to not cause glare to neighbouring residences and the road to the approval of the Local Government.
- 11 The development must be connected to an on-site effluent disposal system(s) located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.
- 12 The submission of all necessary information by the applicant as required by the Building Surveyor and Planning Officer to enable the issue of a building approval and final classification of the building as Class 9b.

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- 13 The structure must not be used for any meeting purposes until such time as the Local Government has undertaken a final inspection of the structure and confirmed in writing that the structure meets the requirements of a Class 9b classification.
- 14 The applicant is to provide at a minimum a 92,000 litre rain water storage facility for the development or alternatively provide satisfactory evidence that an adequate on-site potable water source exists.
- 15 Landscaping is required to be installed and maintained along the frontage of Lot 2075 for the purpose of softening the visual impact of the structure upon the landscape, and as viewed from Old Nabawa-Northampton Road.
- 16 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.

Notes:

- i. The applicant is advised that complaints have been lodged concerning noise emitted from the property and that this issue amongst others will be considered by the Local Government in its assessment on whether to grant any extension to the approval period.
- ii The applicant is advised that the Environmental Protection (Noise) Regulations 1997 establish the maximum noise levels that are acceptable as received at a neighbouring residence, and the acceptable level varies according to time of day and the day in the week. The applicant must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 irrespective of any approvals or conditions applied by the Local Government.
- iii The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, Building Regulations 2012, Health Act 1911, and Health (Public Buildings) Regulations 1992. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- iv If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

COUNCIL RESOLUTION

MOVED: CR PETER BATTEN

SECONDED: CR ANTHONY FARRELL

**That Council grant formal planning consent for portion of the existing structure upon Lot 2075 Old Nabawa-Northampton Road, Nabawa to be classified a Class 9b – Assembly Building and utilised for the purposes of holding cultural awareness workshops with approximately 10 to 15 people at any one sitting, corporate meetings, and working group meetings for Naaguja native title subject to compliance with the following:
Conditions**

SHIRE OF CHAPMAN VALLEY

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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- 1 Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.**
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.**
- 3 The approval is valid for a period of 1 year (until 16 May 2013) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.**
- 4 The approval is NOT for a liquor licence and should the applicant/landowner seek to undertake any activities requiring a liquor licence then this will require the lodgement of a separate application to the Local Government and the Department of Racing, Gaming & Liquor.**
- 5 This planning approval does NOT extend to signage for the development, for which a separate application will be required, and consultation with Main Roads WA is recommended prior to any sign application being lodged given that the Chapman Valley Road is under the control of Main Roads WA and directional signage must be to their requirements.**
- 6 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and car parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.**
- 7 The applicant is to ensure that a maximum speed limit of 20km/hour within the development is adhered to and appropriate measures taken to ensure dust suppression.**
- 8 The development must access Old Nabawa-Northampton Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.**
- 9 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.**
- 10 All lighting devices must be positioned in such a way as to not cause glare to neighbouring residences and the road to the approval of the Local Government.**
- 11 The development must be connected to an on-site effluent disposal system(s) located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.**
- 12 The submission of all necessary information by the applicant as required by the Building Surveyor and Planning Officer to enable the issue of a building approval and final classification of the building as Class 9b.**

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**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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- 13** The structure must not be used for any meeting purposes until such time as the Local Government has undertaken a final inspection of the structure and confirmed in writing that the structure meets the requirements of a Class 9b classification.
- 14** The applicant is to provide at a minimum a 92,000 litre rain water storage facility for the development or alternatively provide satisfactory evidence that an adequate on-site potable water source exists.
- 15** Landscaping is required to be installed and maintained along the frontage of Lot 2075 for the purpose of softening the visual impact of the structure upon the landscape, and as viewed from Old Nabawa-Northampton Road.
- 16** The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.

Notes:

- i** The applicant is advised that complaints have been lodged concerning noise emitted from the property and that this issue amongst others will be considered by the Local Government in its assessment on whether to grant any extension to the approval period.
- ii** The applicant is advised that the Environmental Protection (Noise) Regulations 1997 establish the maximum noise levels that are acceptable as received at a neighbouring residence, and the acceptable level varies according to time of day and the day in the week. The applicant must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 irrespective of any approvals or conditions applied by the Local Government.
- iii** The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, Building Regulations 2012, Health Act 1911, and Health (Public Buildings) Regulations 1992. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- iv** If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- v.** Applicant is encouraged to use the facilities provided within the Shire.

**Voting
5/4 – Casting Vote
CARRIED
Minute Reference 05/12 - 3**

SHIRE OF CHAPMAN VALLEY

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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MOVED: CR TREVOR ROYCE

SECONDED: CR BEVERLEY DAVISON

That Council removes Item 17. Operations to occur between the hours of 8.00am until 8.00pm.

Voting

6/2

CARRIED

Minute Reference 05/12 – 4

MOVED: CR TREVOR ROYCE

SECONDED: CR BEVERLEY DAVIDSON

That the original Officer Recommendation be foreshadowed.

Voting

6/2

CARRIED

Minute Reference 05/12 - 5

Mr Peter Ward & Mrs Suzanne Ward left the meeting at 10.34am.

Mrs Trish Meredith and Mrs Chantelle Peace left the meeting at 10.35am.

Mrs Gail Paterson & Mr Peter Erlandson left the meeting at 10.59am.

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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ATTACHMENT 1

A1528

Jookdamoo Farm
13 Old Northampton-Nabawa Road
NABAWA WA 6532



Naaguja Warangkarni Aboriginal Corporation
ABN: 83 490 084 731
169 Chapman Valley Road, WAGGRAKINE WA 6530
Ph: 08 99382948 Email: radcliffe2@bigpond.com

29 February 2012

Shire of Chapman Valley
Chapman Valley Road
NABAWA WA 6532

RE: Jookdamoo Farm Cultural Residence – Reclassification

The Naaguja Warangkarni Aboriginal Corporation wish to have the Cultural Residence at 13 Old Northampton-Nabawa Road reclassified to a commercial building.

This building can then be used for such activities as:


1. Cultural Awareness workshops with approximately 10 to 15 people at any one sitting
2. Corporate Meetings
3. Working Group Meetings for Naaguja Native Title

The Building has the following:

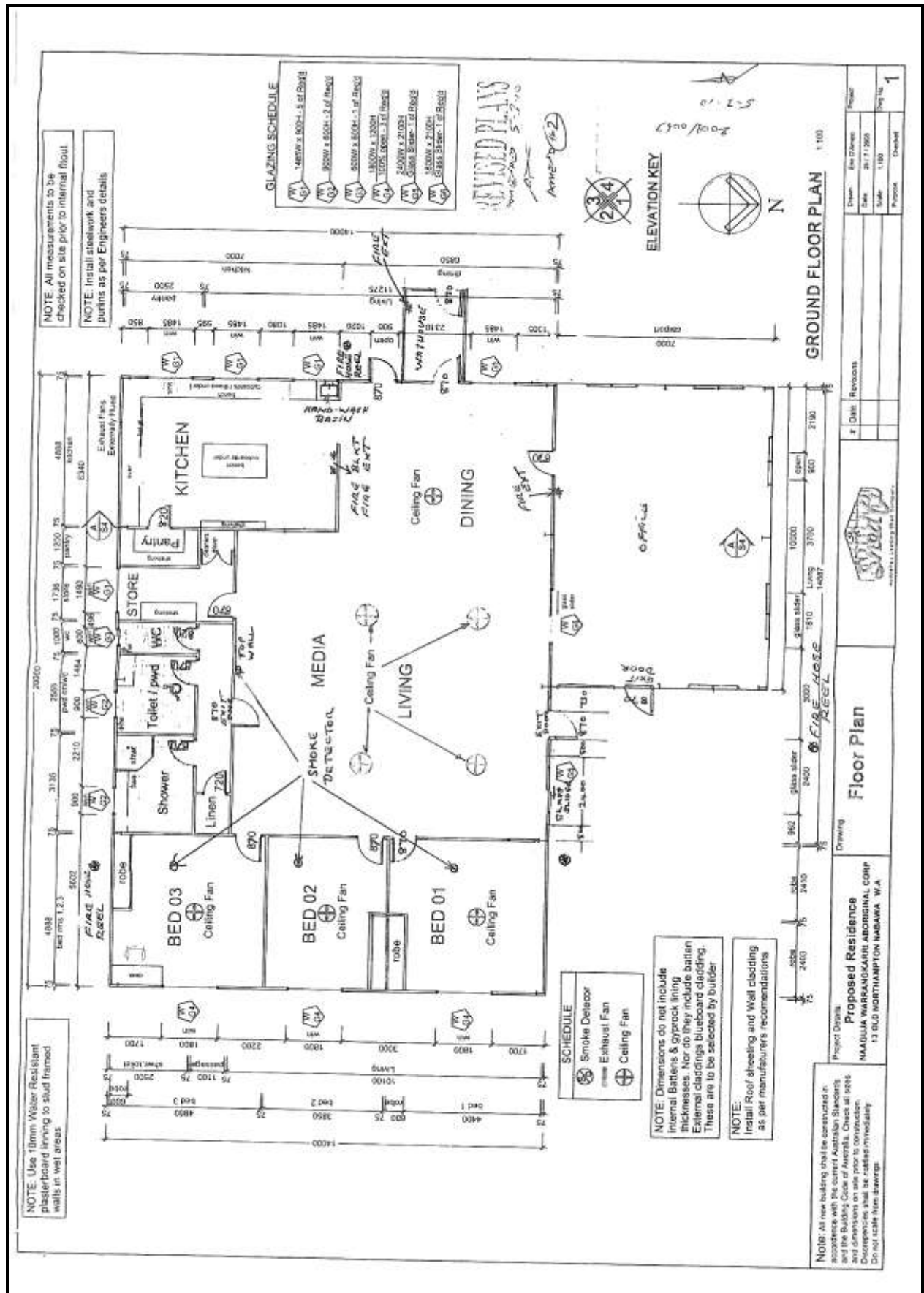
1. Disability toilet plus signage
2. 4 Exit Doors with lock
3. 3 Fire Hose Reels
4. Kitchen: Fire hose blanket and fire extinguisher
5. 2 more fire extinguishers located in building as shown on plan
6. Class 10 coved 100mm of wall in kitchen and all wet areas
7. Disability parking 2 bay plus signage
8. Commercial type gas stove

Yours sincerely


Clayton Radcliffe
NWAC Board of Director


Kathy Councillor
NWAC Board of Director

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012



**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**



**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**



**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**

ATTACHMENT 2

Schedule of Submissions - Proposed Club Premises, Lot 2075 Old Nabawa-Northampton Road, Nabawa				
Submission No. & Receipt Date	Submitter & affected property	Nature of Submission	Comment	Recommendation
1 (29/3/2012)	R Swift 3277 Chapman Valley Road NABAWA WA 6532	<p>Objection Shocked to receive this proposal. I have heard loud noise and music coming from that area.</p> <p>To commercialise the building will allow the congregation of several groups. Nabawa is without any police and it would take a long time to have police attend, if available. There are old people and young children living very close to this location and I am concerned that without police in town Nabawa will become vandalised. I have spoken to others in the area that are also very concerned.</p>	<p>The Environmental Protection (Noise) Regulations 1997 establish the maximum noise levels that are acceptable as received at a neighbouring residence, and the acceptable level varies according to time of day and the day in the week. The applicant must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 irrespective of any approvals or conditions applied by the Local Government.</p> <p>Given the concerns raised by the respondents over the potential impacts arising from the approval of the development, Council may consider that any approval, if granted, be for a time-limited period and that at the expiry of that period the matter is returned to Council for its consideration of the application again and any impacts or planning issues arising from that development's operation. In the event that Council is satisfied with the operation of the development it may then resolve to approve the application for a further time-limited period or issue a 'permanent' approval.</p> <p>Section 5.3.4 of the Scheme states:</p> <p><i>"Where the Council approves an application for planning consent under this Scheme the time for which that consent remains valid, is two (2) years, unless otherwise stated on Council's decision on application for planning consent."</i></p> <p>Section 5.3.2 of the Scheme states:</p> <p><i>"The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality issued, and</i></p>	<p>Note submission and recommend that any approval for the operation of a club premises upon Lot 2075 Old Nabawa-Northampton Road be subject to the following condition:</p> <p>"The approval is valid for a period of 2 years after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period."</p> <p>Further to the above proposed condition it is recommended that any approval be made subject to the following advice notes:</p> <p>"The applicant is advised that complaints have been lodged concerning noise emitted from the property and that this issue amongst others will be considered by the Local Government in its assessment on whether to grant any extension to the approval period."</p> <p>"The applicant is advised that the Environmental Protection (Noise) Regulations 1997 establish the maximum noise levels that are acceptable as received at a neighbouring residence, and the acceptable level varies according to time of day and the day in the week. The applicant must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 irrespective of any approvals or</p>

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Schedule of Submissions - Proposed Club Premises, Lot 2075 Old Nabawa-Northampton Road, Nabawa				
Submission No. & Receipt Date	Submitter & affected property	Nature of Submission	Comment	Recommendation
2 (12/4/2012)	I Kenney Lot 6 Old Nabawa Northampton Road (postal address: 134 Bushmead Road HAZELMERE WA 6055)	No objection	to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit."	conditions applied by the Local Government."
3 (12/4/2012)	H & D Williams 3279 Chapman Valley Road NABAWA WA 6532	No objection	No additional comment.	Note submission.
4 (17/4/2012)	N & C Philippa 3273 Chapman Valley Road NABAWA WA 6532	Objection Moved to Nabawa largely because of the quiet and peaceful nature of the town as well as Nabawa being a nice environment to raise our children in and yet still be close enough to a large city to make use of their facilities. The last thing we want is a club here, already in the past 12 months there have been occasions when loud live music has come from near these premises. If a club is needed let it be in Geraldton where the population and facilities are already available.	No additional comment.	Note submission.
5 (20/4/2012)	E Hansen 20 Green Drive NABAWA WA 6532	Objection Not in keeping with the rural character of Chapman Valley. The plans submitted with the proposal are of a residence and not a club. Whilst the proposal does not envisage the sale of alcohol it will no doubt be available	As per comments provided in relation to noise and any approval for the development being subject to a finite approval period as outlined for submission 1. As per comments provided in relation to noise and any approval for the development being subject to a finite approval period as outlined for submission 1. The applicant has applied to be able to undertake the following activities from the existing building:	Recommendation as per submission 1 with the additional recommendation that any approval for the operation of a club premises upon Lot 2075 Old Nabawa-Northampton Road be subject to the following conditions:

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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Schedule of Submissions - Proposed Club Premises, Lot 2075 Old Nabawa-Northampton Road, Nabawa				
Submission No. & Receipt Date	Submitter & affected property	Nature of Submission	Comment	Recommendation
		<p>whether sold or supplied.</p> <p>There is no police presence in Nabawa to enforce any laws or conditions that may apply to the conduct of this club.</p> <p>The operation of the club will result in an increase in the number of vehicles using the road</p>	<ul style="list-style-type: none"> - cultural awareness workshops with approximately 10 to 15 people at any one sitting; - corporate meetings; - working group meetings for Naaguja native title. <p>These activities can be accommodated under the definition of a 'Club Premises' as listed in the Shire of Chapman Valley Town Planning Scheme No.1. The terminology 'Club Premises' is provided by the Scheme and is not the requested terminology of the applicant.</p> <p>The proposed development is sited upon a 39.3ha lot set amidst a wider farm totalling 753.6ha, the subject building is located along a 250m length driveway back to the road and as such there is sufficient on-site capacity to accommodate visitor vehicles. However, this comment may be addressed, should approval be granted, through application of a condition relevant to car parking and the requirement that no visitor vehicles be parked on the road.</p> <p>The application proposes that the 135,79183m² continuous main area be used for meetings purposes and this could allow for 135 persons to attend a meeting as per Section 7 of the Health (Public Building) Regulations 1992. However, the building is served by two toilets and as per Table F2.3 for a Class 9b (function room) of the Building Code of Australia 2010 this limits the design occupancy to a maximum of 50 persons.</p> <p>It is recognised that the terminology of the Scheme can give the connotation that this application is for a liquor licence. The application as received, and advertised, and before Council for its deliberation, does not include a liquor</p>	<p>"The approval is NOT for a liquor licence and should the applicant/landowner seek to undertake any activities requiring a liquor licence then this will require the lodgement of a separate application to both the Shire of Chapman Valley and the Department of Racing, Gaming & Liquor."</p> <p>"The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and car parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant."</p> <p>"The applicant is to ensure that a maximum speed limit of 20km/hour within the development is adhered to and appropriate measures taken to ensure dust suppression."</p> <p>"All lighting devices must be positioned in such a way as to not cause glare to neighbouring residences and the road to the approval of the Local Government."</p> <p>"The development must access Old Nabawa-Northampton Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant."</p> <p>"The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road</p>

SHIRE OF CHAPMAN VALLEY

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Schedule of Submissions - Proposed Club Premises, Lot 2075 Old Nabawa-Northampton Road, Nabawa			
Submission No. & Receipt Date	Submitter & affected property	Nature of Submission	Comment
			Recommendation
6 (27/4/2012)	G & R Paterson 6 Green Drive NABAWA WA 6532	<p>From time to time the present occupants of the farm allow a band to play on their property. This band is audible to me although my property is located some considerable distance from their property whereas I have never heard any disturbance from the tavern.</p> <p>The proposed use of the residence appears to fall within the existing use of the property, therefore there would appear to be no need for a club licence unless the intention is to extend the use of the property.</p> <p>Objection I understand that the applicants have bought this land and built the premises that are now on it. What I don't understand is why they purchased it in Nabawa, surely Geraldton and Northampton have premises that can be used by the applicant. It seems rather strange for everyone to travel 40km to have a meeting or attend a workshop.</p> <p>I have a problem with this request because if it is granted what comes next. The parties that are being held already can be heard by the residents down on Chapman Valley Road. We have a quiet peaceful town I'd like to keep it that way, the application will contribute nothing to the town except maybe noise pollution and more.</p> <p>Therefore I am against the application being</p>	<p>licence component. Should the application seek to acquire a liquor licence for the land use this will require the lodgement of a separate application to both the Shire of Chapman Valley and the Department of Racing, Gaming & Liquor.</p> <p>As per comments provided in relation to noise and any approval for the development being subject to a finite approval period as outlined for submission 1.</p> <p>The proposed land use cannot be considered under the Scheme definition for 'single house', 'residential building', 'grouped dwelling' or 'added accommodation unit' and is required to be considered under the defined land use of 'club premises'.</p> <p>The comment that facilities already exist elsewhere in which the requested land use may take place is noted, however, it is the applicant's desire for them to take place on their landholding.</p> <p>As per comments provided in relation to noise and any approval for the development being subject to a finite approval period as outlined for submission 1.</p>
			Recommendation as per submission 1.

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**

Schedule of Submissions - Proposed Club Premises, Lot 2075 Old Nabawa-Northampton Road, Nabawa				
Submission No. & Receipt Date	Submitter & affected property	Nature of Submission	Comment	Recommendation
7 (27/4/2012)	P Erlandsen 12 Green Drive NABAWA WA 6532	<p>granted and would like to think the Council will vote no.</p> <p>Objection My understanding is that a reclassification of a building from residential/rural to commercial premises requires rezoning of the land should this be correct then other unintended development may follow.</p> <p>Club premises sounds warning bells for the granting of a liquor licence at a later stage. Presumably most visitors to Lot 2075 would be from other than Nabawa so effectively drive in drive out, should alcohol become freely available this sets the stage for possible road trauma. In the event of police presence being required no availability for 2-3 hours.</p> <p>With increased usage the existing septic may become overloaded requiring installation of additional tanks either way more use of the system equals more pollutants posing a severe health risk to residents who use the water from the nearby bores. Reclassification should be deferred until such time as the proposed property can be connected to a sewerage treatment plant.</p> <p>Observing the topography of the area may suggest no problems with degradation of the water supply, however under the surface level lies a deep band of gravel, sand and silt through which contaminated water can permeate and migrate a considerable distance.</p>	<p>The proposed development does not require the rezoning of the land as the proposed activities meet the definition of a 'Club Premises' as listed in the Shire of Chapman Valley Town Planning Scheme No 1. 'Club Premises' is listed as a 'PS' use within the 'General Farming' zone, that is a use permitted if special approval is given by the Council and if it complies with the conditions of approval (if any) of the Council and the relevant standards of the Scheme.</p> <p>As per comments provided in relation to liquor licensing as outlined for submission 5.</p> <p>The development is presently connected to a septic system with 2x12m leach drains back-filled with blue metal and sited approximately 160m from the Chapman River.</p> <p>The application, should it be approved by Council, must be connected to an on-site effluent disposal system located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.</p>	<p>Recommendation as per submissions 1 and 5 with the additional recommendation that any approval for the operation of a club premises upon Lot 2075 Old Nabawa-Northampton Road be subject to the following condition:</p> <p>"The development must be connected to an on-site effluent disposal system(s) located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government."</p>

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Schedule of Submissions - Proposed Club Premises, Lot 2075 Old Nabawa-Northampton Road, Nabawa				
Submission No. & Receipt Date	Submitter & affected property	Nature of Submission	Comment	Recommendation
late submission 8 (3/5/2012)	Anglican Church Diocese of North West Australia Landowner: Lot 2635 Chapman Valley Road NABAWA WA 6532 (Postal address: PO Box 2783 GERALDTON WA 6531)	Increased noise and traffic flow would have a detrimental effect on native vegetation living in and around scarce water supply in this vicinity is the habitat of the relatively rare white faced heron. <i>Indifferent</i> Concern about the property being rezoned to commercial for use as a club is that the community may later seek an application for a liquor licence at the property so as to use the building as a country club. Could create disturbing situations in the surrounding area which do not exist under its current classification. Why the current classification for the property being cultural residence could not be extended or amended so as to accommodate the types of cultural activities the applicant have listed, without the need for the property to be reclassified to the much broader scope of commercial zoning. Have no objection to the premises being used for the purposes listed in the application, these being: Cultural awareness workshops; Corporate meetings; Working group meetings for Naaguja native title matters.	As per comments provided in relation to noise and any approval for the development being subject to a finite approval period as outlined for submission 1. As per comments provided in relation to liquor licensing as outlined for submission 5. The proposed land use cannot be considered under the Scheme definition for 'single house', 'residential building', 'grouped dwelling' or 'added accommodation unit' and is required to be considered under the defined land use of 'club premises'. The terms being used by the respondent are not listed within the Shire of Chapman Valley Town Planning Scheme No.1. The proposed development does not require the rezoning of the land as the proposed activities meet the definition of a 'Club Premises' as listed in the Shire of Chapman Valley Town Planning Scheme No.1. 'Club Premises' is listed as a 'PS use within the 'General Farming' zone, that is a use permitted if special approval is given by the Council and if it complies with the conditions of approval (if any) of the Council and the relevant standards of the Scheme.	Recommendation as per submissions 1 and 5.

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Cr David Bell declared a conflict of interest and left the meeting at 11.00am

AGENDA ITEM:	10.1.3
SUBJECT:	PROPOSED CHALETS – BULLER
PROPONENT:	N & T STEIN
SITE:	LOT 8 NORTH WEST COASTAL HIGHWAY, BULLER
FILE REFERENCE:	A110
PREVIOUS REFERENCE:	10/11-8 & 11/11-13
DATE:	7 MAY 2012
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application for 4 chalets to be established upon Lot 8 North West Coastal Highway, Buller. The 4 chalets are proposed to operate as a complementary extension to the 8 chalets approved by Council at the 16 November 2011 meeting. This report recommends conditional approval of the application.

Figure 1 – Location Plan for Lot 8 North West Coastal Highway, Buller



COMMENT

Lot 8 is a 8.0345ha rectangular property with frontage at its eastern end to the North West Coastal Highway and the coastal reserve at its western end, the lot is 118.17m wide and 678.55m in length. The eastern 2ha area of Lot 8 fronting the highway is set at approximately the 45-40m contour height and contains the existing residence and associated outbuildings, after which the property slopes down over the next 200m to a level 4ha area set at the 5m contour height situated behind the coastal dunes. This area is used for horse agistment and contains outbuildings related to this purpose. The dog boarding kennel upon the property is situated in an excavated area set into the base of the limestone ridge.

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The applicants propose to construct 4 chalets at the western end of Lot 8 as follows:

- 2 (two bedroom) villas as a Stage 1; and
- 2 (two bedroom) villas and 1 (three bedroom) caretakers villa as a Stage 2.

The chalets would each be identical to the 8 chalets approved upon Lots 7 and 9 to the south, being 220m² in floor area and single storey as viewed from the west and two storey (undercroft parking area) as viewed from the east. The chalets would be clad in non-reflective insulated IBS panel walls of a soft-grey to off-white colour and metal clad panel roofs of an off-white colour with curved flat pitch.

The application estimates that each chalet would require the clearing of approximately 450m² vegetation and a further 250m² for paths and access tracks to each villa, with an estimated total area required to be cleared for development of less than 2,900m². The application states that this vegetation is fragmented, degraded and infested with Boxthorn and other weeds. The application has proposed to undertake rehabilitation and conservation works for an offset area in excess of 7,500m².

The application upon Lot 8 proposes to utilise the highway access and internal vehicle access network approved for the common use of the total chalet development upon the neighbouring Lots 7 and 9 to the south. A 4m wide access track would be constructed at the western end of Lot 8 for guest vehicles to access the 4 chalets. The existing vehicle network upon Lot 8 would also allow for secondary fire access across the steep limestone ridge and back to the highway.

It is proposed that the chalets on Lot 8 and those already approved upon neighbouring Lots 7 and 9 would be operated under a joint management and marketing agreement with a full-time caretaker/cleaner/maintenance/groundsperson.

It is proposed that the reception and administration activities for the Chapman Valley Beach Villas might operate from the Pearl Gallery building approved upon Lot 9, past which the common access network runs prior to reaching the chalets. Outside of the Gallery's operating hours (9am-5pm) it is proposed that the caretaker housed in villa 1 would undertake this role.

A complete copy of the detailed and extensive application has been provided to Councillors as a separate document, and a copy of the applicant's and submitted site, floor and elevation plans for the chalets have been included as **Attachment 1** to this report.

Figure 2 – Aerial Photograph of Lot 8 North West Coastal Highway, Buller



SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

The application was advertised for public comment from 29 March 2012 until 26 April 2012 with the following actions being undertaken inviting comment:

- Placement of a notice in the Mid West Times on 29 March 2012;
- Erection of an advisory sign on-site between 29 March 2012 and 26 April 2012;
- Direct notification being sent to the 19 surrounding landowners within a 500m radius of the proposed site; &
- Direct notification being sent to the following government agencies; Alinta Gas, Department of Environment and Conservation, Department of Health, Department of Indigenous Affairs, Department of Planning, Department of Regional Development and Lands, Department of Water, Environmental Protection Authority, Fire and Emergency Services Authority, Main Roads WA, Northern Agricultural Catchments Council, Telstra, Tourism WA, Unexploded Ordnance Unit, Water Corporation and Western Power.

At the conclusion of the advertising period 8 submissions had been received, with a further 5 submissions received following the conclusion of the 28 day advertising period. 11 submissions expressed support/no objection to the application, and 2 submissions expressed an objection to the application.

A Schedule of Submissions has been prepared and included as **Attachment 2** to this report, the Schedule identifies the respondents, summarises the matters raised, provides individual comment upon the matters raised, and a recommendation in regard to each. A copy of the received submissions can be provided to Councillors upon request.

Figure 3 – View looking west from proposed chalet sites



Figure 4 – View looking south and north across proposed chalet sites



Figure 5 – View looking east from proposed chalet sites towards existing structures



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COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

STATUTORY ENVIRONMENT

Lot 8 North West Coastal Highway, Buller is zoned 'General Farming' under the Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme'). The Policy Statement under the Scheme for the 'General Farming' zone is as follows:

"This zone embraces the broad acre farming areas of the Shire. It is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit, or where a non-farming use is proposed on the amount of land required for that purpose."

The Scheme Zoning and Development Table lists 'Chalets, Holiday Accommodation, Motels including Kiosk and Fuel Outlet for Patrons only, plus ancillary buildings' as an 'AP' use for the 'General Farming' zone.

Section 2.2.2 of the Scheme lists 'AP' uses as being permitted if approval is given by the Council after the proposal has been advertised in accordance with Section 5.2.2, and it complies with the conditions of the approval of Council, and if it complies with the relevant standards contained within the Scheme.

The proposed chalets would appear to be able to meet all standard development assessment requirements under the existing 'General Farming' pertaining to boundary setbacks, car parking, landscaping etc. However, Section 3.2.9 of the Scheme 'General Farming Zone Policy' does set the following requirement:

- (e) *the need to preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any Planning Consent issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna."*

Shire of Chapman Valley Local Planning Scheme No.2 proposes to rezone Lot 8 and the adjoining 11 Buller lots that are west of the highway to 'Development' zone with an overlying 'Development Contribution Area 1'. It is considered likely that an additional 'Special Control Area – Vegetation Protection Areas within the Buller "Development" Zone' will also apply to this area, although the scale of this Special Control Area is currently subject to appeal to the Minister for Environment.

The proposed chalets are located within the area identified by the Buller 'Development' Zone Environmental Review as 'Conservation Area/Development Exclusion Zone' and by the EPA Recommendation (subject to appeal) as 'Special Control Area – Vegetation Protection Areas within Buller "Development" Zone'.

The draft EPA Special Control Area identifies a 70.85ha Special Control Area in the 196ha Buller 'Development' zone equating to 36.15% of the total area. The draft EPA condition is that clearing of remnant native vegetation within the Special Control Area would not be permitted unless for the following purposes:

- fire management;
- vehicular access to the western 'island' portion of the 'Development' zone (this is to be limited to one access point in the north and one in the south);
- clearing allowed under the Department of Environment and Conservation Land Clearing Regulations; and

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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- trees that are diseased or dangerous.

It is suggested that the EPA's consideration of a Special Control Area has prompted landowners in the subject area to make application for developments they may have been considering for some time but have now hastened to lodge. This has placed the Shire in the difficult position of having to assess development applications under the existing statutory planning framework within the statutory 60 and 90 day timeframes whilst being expected to have some regard for the EPA's recommendation, in spite of the severity of this recommendation that has prompted the Shire and 6 of the effected landowners to lodge appeals against this EPA recommendation.

The field surveys conducted for the Buller Environmental Review confirmed that there were no declared rare flora, priority flora, threatened ecological communities or priority 1 ecological communities within the subject area and that the study area was predominantly disturbed and degraded with little habitat value. The Buller Environmental Review recommended that future structure planning and subdivision should establish a conservation area along the coastal foreshore and Buller River to serve as a fauna linkage. Council resolved at its 21 May 2008 meeting to endorse the Buller 'Development' zone Environmental Review as prepared by GHD.

Figure 6 – Extract from Buller 'Development' zone Environmental Review

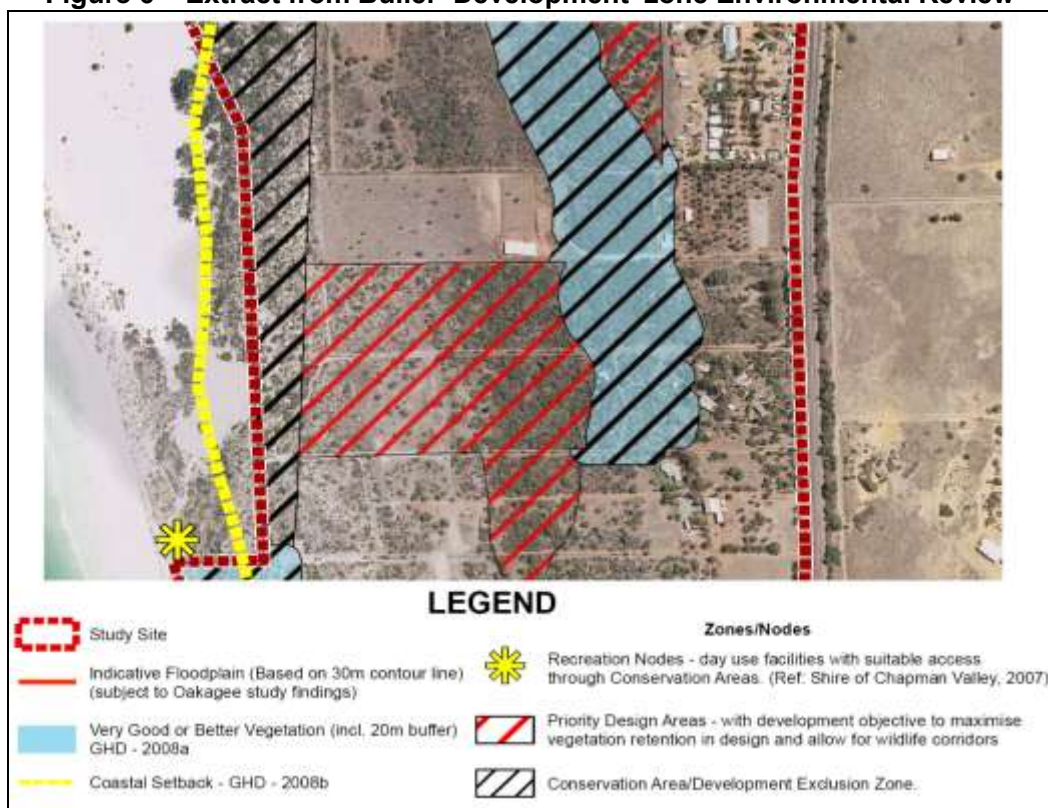


Figure 6 of the Buller Environmental Review document identifies that the proposed chalet sites are situated outside of the 'Coastal Setback' area. Section 3.5.1 of the Environmental Review provides the rationale for the 'Coastal Setback' area as shown upon Figure 6 of the Environmental Review:

"Schedule 1 of the Statement of Planning Policy No. 2.6: State Coastal Planning Policy sets out the criteria for determining the physical setback from the coast to allow for local coastal processes, and considers the following:

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- *Coastline response to a specific storm event;*
- *Long term accretion or erosion trends; and*
- *Sea level rise in response to global warming.*

A physical setback study conducted in accordance with Schedule 1 of SPP 2.6, determines values for S1, S2 and S3. The sum of the “S” values combine to form the total physical setback from the Horizontal Setback Datum (HSD), the explanation for each of the “S” values is as follows:

- *S1 determines the distance required to absorb acute erosion caused by an extreme storm event. This distance is calculated by modelling the impact of an extreme storm event sequence on the shoreline, at the development site. Where modelling is not possible (i.e. in the absence of reliable data), a default value of 40m shall be adopted.
No modelling has been undertaken as part of this preliminary review, therefore, the default 40m has been adopted for the Study Site.*
- *S2 allows for historical trends (chronic erosion or accretion). The setback allowance for S2 should be calculated as 100 times the present longer-term annual rate of erosion. On a relatively stable shore a minimum S2 value of 20m shall be used (allowance for a safety factor), if there is evidence to suggest chronic accretion in excess of 20 m over the 100 year forward planning period, then a value of 0 m shall be used.
A minimum S2 value of 64m should be assumed for the Study Site to the north of the dune blowout, given an average approximate trend indicates a 0.64m per year erosion over the 50-year period. The erosion/accretion trend to the south of the dune blowout yields an S2 value of 20m (a minimum value).*
- *S3 considers the effect of sea level rise as a result of global warming. The Intergovernmental Panel on Climate Change (IPCC), have produced estimates (in the third assessment) on global sea level rise by modelling a 100 year period (2000 to 2100), the study highlighted a 0.38m rise. The guidelines in The Policy suggest using the Bruun Rule (applying a multiplier of 100), which provides a value of 38m for S3. The IPCC fourth assessment has recently been released which suggests that the value has reduced to 0.34m (equating to a 34m setback value for S3). This estimate is based on the median value of a hierarchy of models.
The larger of the two allowances has been utilised for the S3 value, that is, 38m.”*

“The proposed coastline recreation nodes have been indicated in Figure 6, with a Conservation Area providing a wider setback than the physical setback proposed to protect the good condition vegetation of the foredune and the ambience of the coastal setting from the recreation nodes.”

The Buller Environmental Review identifies the chalet sites as being stabilised sand dunes with coastal scrub/heath mosaic in good condition.

Sections 3.1.5 and 3.1.6 of the Buller Environmental Review addresses the area upon which the proposed chalets would be located:

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“The proposed management for vegetation is focussed upon:

- *Reserves;*
- *Rehabilitation; and*
- *Regional context associated with the DPI Coastal Region Flora and Vegetation Survey.*

Reserves

Future development proposals resulting in urban subdivision of the Study Site will be managed through a Structure Plan process which will require further assessment of the vegetation values in the context of a specific proposal and the DoP regional study outcomes.

Areas of “Very Good” or better vegetation values on Site, identified by GHD (2008a), will be required to be reserved for Public Open Space vested in the Shire. Much of the “Good” condition Coastal scrub/heath mosaic will similarly be protected. These areas have been presented as Conservation Areas (or development exclusion zones) in Figure 6.”

“The management strategies proposed should ensure the effect on the viability of the vegetation in the region will not be significant and any clearing proposed will not significantly diminish the current percentage of good quality remnant vegetation by type in the region.”

The Buller Environmental Review recommends that the proposed location for the chalets should be included within an area that is excluded from development by a future structure plan. However, this is a recommendation based on a general environmental appraisal of the coastal section for the area. The structure planning process will have to take account of not only environmental factors, but also other planning issues including servicing, transport network, coastal access, recreational requirements, community requirements, visitor attraction and management.

On-site inspection of the proposed Chapman Valley Beach Villas development location by Shire Planning staff and the Shire’s Environmental Consultant confirms that they are proposed to be set in a mosaic of remnant vegetation with areas dominated by weeds. Whilst the development would result in some clearing it can also be viewed as introducing informal surveillance to the coastal area, with current indiscriminate and destructive 4WD and quad/motorbike patterns more likely to modify their behaviour if they are overlooked by buildings and remove the perception that they are ‘out of sight’.

Further, if the application were to be approved, it could be made conditional to an Environmental Management Plan that would require the owner/operator to address and undertake the following:

- rehabilitation of an area equivalent (or greater) to the development locations, with one possible offset location being around the commenced rehabilitation works in the Crown Reserve immediately west of the proposed chalet locations;
- ensure drainage is managed to support the regionally significant *Frankenia pauciflora* species east of the proposed Chapman Valley Beach Villa locations;
- stabilisation of the area disturbed by the development, and the area west of the development;
- weed management;
- feral animal management;
- managed beach access path(s); and
- fencing.

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The structure plan process will also identify future land uses across the Buller area, and this process will be undertaken in consultation with landowners. The Council may ultimately consider that the structure plan should identify not only residential subdivision, community facilities, public open space provision, transport network, coastal access points, educational site, but also appropriate nodes for tourism/commercial activity and Lots 7, 8 and 9 may well be identified as locations suitable for this form of development particularly given their proximity to the Recreation Node as identified by the Buller Environmental Review and the lots' frontage to a significant tourist road alignment.

The current statutory framework for development assessment upon Lot 8 is the 'General Farming' zone. Provided the development was completed prior to any gazettal of Scheme No.2 (in the event that the greater Special Control Area of the EPA Recommendation is incorporated into the gazetted version) they could be considered an existing non-conforming use, or alternatively as clearing permitted under the Department of Environment and Conservation Land Clearing Regulations, which the text accompanying the EPA Special Control Area recommendation makes allowance for.

Section 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 addresses the issue of prescribed clearing with Regulation 5 Item 1 listing:

"Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 1 ha, if

- (a) the clearing is to the extent necessary; and*
- (b) the vegetation is not riparian vegetation."*

The closest of the 4 proposed chalets would be located approximately 330m west of the dog boarding kennel development upon Lot 8.

The Shire and the operator of the dog boarding kennel jointly undertook a 'Post Commissioning Noise Level Assessment' (conducted by Herring Storer Acoustics) that involved the installation of noise measurement equipment (automatic noise data loggers) from 6 September 2010 until 14 September 2010 at three points; a reference location; the nearest existing 'noise sensitive premise' this being at a 'high ground' location; and a 'low ground' location on the boundary with the neighbouring Drummond Cove Holiday Park where the nearest future third party 'noise sensitive premises' might be located.

The noise assessment concluded that the dog boarding kennel complied with the regulatory criteria as measured from the 'high ground' monitoring location. Although there were no residential premises at the 'low ground' monitoring location it was deemed that for the completeness of the assessment, noise levels should be measured at this location.

For known periods of dogs barking in the exercise yard, noise levels measured at the 'low ground' boundary location was 55dB(A) therefore if development of the neighbouring property occurred and a habitable building was sited at the 'low ground' point, the regulatory noise criteria would be 55dB(A). Dog barking can be considered tonal in characteristics, and it is considered likely that it would attract a +5dB(A) penalty. Therefore assessable noise at this 'low ground' boundary location would be 60dB(A), which would be a potential 5dB(A) exceedence to regulatory criteria.

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Figure 8 – Location of on-site equipment for noise assessment



It should be noted, however, that in order to conduct the noise measurements, dogs in the exercise yard were excessively excited to induce maximum barking. This would be abnormal to standard practices where, as per the Noise Management Plan, excessive dog barking is dealt with through management means.

The proposed chalets upon Lot 8 would be located at a further distance back from the dog boarding kennel than either the 'low ground' or 'high ground' data logger receival point but would be in a location and contour height that would be exposed to noise emissions that although not necessarily in breach of the Noise Regulations would still affect the amenity of the development. There is also a possibility that the proposed chalets upon Lot 8 might receive noise in excess of the regulatory criteria under certain conditions. However, it is noted that the excessive noise level recorded by the 'low ground' data logger was a result of 'extreme' activity and the noise management plan for the dog boarding kennel addresses such incidences.

Furthermore, the dog boarding kennel has been given an expiry date for its approval by the State Administrative Tribunal of 3 August 2013, and the applicant has advised that the chalets would not be completed until October 2015.

In the event that the chalets were approved, and constructed, and made operational prior to 3 August 2013 and were deemed a 'noise sensitive premise' it should be noted that they would also be owned and operated by the operator of the dog boarding kennel and a degree of 'self-policing' might be expected with the anticipated economic return on the chalets to the landowner impacted if the Noise Management Plan was not being properly adhered to for the dog boarding kennels. Under such a scenario it might also be considered under the Noise Regulations requirements that the chalets could be deemed as not being the 'noise sensitive premise' of a third party to the dog boarding kennel as they would be contained upon Lot 8.

In the event that emissions from any operation exceed regulatory criteria (be they noise, dust, vibration, odour etc.) then it is the responsibility of the emitter to modify their actions to meet the prescribed limits and not the responsibility of the (third party) receiver.

POLICY IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 16.120 'Rural Tourist Development' seeks to provide for a range of accommodation and other tourist related uses in the rural areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the municipality.

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Policy 16.120 sets the following standards for 'chalets', staff comments on the development application's ability to meet each criteria are provided in italic font:

- Public Road Access - 12m form/8m gravel paved – *Lot 8 fronts the bitumen sealed North West Coastal Highway via an existing crossover. It is proposed that the 4 chalet development upon Lot 8 would utilise a shared crossover previously approved by Council for the 8 chalet development upon neighbouring Lots 7 and 9. It is considered that any approval should be made conditional to the access to the site being located, constructed and maintained to the requirements of Main Roads WA;*
- Potable Water Supply - 46,000 litres storage (10,000 gals) – *Lot 8 has access to reticulated scheme water. The caretaker unit will be constructed with roof catchment and sub-floor rainwater reservoir with 100m³ capacity;*
- Car Parking – 1 car bay per chalet – gravel standard/Council specifications – *the submitted plans indicates 2 undercroft car parking bays per chalet;*
- Lot size – 10ha - *the application does not meet with the lot size requirements of the Policy, with Lot 8 being 8.0345ha rather than the 10ha set as an ideal by the policy. However it is noted that the Chapman Valley Beach Villas are proposed to be sited across a total site area of 25.125ha when also considering Lot 9 (9.0561ha) and Lot 7 (8.0344ha);*
- Setback - 30m from the front boundary and 75m from water features with all other boundaries to comply with Town Planning Scheme requirements unless otherwise determined by Council – *the application complies with this requirement;*
- Siting - away from ridge line and side slope/breakaway areas, clustered together – *the chalets are clustered along the western edge of the lot and whilst the chalets would be located on the raised dune area they would be sited at a maximum contour height of 16.175m with a single storey height above this as seen from the west, and the ridgeline behind/east of the chalets rises to 40m;*
- Clearing - no removal of remnant vegetation - *the application will involve clearing of up to 2,900m² and the applicant proposes to rehabilitate an offset area of 7,500m². There is also opportunity to condition any approval to undertake offset works that would supplement the dune rehabilitation work already being undertaken by the Shire and NACC in the dunes immediately west of the proposed chalet sites;*
- Screening – partially screened from view of neighbouring properties – *the proposed locations for the chalets will mean that they are clearly visible to the existing residences situated upon the high ground to the east, the chalets will not obstruct these residents' ocean views due to the significant height separation between the top of the ridge and the chalets, it is also noted that with the rezoning of the area from 'General Farming' to 'Development' zone that the current outlook for neighbouring properties will be subject to change;*
- Design & Materials - complementary with landscape, earth tones, no reflection – *the applicant is proposing to use earth tone non-reflective wall finishes and flat roofs to minimise height and reflection;*
- Management - on site managers residence – *it is proposed that the development will include a caretaker's villa.*

It is considered that the proposed application generally meets the requirements for chalets under Policy 16.120 with the exception of the clearing and screening criteria and this would need to be addressed through conditions of approval concerning environmental offsets, landscaping/screening and building colours/materials/design. Part 2 of Policy 16.120 makes allowance for this:

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

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

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

FINANCIAL IMPLICATIONS

Should Council refuse this application and the applicant proceed to exercise their right of appeal a cost is likely to be imposed on the Shire through its involvement in the appeal process.

STRATEGIC IMPLICATIONS

Lot 8 North West Coastal Highway, Buller is contained within Planning Precinct No.7 – South West in the Shire of Chapman Valley Local Planning Strategy (2008). The Vision for this Precinct is as follows:

“The planned expansion of the south west area of the Shire, whilst taking into consideration the plans and policies of other local and regional government authorities.”

The Local Planning Strategy identifies ‘Tourism (Low – Medium Key)’ as a land use that is considered appropriate within the South West Precinct subject to compliance with the provisions of the Town Planning Scheme and specific policies of the Council.

Lot 8 and the greater Buller ‘Development’ zone are identified in the Greater Geraldton Structure Plan (2011) prepared by the WAPC as being ‘Future Urban’ with Section 3.1.1 of the accompanying report noting that:

“An area of approximately 1,700ha is identified as ‘future urban’ in the Greater Geraldton Structure Plan 2011 to guide the direction of long-term urban expansion. The bulk of this area identified is located at Buller and around Cape Burney, which are at the extremities of the northern and southern coastal corridors respectively.”

The Shire of Chapman Valley Coastal Management Strategy (2007) identifies for the section of coast adjacent to Lot 8 that the foredune should be rehabilitated, beach access be controlled, and effective policing be introduced. Any approval of this development should be made subject to an Environmental Management Plan that details the landowner/operator’s clearing offset responsibilities that could assist in meeting the following directions of the Strategy:

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“CMS 1.3.1: Based on the detailed Foreshore Management Plan developed for the Urban land to the east, construct post and “Ring-Lock” fencing to dunal areas and pedestrian access paths within the southern third of CMS1 so as to provide protection to the foredune within the defined dune protection areas from public movement.

CMS 1.3.2: Brush the defined dune protection areas to allow natural regeneration of the dunal vegetation and augment where necessary to provide suitable, indigenous root stock in badly denuded areas. Install appropriate directional signage for pedestrians.

CMS 1.3.3: Following declaration of Prohibited Areas and closure of tracks, the developers be required as conditions of future Urban Scheme Amendment/Structure Planning processes to undertake active rehabilitation of the dune blow-outs within the Foreshore Reserve. Brushing and exclusion of ORV activities will in itself assist considerably in natural vegetation re-growth. Appropriate techniques for enhanced rehabilitation will need to be investigated relative to the prevailing conditions.”

“CMS 1.4.5: Within the southern third of CMS1, close with rocks and fencing all existing 4WD access tracks eastward of the foredune.”

The applicant has made comment in Section 6.3 and Appendix B within their submitted documentation that the proposed development can be considered to meet the accessibility, unique setting, amenity, supply, capability, size and function requirements for a tourism site as identified under the WAPC Tourism Planning Bulletin 83/2011: Planning for Tourism.

The Geraldton-Greenough Tourism Strategy (2008) prepared by the Mid West Development Commission identified that the region has been experiencing accommodation shortages especially with mid to higher level rooms and decreasing room supply. The Strategy identified that 300 additional hotel/motel/serviced apartment rooms would likely be required between 2016-2020 and a further 386 hotel/motel/serviced apartment rooms in the longer term (2016-2028).

Should Council not consider that the application corresponds with its strategic direction for this area then it may consider the following wording appropriate in its formation of an alternative resolution:

“That Council refuse the application for 4 chalets upon Lot 8 North West Coastal Highway, Buller as the proposed locations are situated within the Conservation Area/Development Exclusion Zone as identified by the Buller Development Zone Environmental Review.”

VOTING REQUIREMENTS

Simple majority of Council.

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OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

MOVED: CR PAULINE FORRESTER

SECONDED: CR PETER HUMPHREY

That Council grant formal planning consent for 4 chalets upon Lot 8 North West Coastal Highway, Buller subject to compliance with the following:

Conditions

- 1 Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.**
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.**
- 3 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and car parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.**
- 4 The applicant is to ensure that a maximum speed limit of 20km/hour within the development is adhered to and appropriate measures taken to ensure dust suppression.**
- 5 All lighting devices must be positioned in such a way as to not cause glare to neighbouring residences to the approval of the Local Government.**
- 6 The development must access the North West Coastal Highway at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the specifications of Main Roads WA and to the approval of the Local Government, with all costs met by the applicant.**
- 7 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.**
- 8 All storm-water runoff from impervious surfaces (roof and paved areas) shall be contained within the property boundaries, and re-used or disposed of through an acceptable drainage system, with all costs met by the applicant, to the approval of the Local Government.**
- 9 Any soils disturbed or deposited on site arising from the development shall be stabilised, with all costs met by the applicant, to the approval of the Local Government.**
- 10 The roof and walls of the chalets and associated structures (including storage tanks) shall be clad with non-reflective materials of colour(s) to the approval of the Local Government.**

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- 11 The design and materials (including wall and roof cladding materials, fittings and fixtures) are to be of a uniform and complementary finish and standard to the approval of the Local Government.
- 12 The applicant is to prepare, submit and adhere to a Management Statement to the approval of the Local Government, with all costs met by the applicant.
- 13 The applicant is to prepare, submit and adhere to a Fire Management Plan to the requirements of the Fire and Emergency Services Authority, and the approval of the Local Government, with all costs met by the applicant.
- 14 The applicant is to prepare, submit and adhere to an Environmental Management Plan to the approval of the Local Government, with all costs met by the applicant.
- 15 The chalets must be connected to reticulated water.
- 16 The chalets must be connected to an on-site effluent disposal system(s) located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.

Notes:

- i If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.
- ii Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- iii In relation to condition 12, the Management Statement shall set out in detail the management of the chalets and it should cover but not be limited to letting agent (manager) arrangements, reception, access, security, maintenance, caretaking, refurbishment, marketing and other services reasonably required for the development to operate as a tourism facility.
- iv The Management Statement shall also ensure that the designated holiday accommodation units are only used for short stay accommodation purposes, with a maximum stay of 3 months occupancy per annum, by any single tenant. The Management Statement shall charge the land and ensure that successors in title are required to adhere to the management terms or make application to the Local Government should they seek to amend the management terms.
- v In relation to condition 14, the Environmental Management Plan shall set out in detail the environmental management responsibilities of the landowners/operators and is required to address, but not be limited to, vegetation rehabilitation and replanting, stabilisation, weed management, feral animal management, protection of the *Frankenia pauciflora* community, access, fencing and other management measures reasonably required as determined by the Local Government, with reference to the relevant directions of Shire of Chapman Valley Coastal Management Strategy (2007) required.

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- vi This planning approval does not extend to signage for the development, for which a separate application will be required, and consultation with Main Roads WA is recommended prior to any sign application being lodged given that the North West Coastal Highway is under the control of Main Roads WA and signage must be to their requirements.
- vii The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, *Building Code of Australia, Building Regulations 2012, Health Act 1911, Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- viii If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Voting
7/0

CARRIED

Minute Reference 05/12 - 6

Cr David Bell returned to the meeting at 11.14am.

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ATTACHMENT 1



TECTA
Building Systems

TECTA PTY LTD
Building Systems
244A South Tce
South Fremantle, WA 6152
Tel: +61 894877939
Fax: +61 861652854
www.lecta.com.au
lecta.systems@gmail.com

CLIENT
Nicola & Timothy Glen
1519 North West Coastal Hwy
Buller
Shire of Chapman Valley
Tel:

PROJECT
Chapman Valley Beach Villas
Buller Beach
Chapman Valley

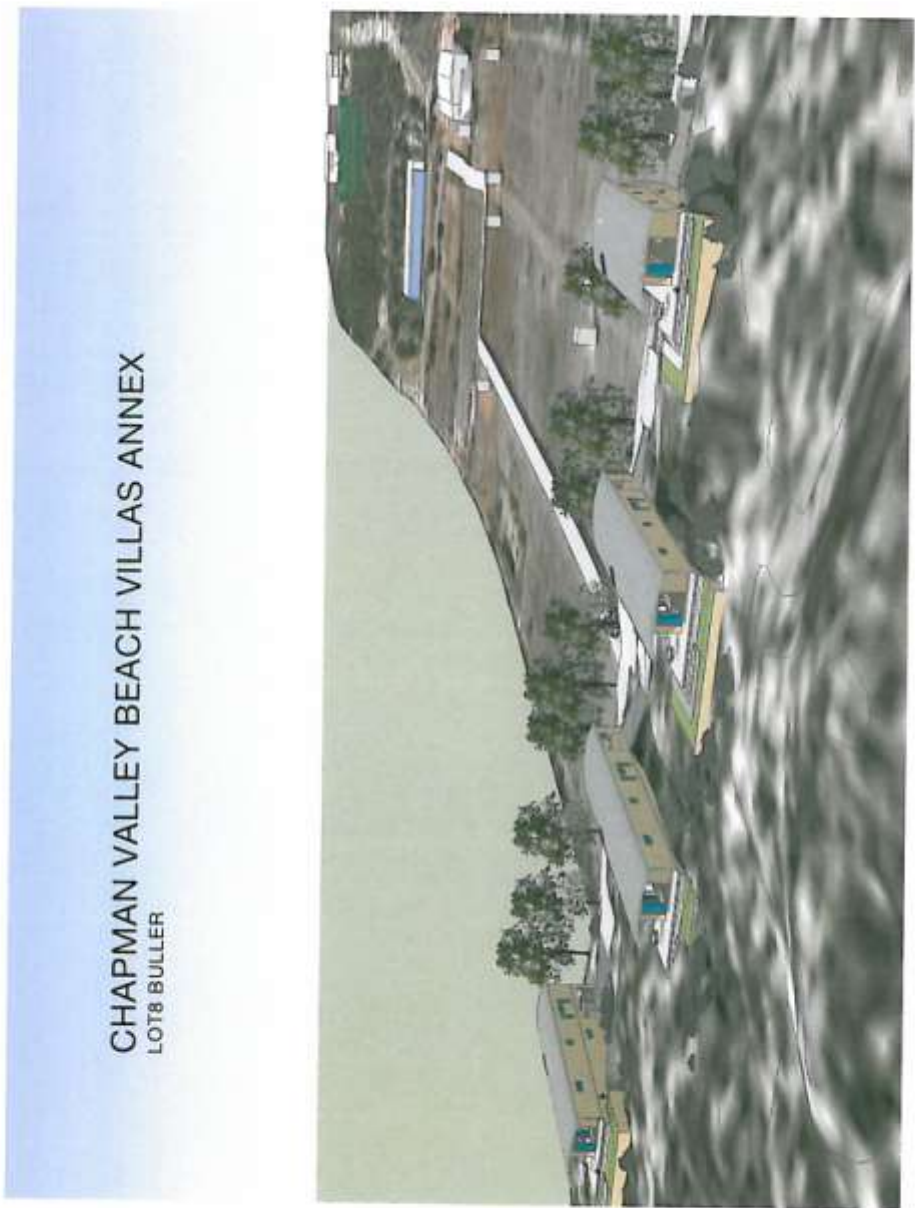
DRAWN BY
RLC / J.L.

ISSUED
10.02.2012

RE-ISSUE

DESCRIPTION
4 Detached Villas Located on
Lot 8
North West Coastal Highway
Buller, Shire of Chapman Valley

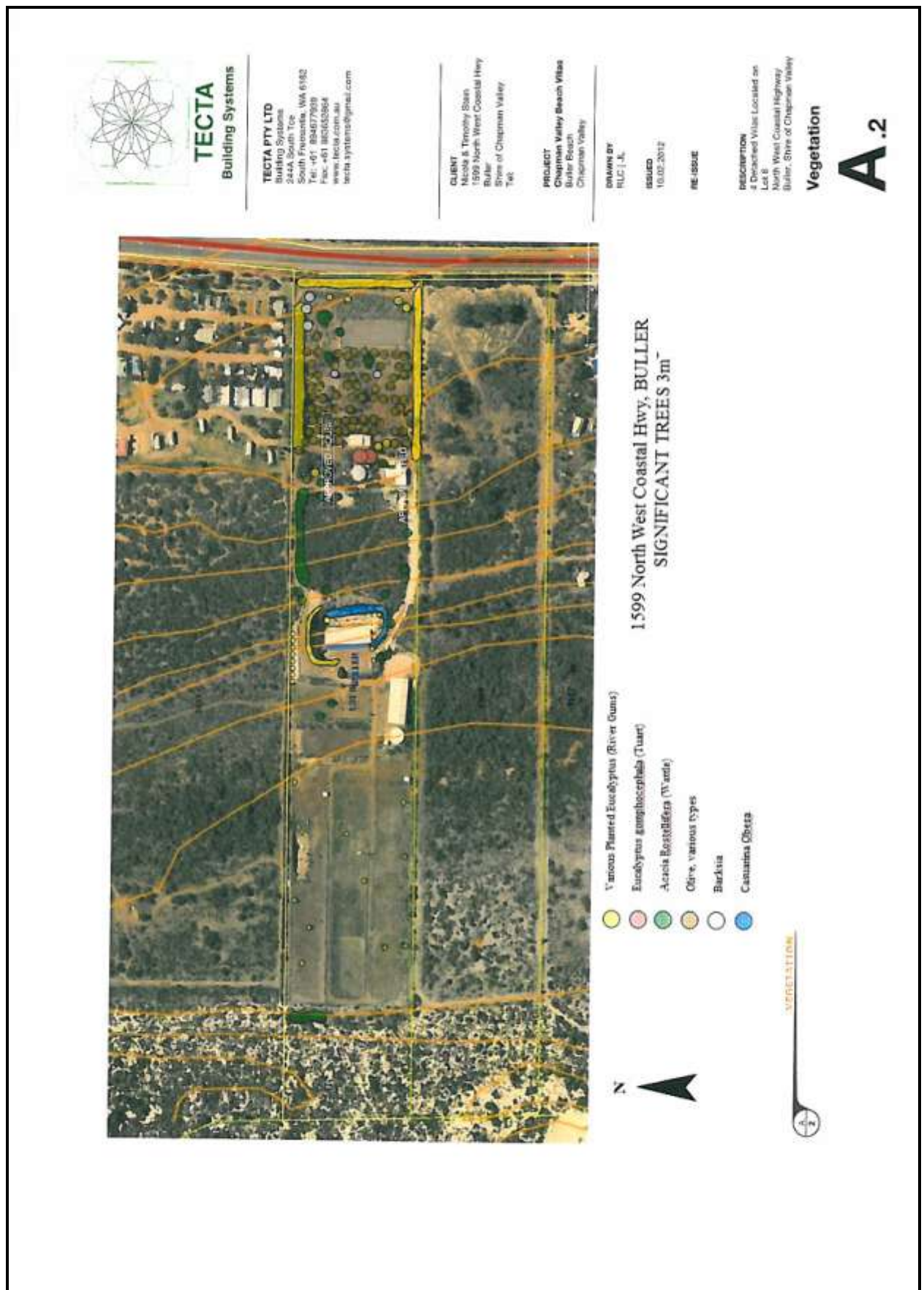
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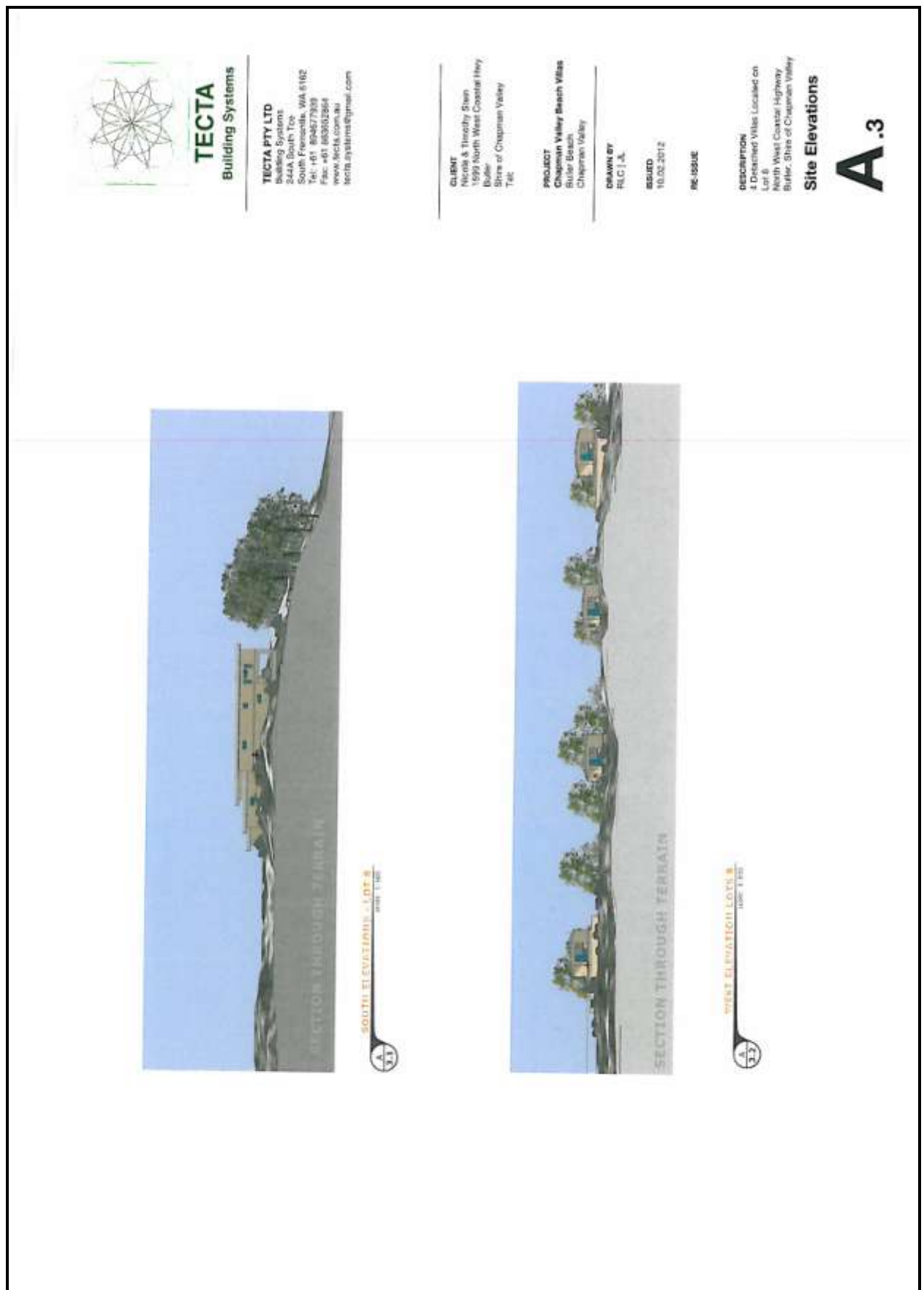


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SHIRE OF CHAPMAN VALLEY

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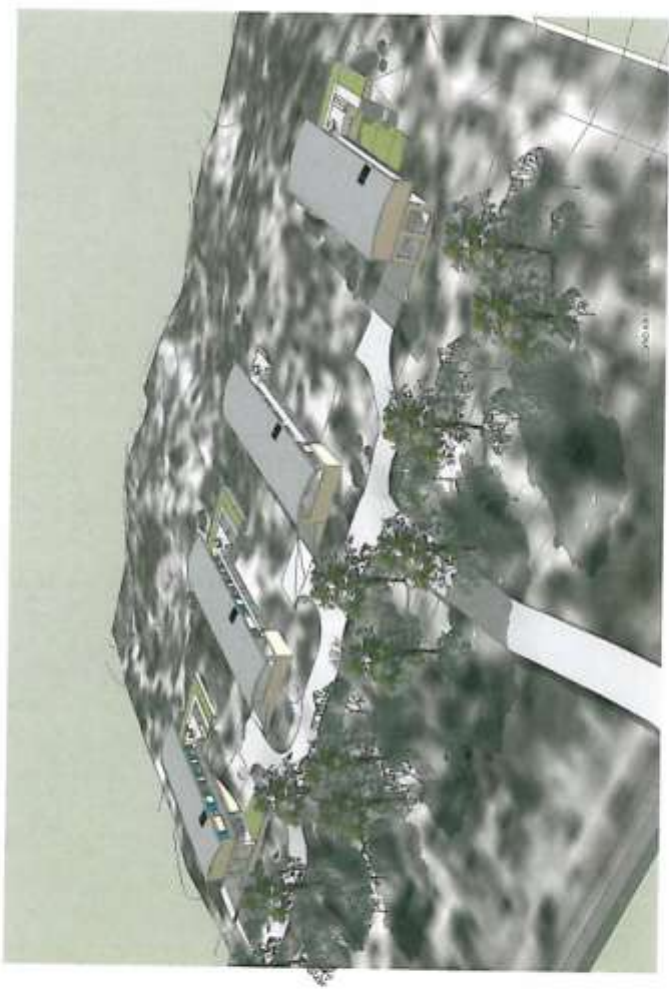


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UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012



PROSPECTIVE SITE SCREENING
Done by TECTA



TECTA
Building Systems

TECTA PTY LTD
Building Systems
244A South Tce
South Fremantle, WA 6162
Tel: +61 894877930
Fax: +61 893652864
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CLIENT
Nicola & Timothy Swan
1559 North West Coastal Hwy
Bulke
Shire of Chapman Valley
Tel:

PROJECT
Chapman Valley Beach Villas
Bulke Beach
Chapman Valley

DRAWN BY
R.C.J.J.

REVIEWED
16.02.2012

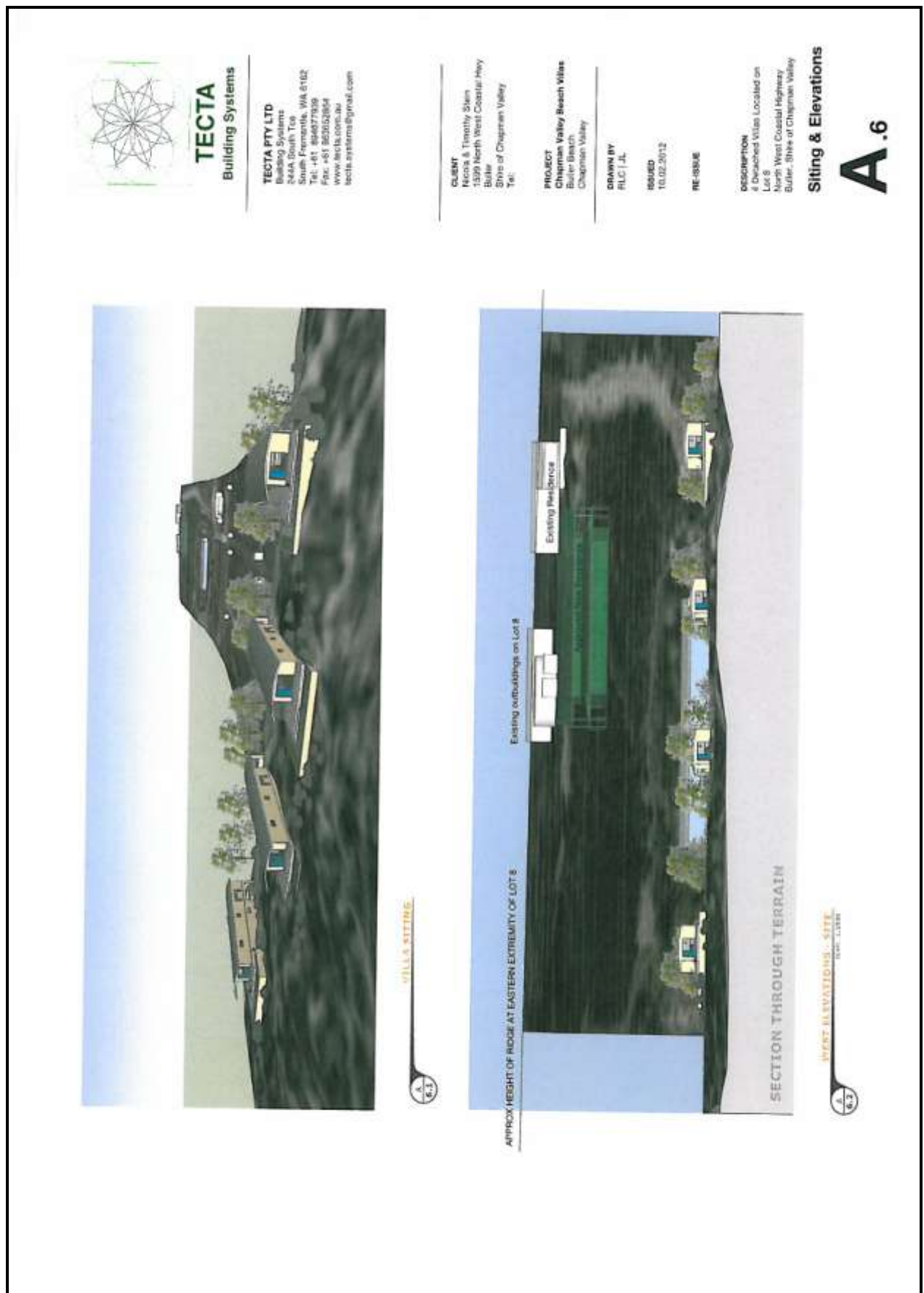
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DESCRIPTION
4 Detached Villas Located on
Lot 8
North West Coastal Highway
Bulke, Shire of Chapman Valley

Screening
A.5

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COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012



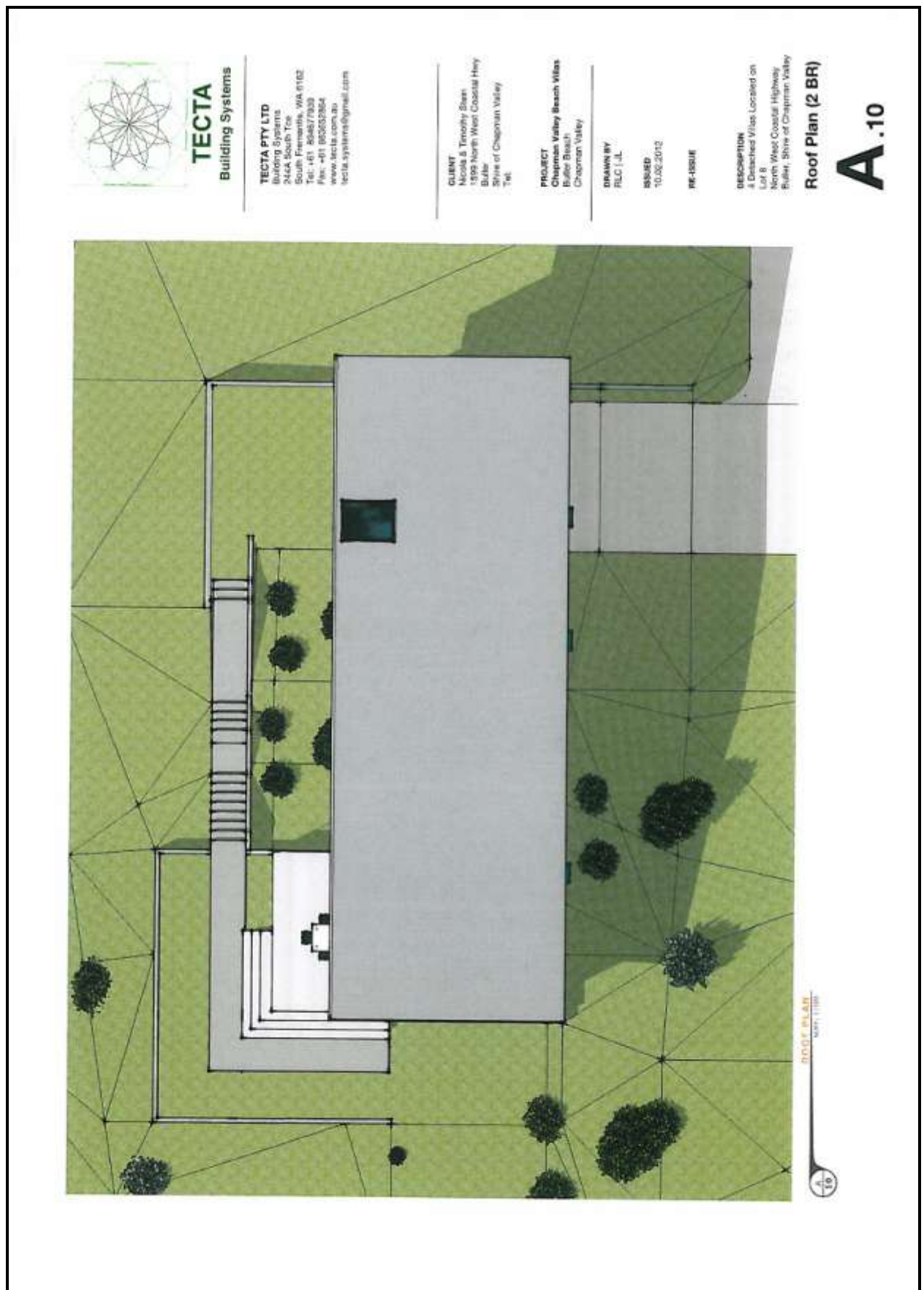
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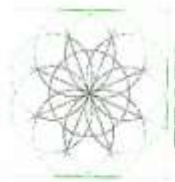
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3-STORY VILLA (Elevation No. 3)
See on page 1



3-STORY VILLA (Elevation No. 2)
See on page 1



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CLIENT
Necia & Timothy Dean
1599 North West Coastal Hwy
Buller
Shire of Chapman Valley
Tas.

PROJECT
Chapman Valley Beach Villas
Buller Beach
Chapman Valley

DRAWN BY
RLC (J.L.)

REVISION
10.02.2012

REVISION
RE-SS/RE

DESCRIPTION
4 Detached Villas Located on
Lot 6
North West Coastal Highway
Buller, Shire of Chapman Valley

3D VIEWS

A.12

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**

Schedule of Submissions - Proposed Chalets, Lot 8 North West Coastal Highway, Buller				
Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
1 (3/4/2012)	Western Power (Locked Bag 2520 PERTH WA 6001)	<p>No objection There are overhead powerlines and/or underground cables adjacent to or traversing across the proposed area of works.</p> <p>All work must comply with Worksafe Regulation 3.64 - Guidelines for Work in the Vicinity of Overhead Power Lines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted.</p> <p>Western Power must be contacted if the proposed works involve:</p> <ul style="list-style-type: none"> - any changes to existing ground levels around poles and structures; - working under overhead powerlines and/or over underground cables. <p>Western Power is obliged to point out that any change to the existing (power) system, if required, is the responsibility of the individual developer.</p>	The applicant was provided with a copy of the received submission on 30/4/12 to ensure that they are aware of the requirements of Western Power in the event that any on-site works are undertaken.	Note submission and provide a copy of Western Power's advice to the applicant to ensure that they are aware of its requirements.
2 (3/4/2012)	Telstra (Locked Bag 2525 PERTH WA 6001)	<p>No objection This lot falls within the NBNCo wireless footprint. A network extension may be required for any development within the area concerned, the owner/developer will have to submit an application before construction is due to start to NBNCo or the Telstra Smart Community website. I add this information about NBNCo as it is not known when services will be available from NBNCo. Telstra will provide services if NBNCo cannot.</p>	The applicant was provided with a copy of the received submission on 30/4/12 to ensure that they are aware of the requirements of Telstra in the event that any on-site works are undertaken.	Note submission and provide a copy of Telstra's advice to the applicant to ensure that they are aware of its requirements.
3 (5/4/12)	R Williamson Property Owner: Lot 2 Wokarena Road BULLER WA 6532 (Postal Address: Shop 2 Pioneer Village ARMADALE WA 6112)	<p>No objection This is a bold initiative of the sort that should be encouraged.</p>	No additional comment.	Note submission.

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Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
4 (10/4/2012)	Water Corporation (PO Box 43 GERALDTON WA 6531)	<p>No objection</p> <p>A supply of reticulated water is available for this development proposal. Any cost incurred in upgrading or relocating existing services will be the responsibility of the developer.</p> <p>The development proposal is remote from existing sewerage infrastructure and comments should be obtained from the Health Department if this area will require sewerage reticulation in accordance with the Government Sewerage Policy.</p> <p>The principle followed by the Water Corporation for the funding of subdivision, development or redevelopment is one of user pays and the developer is expected to provide all water and sewerage reticulation and to contribute to headworks. In addition the developer may be required to fund new works or the upgrading of existing works to provide for the increase demand resulting from the development.</p>	The applicant was provided with a copy of the received submission on 30/4/12 to ensure that they are aware of the requirements of the Water Corporation in the event that any on-site works are undertaken.	Note submission and provide a copy of the Water Corporation's advice to the applicant to ensure that they are aware of its servicing requirements.
5 (13/4/2012)	Department of Indigenous Affairs (PO Box 7770 PERTH WA 6850)	<p>No objection</p> <p>Confirm that there are no known sites registered with the Department within the work areas you have outlined.</p> <p>Should cultural material or new sites be discovered either while undertaking the project or through any heritage surveys you may carry out there is an obligation under section 15 of the Aboriginal Heritage Act 1972 to record and lodge site information with the Department so that we can update our information and place these sites on the Register.</p>	<p>The archival search of the 'Aboriginal Sites Register' of the Department of Indigenous Affairs confirmed that there are no recorded Aboriginal heritage sites in the area specific to the development.</p> <p>The Aboriginal Heritage Act 1972 protects Aboriginal heritage sites in the event of their discovery during on-site development.</p> <p>The applicant was provided with a copy of the received submission on 30/4/12 to ensure that they are aware of the requirements of the Department of Indigenous Affairs in the event that any on-site works are undertaken.</p>	Note submission and provide a copy of the Department of Indigenous Affairs' advice to the applicant to ensure that they are aware of its requirements.
6 (24/4/12)	J Liddon & M Thomas Property Owner: Lot 9 North West Coastal Highway	<p>No objection</p> <p>In preparation of the recently approved Chapman Valley Beach Villas development application, my family has worked with Colleen Miles-Cadman's</p>	The respondent is the joint applicant for the 8 chalets approved upon Lots 7 and 9 North West Coastal Highway, Buller at the 16/11/11 Council meeting.	Note submission and recommend that any approval for the development of chalets upon Lot 8 North

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Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
	BULLER WA 6532 (Postal Address: PO Box 3224 BLUFF POINT WA 6531)	<p>family, and I sincerely believe there is solid commitment from all existing parties to provide support, expertise and experience to successfully deliver and manage the current 8 villa project.</p> <p>There is also an understanding that prior to construction we will need to have a Shire approved joint management plan and a joint marketing agreement in place.</p> <p>I also believe that the combination of the location and design of the Chapman Valley Beach Villas is a unique opportunity and a positive development for Colleen's family, my family, the Shire of Chapman Valley and the future patrons.</p> <p>With the above in mind I support our near neighbours, Nicola and Tim Stein, in their submission of a planning application as an Annex to our recently approved Chapman Valley Beach Villa's. It is understood by all parties that any approval would be conditional on the Annex being subject to the same joint management and marketing agreements mentioned above.</p>	<p>This development approval was granted subject to a number of conditions, including the following:</p> <p>"12 The applicant is to prepare, submit and adhere to a Management Statement to the approval of the Local Government, with all costs met by the applicant."</p> <p>The approval also contained a number of advice notes that included the following:</p> <p>"iii In relation to condition 12, the Management Statement shall set out in detail the management of the chalets and it should cover but not be limited to letting agent (manager) arrangements, reception, access, security, maintenance, caretaking, refurbishment, marketing and other services reasonably required for the development to operate as a tourism facility. The Management Statement shall also ensure that the designated holiday accommodation units are only used for short stay accommodation purposes, with a maximum stay of 3 months occupancy per annum, by any single tenant. The Management Statement shall charge the land and ensure that successors in title are required to adhere to the management terms or make application to the Local Government should they seek to amend the management terms."</p> <p>It would be consistent for Council to apply similar conditions of approval as were applied to the near-identical previous application upon the neighbouring properties of Lots 7 & 9, to the current application for Lot 8, were it to approve this proposed development.</p>	<p>West Coastal Highway, Buller be subject to the following condition:</p> <p>"The applicant is to prepare, submit and adhere to a Management Statement to the approval of the Local Government, with all costs met by the applicant."</p>

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Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
7 24/4/2012)	Fire & Emergency Services Authority – UXO Liaison Officer (PO Box P1174 PERTH WA 6844)	No objection It is recommended that no UXO search condition be applied to this proposal. This recommendation is proffered on the basis that it can be considered that the possible risk from UXO is minimal. However, as no absolute guarantee can be given that the site is completely free from UXO, the applicant should be made aware of the possible potential, even if considered minimal of UXO pollution. Please include this advice on your letter of approval, if approved, to the applicant.	FESA have advised that historical research indicates that during World War 2, the Australian Defence Forces are reported to have conducted training and/or operational activities in the general coastal area near the Buller River mouth. As a result of these activities, it is possible that the area may contain unexploded ordnance (UXO). Whilst it is considered by FESA that the possible risk from UXO on Lot 8 North West Coastal Highway is minimal, an absolute guarantee that the land is free from UXO cannot be given. Should, during construction works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the known or suspected UXO must be treated as dangerous and the following process must be initiated: 1. Do not disturb the site of the known or suspected UXO, this includes any attempt to handle or move the item from its resting position to a safer location; 2. Without disturbing the immediate vicinity, clearly mark the site of the UXO; 3. Notify Geraldton Police of the circumstances/situation as quickly as possible, & 4. Maintain a presence near the site to prevent others from disturbing the item until advised to the contrary by a member of the WA Police Service or Defence Forces. The applicant was provided with a copy of the received submission on 30/4/12 to ensure that they are aware of the requirements of the Fire and Emergency Services Authority - UXO Liaison Officer in the event that any on-site works are undertaken.	Note submission and provide a copy of the Fire and Emergency Services Authority - UXO Liaison Officer's advice to the applicant.
8 (27/4/12)	Colleen Bonner Property Owner.	No objection My family has worked with Muriel Thomas' family	The respondent is the joint applicant for the 8 chalets approved upon Lots 7 and 9 North West	Note submission and recommend that any

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	Lot 7 North West Coastal Highway BULLER WA 6532 (Postal Address: 107 Lissadell Street FLOREAT WA 6014)	<p>on the Chapman Valley Beach Villas development application approved on the 16/11/11.</p> <p>The neighbours are committed to provide support, expertise and experience to successfully deliver and manage the project. During preparation of the planning application consultation with tourism industry participants highlighted the paramount importance to have cooperation in the management and marketing through a jointly controlled management and marketing agreement.</p> <p>Planning consent includes a condition 12 that states "The applicant is to prepare, submit and adhere to a Management Statement to the approval of the Local Government" further advice note iii states "In relation to condition 12, the Management Statement shall set out in detail the management of the chalets and it should cover but not be limited to letting agent (manager) arrangements, reception, caretaking, refurbishment, marketing and other services reasonably required for the development to operate as a tourism facility."</p> <p>With the above in mind I support Nicola and Tim Stein in their submission of a planning application as an Annex to our recently approved Chapman Valley Beach Villa's on the condition that it is recognised that Muriel/Colleen are firstly to agree the Management Statement with the Shire in accordance to the Planning Consent D2011/066 and this Management Statement will then be accepted. In effect the approval for Nicola and Tim Stein's application would be conditional on the Annex being subject to the same joint management and marketing agreements mentioned above.</p>	<p>Coastal Highway, Buller at the 16/11/11 Council meeting.</p> <p>This development approval was granted subject to a number of conditions, including the following:</p> <p>"12 The applicant is to prepare, submit and adhere to a Management Statement to the approval of the Local Government, with all costs met by the applicant."</p> <p>The approval also contained a number of advice notes that included the following:</p> <p>"iii In relation to condition 12, the Management Statement shall set out in detail the management of the chalets and it should cover but not be limited to letting agent (manager) arrangements, reception, caretaking, refurbishment, marketing and other services reasonably required for the development to operate as a tourism facility. The Management Statement shall also ensure that the designated holiday accommodation units are only used for short stay accommodation purposes, with a maximum stay of 3 months occupancy per annum, by any single tenant. The Management Statement shall charge the land and ensure that successors in title are required to adhere to the management terms or make application to the Local Government should they seek to amend the management terms."</p> <p>It would be consistent for Council to apply similar conditions of approval as were applied to the near-identical previous application upon the neighbouring properties of Lots 7 & 9, to the</p>	<p>approval for the development of chalets upon Lot 8 North West Coastal Highway, Buller be subject to the following condition:</p> <p>"The applicant is to prepare, submit and adhere to a Management Statement to the approval of the Local Government, with all costs met by the applicant."</p>

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Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
Late Submission 9 (27/4/2012)	Department of Environment & Conservation (PO Box 72 GERALDTON WA 6531)	<p>Objection The DEC is aware that the proposal is located on an area subject to a report and recommendation of the EPA (Ref EPA Report 1403) as a Special Control Area (SCA). It is also understood that this recommendation is currently under appeal.</p> <p>Given that the proposal is located on an area that is the subject of an EPA recommendation for SCA status and that this is currently under appeal DEC does not support the proposal.</p>	<p>current application for Lot 8, were it to approve this proposed development.</p> <p>It is not considered appropriate that an approval of this application be made subject to conditions being met by a third party for a separate application as this could constitute an undue restriction of trade.</p> <p>However, in answer to the respondent's raised issue it is noted that, were Council to approve this application subject to a condition similar to condition 12 upon the respondent's own application then it would require the Management Statement to be prepared to the approval of the Local Government and it would be equitable that all parties should address the same set of issues to a comparable requirement.</p> <p>The application estimates that each chalet would require the clearing of approximately 450m² vegetation and a further 250m² for paths and access tracks to each villa, with an estimated total area required to be cleared for development of less than 2,900m². The application states that this vegetation is fragmented and degraded vegetation infested with Boxthorn and other weeds. The application has proposed to undertake rehabilitation and conservation works for an area in excess of 7,500m².</p> <p>Although the application will involve clearing there is an opportunity to condition any approval to undertake offset works that would supplement the dune rehabilitation work already being undertaken by the Shire and NACC in the dunes immediately west of the proposed chalet sites. The application proposes rehabilitation and conservation works over an area of 7,500m².</p>	<p>Note submission and recommend that any approval for the development of chalets upon Lot 8 North West Coastal Highway, Buller be subject to the following condition:</p> <p>"The applicant is to prepare, submit and adhere to an Environmental Management Plan to the approval of the Local Government, with all costs met by the applicant."</p> <p>Further to the above proposed condition it is recommended that any approval be made subject to the following advice note:</p>

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			<p>which represents a compensation ratio 1:2½. Council may consider this ratio is acceptable or consider that a higher ratio is appropriate in this instance given the comments of the DEC.</p> <p>The Shire of Chapman Valley Coastal Management Strategy (2007) identifies for the section of coast adjacent to Lot 8 that the foredune should be rehabilitated, beach access be controlled, and effective policing be introduced. Any approval of this development should be made subject to an Environmental Management Plan that details the landowner/operator's clearing offset responsibilities that could assist in meeting the following directions of the Strategy:</p> <p>"CMS 1.3.1: Based on the detailed Foreshore Management Plan developed for the Urban land to the east, construct post and "Ring-Lock" fencing to dunal areas and pedestrian access paths within the southern third of CMS1 so as to provide protection to the foredune within the defined dune protection areas from public movement.</p> <p>CMS 1.3.2: Brush the defined dune protection areas to allow natural regeneration of the dunal vegetation and augment where necessary to provide suitable, indigenous root stock in badly denuded areas. Install appropriate directional signage for pedestrians.</p> <p>CMS 1.3.3: Following declaration of Prohibited Areas and closure of tracks, the developers be required as conditions of future Urban Scheme Amendment/Structure Planning processes to undertake active rehabilitation of the dune blow-outs within the Foreshore Reserve. Brushing and exclusion of ORV activities will in itself</p>	<p>"The Environmental Management Plan shall set out in detail the environmental management responsibilities of the landowners/operators and is required to address, but not be limited to, vegetation rehabilitation and replanting, stabilisation, weed management, feral animal management, protection of the <i>Frankenia pauciflora</i> community, access, fencing and other management measures reasonably required as determined by the Local Government, with reference to the relevant directions of Shire of Chapman Valley Coastal Management Strategy (2007) required."</p>

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			<p>assist considerably in natural vegetation re-growth. Appropriate techniques for enhanced rehabilitation will need to be investigated relative to the prevailing conditions."</p> <p>"CMS 1.4.5. Within the southern third of CMS1, close with rocks and fencing all existing 4WD access tracks eastward of the foredune."</p> <p>The closest of the 4 proposed chalets would be located approximately 330m west of the dog boarding kennel upon Lot 8.</p> <p>The 'Post Commissioning Noise Level Assessment' report (conducted by Herring Storer Acoustics) involved the installation of noise measurement equipment (automatic noise data loggers) at a reference location and a 'high ground' and 'low ground' location on the boundary with the neighbouring Drummond Cove Holiday Park from 6 September 2010 until 14 September 2010. The 'high ground' location was selected based on the nearest existing 'noise sensitive premise'. The proposed chalets that form this application would be sited at a greater distance to the dog boarding kennel than the locations used for the Noise Level Assessment.</p> <p>The Noise Assessment report concluded that the dog boarding kennel complied with the regulatory criteria as measured from the 'high ground' monitoring location. Although there were no residential premises at the 'low ground' monitoring location it was deemed that for the completeness of the assessment, noise levels should be measured at this location.</p> <p>For known periods of dogs barking in the exercise yard, the noise level measured at the</p>	
		<p>Council should be aware of the EPA Guidance Statement No.3 separation distances between industrial and sensitive land uses. This Guidance Statement recommends a separation distance of at least 500m between dog kennels and sensitive land uses in rural areas.</p>		

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			<p>'low ground' boundary location was 55dB(A) therefore if development of the neighbouring property occurred and a habitable building was sited at the 'low ground' point, the regulatory noise criteria would be 55dB(A). Dog barking can be considered tonal in characteristics, and it is considered likely that it would attract a +5dB(A) penalty. Therefore assessable noise at this 'low ground' boundary location would be 60dB(A), which would be a potential 5dB(A) exceedance to regulatory criteria.</p> <p>It should be noted, however, that in order to conduct the noise measurements, dogs in the exercise yard were excessively excited to induce maximum barking. This would be abnormal to standard practices where, as per the Noise Management Plan, excessive dog barking is dealt with through management means.</p> <p>The proposed chalets upon Lot 8 would be setback a greater distance than the location of the 'low ground' data logger used for the acoustic report. However, the proposed chalets would be at a higher contour height as opposed to the 'at-level' 'lower ground' data logger location. There is therefore a possibility that the proposed chalets upon Lot 8 might receive noise in excess of the regulatory criteria under certain conditions. However, it is noted that the excessive noise level recorded by the 'low ground' data logger was a result of 'extreme' activity and the noise management plan for the dog boarding kennel addresses such incidences.</p> <p>Furthermore, the dog boarding kennel has been given an expiry date for its approval by the State Administrative Tribunal of 3 August 2013, and the applicant has advised that the chalets would</p>	

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			not be completed until October 2015.	
			In the event that the chalets were approved, and constructed, and made operational prior to 3 August 2013 and were deemed a 'noise sensitive premise' it should be noted that they would also be owned and operated by the operator of the dog boarding kennel and a degree of 'self-policing' might be expected with the anticipated economic return on the chalets to the landowner impacted if the Noise Management Plan was not being properly adhered to for the dog boarding kennels. Under such a scenario it might also be considered under the Noise Regulations requirements that the chalets could be deemed as not being the 'noise sensitive premise' of a third party to the dog boarding kennel as they would be contained upon Lot 8.	
			Finally, it is noted that in the event that emissions from any operation exceed regulatory criteria (be they noise, dust, vibration, odour etc.) then it is the responsibility of the emitter to modify their actions to meet the prescribed limits and not the responsibility of the (third party) receiver.	
Late Submission 10 (1/5/2012)	Fire & Emergency Services Authority – Midwest Gascoyne Region (PO Box 284 GERALDTON WA 6531)	<p>No objection</p> <p>The following minimum conditions are required for fire safety:</p> <p>"A fire management plan addressing water supply for fire fighting (agress/egress) and strategic firebreaks"</p>	<p>It is considered appropriate that should the development be approved that it be made subject to a Fire Management Plan prepared to the requirements of the Fire and Emergency Services Authority, and the approval of the Local Government.</p>	<p>Note submission and recommend that any approval for the development of chalets upon Lot 8 North West Coastal Highway, Buller be subject to the following condition;</p> <p>"The applicant is to prepare, submit and adhere to a Fire Management Plan to the requirements of the Fire and Emergency Services</p>

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Late Submission 11 (2/5/2012)	Department of Water (PO Box 73 GERALDTON WA 6531)	<p>No objection</p> <p>No additional comment on this application, please see our comments on the previous similar application.</p> <p>The Department of Water provided the following comment on 23/9/11 concerning the previous application to develop 8 chalets upon neighbouring Lots 7 & 9 North West Coastal Highway:</p> <p>The construction and use of sub-surface reservoirs of 100m³ capacity for storage of collected rainwater for each villa, is noted and supported by this Department. However, if there is any intended use of groundwater associated with the proposal e.g. irrigation, or supplementing storage for potable use, the applicant is required to contact the Geraldton Office of the DoW to discuss licensing requirements.</p>	<p>The application proposes that the development would have access to mains water supply to supplement rainwater collected in the reservoir under the caretakers unit. If ground water is required for irrigation, the proponents will be required to make application to the Department of Water.</p>	<p>Authority, and the approval of the Local Government, with all costs met by the applicant."</p> <p>Note submission and provide a copy of the Department of Water's previous advice to the applicant to ensure that they are aware of its groundwater licensing requirements.</p>
Late Submission 12 (3/5/12)	Department of Health (PO Box 8172 PERTH WA 6849)	<p>No objection</p> <p>The density of the proposed development can comply with the draft Country Sewerage Policy, however, details of the wastewater treatment and disposal system/s proposed at building application stage will need to be acceptable to the Department for its approval.</p>	<p>The application, should it be approved by Council, must meet with the requirements of, and gain approval from, the Department of Health at a building application stage.</p>	<p>Note submission and provide a copy of the Department of Health's correspondence to the applicant to ensure that they are aware of its requirements.</p> <p>Recommend that any approval for the development of chalets upon Lot 8 North West Coastal Highway be subject to the following condition:</p> <p>*The development shall be connected to an on-site</p>

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<i>Late Submission</i> 13 (4/5/12)	Environmental Protection Authority (Locked Bag 33 Cloisters Square PERTH WA 6850)	<p><i>Objection</i> The EPA has treated your letter as correspondence and not as a referral to the EPA under Section 38 of the Environmental Protection Act 1986.</p> <p>The Shire would be aware that the EPA released Report 1403 for the proposed Buller 'Development' zone which identified portions of Lot 8 including the area proposed for development of the chalets to be protected.</p>	<p>The Shire has forwarded a copy of the complete development application to the EPA and allowed for 28 days in which to receive a response from the EPA. The EPA has not made response within 28 days and as per the requirements of Sections 38A and 39A of the Environmental Protection Act 1986 the application is deemed to not require the assessment of the EPA.</p> <p>The application estimates that each chalet would require the clearing of approximately 450m² vegetation and a further 250m² for paths and access tracks to each villa, with an estimated total area required to be cleared for development of less than 2,900m². The application states, and site inspection by Shire officers has confirmed, that this vegetation is fragmented, degraded and infested with Boxthorn and other weeds. The application has proposed to undertake rehabilitation and conservation works for an offset area in excess of 7,500m² for the 2,900m² proposed to be cleared (a level of clearing that can be accommodated under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</p> <p>The field surveys conducted for the Buller Environmental Review confirmed that there were no declared rare flora, priority flora, threatened ecological communities or priority 1 ecological communities within the subject area and that the study area was predominantly disturbed and</p>	effluent disposal system that is located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.

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			<p>degraded with little habitat value.</p> <p>On-site inspection of the proposed Chapman Valley Beach Villas development location by Shire Planning staff and the Shire's Environmental Consultant confirmed that they are proposed to be set in a mosaic of remnant vegetation with areas dominated by weeds. Whilst the development would result in some clearing it can also be viewed as introducing informal surveillance to the coastal area, with current indiscriminate and destructive 4WD and quad/motorbike patterns more likely to modify their behaviour if they are overlooked by buildings and remove the perception that they are 'out of sight'.</p> <p>Further, if the application were to be approved, it could be made conditional to an Environmental Management Plan that would require the owner/operator to address and undertake the following:</p> <ul style="list-style-type: none"> • rehabilitation of an area equivalent (or greater) to the development locations, with one possible offset location being around the commenced rehabilitation works in the Crown Reserve immediately west of the proposed chalet locations; • ensure drainage is managed to support the regionally significant <i>Frankenia pauciflora</i> species east of the proposed Chapman Valley Beach Villa locations; • stabilisation of the area disturbed by the development, and the area west of the development; • weed management; • feral animal management; • managed beach access path(s); and • fencing. 	

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Schedule of Submissions - Proposed Chalets, Lot 8 North West Coastal Highway, Buller				
Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
		<p>The Shire will also be aware that this process is yet to be completed and is currently subject to appeals. The EPA would not support a decision to allow this development application to proceed prior to the completion of this process.</p>	<p>The Shire is required to deal with his application within a 90 day timeframe and the current statutory framework is the 'General Farming' zone as per Town Planning Scheme No.1.</p> <p>The finalising of Scheme No.2 has been delayed since 17 May 2007 by the actions of the EPA and it is uncertain when the Buller Environmental Review issue will be resolved. The Shire wrote to the Office of Appeals Convenor on 9 January 2012 enquiring when this matter might be concluded and was advised on 25 January 2012 that they were unable to provide a timeframe when this might conclude.</p> <p>It is suggested that it is both unreasonable and unrealistic to expect that landowners will delay all development actions relating to their own properties when faced with such a lengthy (5 year) timeframe and still with no prospect of resolution forthcoming. This has now placed the Shire in a predicament where it is required to now make decision on an application that can be considered under Scheme No.1 and must be done so within a 90 day timeframe.</p>	
		<p>The Shire is reminded of its obligations to refer a significant proposal to the EPA under the Environmental Protection Act 1986.</p>	<p>The Shire considers that it has provided the opportunity for the EPA to assess the development application as per the requirements of the Environmental Protection Act 1986. It is noted that the Buller Environmental Review recommends that the proposed location for the chalets should be included within an area that is excluded from development by a future structure plan. However, this is a recommendation based on a general environmental appraisal of the coastal section for the area and the applicant has provided a further level of detail for the specific proposed development site area in support of</p>	

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
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Schedule of Submissions - Proposed Chalets, Lot 8 North West Coastal Highway, Buller				
Submission No. & Receipt Date	Submitter & Affected property	Nature of Submission	Comment	Recommendation
			<p>their application. It is further noted that the Special Control Area provisions as recommended by the EPA makes allowance for development that meets with the requirements of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. It is also noted that the opportunity exists for any approval of the development to be made subject to a net environmental benefit being achieved through the development and implementation of an Environmental Management Plan attached to the development as a condition of approval.</p>	

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.1.4
SUBJECT:	APPLICATION TO RESIDE IN A CARAVAN – YETNA
PROPONENT:	T RAYMOND & P CLARKE
SITE:	LOT 122 CHAPMAN VALLEY ROAD, YETNA
FILE REFERENCE:	A1812
PREVIOUS REFERENCE:	N/A
DATE:	8 MAY 2012
AUTHOR:	KATHRYN JACKSON

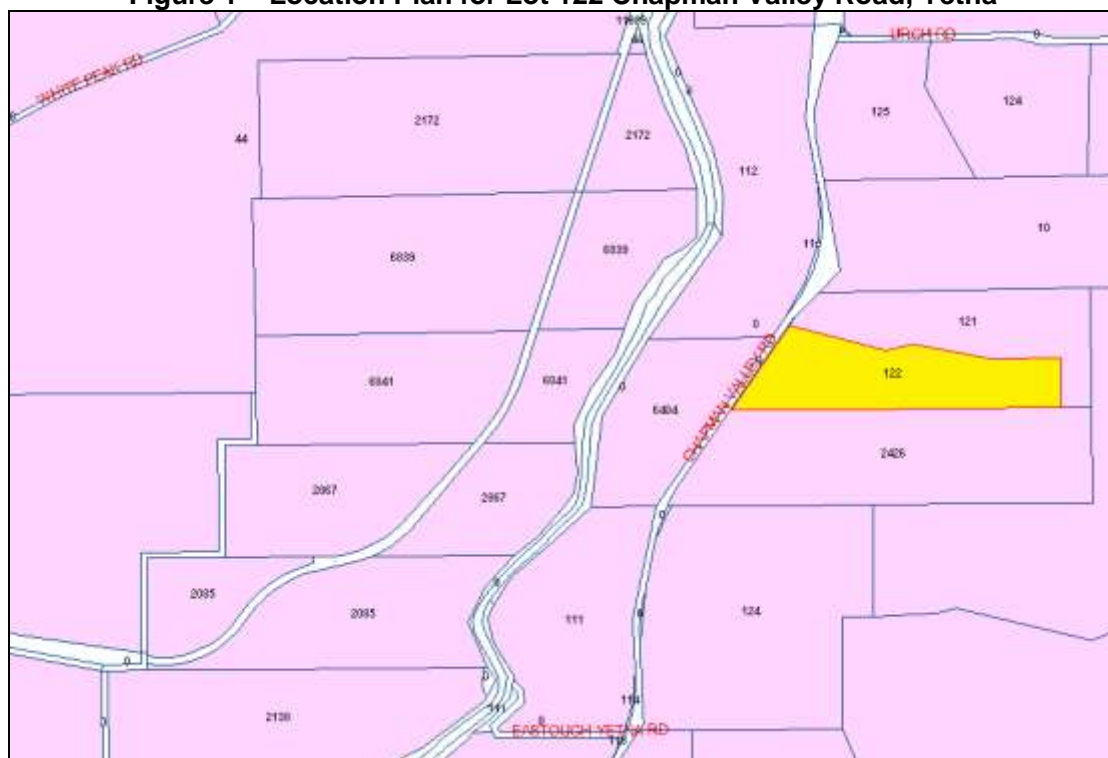
DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire is in receipt of an application which seeks Council permission to reside in a caravan whilst a dwelling is being constructed upon Lot 122 Chapman Valley Road, Yetna. This report recommends conditional approval of the application for a period of not more than 12 consecutive months.

Figure 1 – Location Plan for Lot 122 Chapman Valley Road, Yetna



COMMENT

Council has received an application from the landowners of Lot 122 Chapman Valley Road, Yetna to reside within a caravan upon their property for a period of 12 months whilst their residence is under construction. It is proposed that the caravan would be parked within an 18mx8m (144m²) outbuilding with ablutions built into an adjoining 3.6mx3.6m (12.96m²) enclosed lean-to.

A copy of the applicant's covering letter, site, floor and elevation plans have been included as **Attachment 1** to this report for Council's further information.

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Included as **Attachment 2** to this report is a copy of an email received from the applicant's nominated builder confirming the estimated timeframes for the construction of the proposed dwelling. At this stage the applicants are working through the final contract with the builder and it is estimated that the dwelling would be completed in January 2013.

With increasing concern over a level of non-compliance (i.e. people simply residing in sheds on a permanent basis and not building a residence) legal advice was sought from McLeod's Solicitors on this issue in mid 2009. The advice detailed the status of an outbuilding (shed) under the Building Code of Australia as a non-habitable (Class 10) structure and emphasised that even where minimum health and building requirements were provided these measures are still not adequate to achieve compliance with the standards prescribed by the Building Code of Australia for a habitable (Class 1) building, such as a house.

On this understanding the advice concluded that planning consent for the temporary residential use of a Class 10 building such as a shed would, in effect, amount to an authorisation by the Council for the Applicant to breach the Building Regulations.

There are therefore, two apparent options available to applicants seeking accommodation upon land without having to construct or, prior to construction of, a purpose built residence. One option is to convert a Class 10 Outbuilding (or portion of) to a Class 1A Dwelling, or alternatively, a landowner could apply for temporary accommodation through the use of a caravan for a period of not more than 12 consecutive months pursuant to Section 11(2) (c) of the Caravan Parks and Camping Ground Regulations 1997.

Whilst temporary accommodation upon any given parcel of land is not encouraged, Shire staff recognise that it does provide some benefits for landowners including:

- Security and surveillance of tools, machinery, personal belongings, building materials and existing infrastructure;
- To give assistance to landowners paying both rent and mortgage;
- The availability of contractors and building construction times affects individual landowners' capacity to develop the land in an efficient and timely manner;
- Ease of access to the site to undertake and oversee construction works and manage issues such as sand drift; &
- Ease of access to the site to undertake improvements to the lot such as landscaping, reticulation, fencing, driveway and crossover installation.

Perceived benefits to Council in allowing landowners to gain approval to temporarily live in a caravan as opposed to converting an outbuilding to a Class 1A habitable structure include:

- It sets a timeframe of 12 months in which landowners must complete construction of a residence;
- Sends a clear message to the local community that Council intends to apply and adhere to a minimum set of standards (by way of building and health compliance) on this matter based on a consistent approach for the benefit of all residents;

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- Encourage the construction of high quality residences rather than 'shed houses' that although 'temporary' can be expensive and end up being inhabited for several years (in some instances by successive owners) with a resultant impact on the visual amenity and appearance of the locality; &
- Generally encourages landowners to undertake lot maintenance including landscaping, fire breaks and weeding which facilitates land stabilisation, control of weeds and improves the overall presentation of the property.

As the caravan is proposed to be setback 300m from the front (western) property boundary inside an outbuilding, and given the existing vegetation on-site that will screen the building site as viewed from Chapman Valley Road, Council staff recommend conditional approval of the application to reside in a caravan for a period of not more than 12 consecutive months. Figures 2 and 3 demonstrate the view of the property as seen from Chapman Valley Road looking towards the site where the outbuilding and caravan would be located.

Figure 2 – View of Lot 122 Chapman Valley Road looking East from start of driveway



Figure 3 – View of frontage and driveway of Lot 122 Chapman Valley Road looking East



Figure 4 – View of road frontage of Lot 122 Chapman Valley Road looking North



Community Consultation

It is not suggested that this application be advertised to surrounding landowners but instead be placed directly before Council for its deliberation with a determination to be reached based on the application's individual merits. However, should Council wish for the application to be advertised Shire staff can undertake consultation with surrounding landowners.

STATUTORY ENVIRONMENT

The subject lot is zoned 'Special Rural – Area 18' under Shire of Chapman Valley Town Planning Scheme No.1.

A Local Government may grant approval for a landowner to reside in a caravan temporarily upon a property for a maximum period of 12 consecutive months under the provisions of Section 11 of the Caravan Parks and Camping Grounds Regulations 1997 which states:

“11. Camping other than at a caravan park or camping ground

- (1) A person may camp —
 - (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;
 - (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;
 - (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;
 - (d) on any land which is —
 - (i) held by a State instrumentality in freehold or leasehold; or
 - (ii) dedicated, reserved, or set apart under the Land Administration Act 1997 or any other written law, and placed under the care, control or management of a

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- State instrumentality, in accordance with the permission of that instrumentality; or*
- (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the Land Administration Act 1997, or a person authorised by the Minister to give permission under this paragraph.*
- (2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force”*

Additionally Section 13 of the Caravan Parks and Camping Grounds Regulations 1997 states:

“Before giving approval under [regulation 11\(2\)](#) or [12\(2\)](#), the local government or the Minister is to be satisfied that the land is a suitable place for camping especially with respect to —

- (a) safety and health; and*
- (b) access to services.”*

In relation to Section 13 of the above Regulations should Council grant approval the applicant would be required to have an inspection undertaken of the caravan and the ablution facilities to ensure compliance with the above set criteria before residing upon the property.

Should the landowners seek an extension of this approval, the Shire would be required to refer the application to the Minister of Local Government for determination and it should not be construed that any extension of the approval would be granted.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

An application to reside in a caravan shall attract a \$139 fee as per development applications of not more than \$50,000 (fee based on 2011/2012 budget figures).

On determination of this application (refusal/approval) 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 it's involvement in the appeal process.

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Should approval be granted to an applicant to reside in a caravan whilst a dwelling is being constructed, and that dwelling not be constructed, the Shire would be required to undertake enforcement action, the cost of which would be borne by the Local Government (although these may be recouped through the imposing of fines).

STRATEGIC IMPLICATIONS

It is important that a Local Government maintain a consistent approach to enforcement matters, thus ensuring the community is treated in a fair and equitable manner. For the purpose of this report it is considered preferable for temporary accommodation to involve a landowner residing in a caravan as there is the expectation of a definitive time constraint, rather than the approval of whole or part of an outbuilding to be converted to a Class 1A standard that does not attract a time limitation that can be enforced by a Local Government.

It is a concern that approvals granting the conversion of Class 10 buildings would be an ad-hoc solution for those wishing to develop and live on the property simultaneously, and it is flagged that outbuildings should not be promoted as becoming de-facto residences therefore undermining the streetscape of an area.

VOTING REQUIREMENTS

Simple majority of Council.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION:

MOVED: CR ANTHONY FARELL

SECONDED: CR TREVOR ROYCE

That Council:

- 1 Inform the owner of Lot 122 Chapman Valley Road, Yetna that Council grants approval for residential use of a caravan on-site for a period of not more than 12 consecutive months under Section 11 of the *Caravan Parks and Camping Grounds Regulations 1997*, subject to the following conditions:**
 - a. Adequate ablution facilities being provided on-site to the approval of the Local Government;**
 - b. An inspection is to be undertaken by the Local Government of the caravan and ablution facilities to ensure compliance with part (a) prior to habitation; &**
 - c. The approval is only for a 12 month period commencing from the date of inspection outlined in part (b).**
- 2 Advise the applicant that should they seek an extension of their approval to reside in a caravan beyond a 12 month period the Local Government would be required to refer the application to the Minister of Local Government for determination and it should not be construed that any such extension of the approval would be granted.**

Voting
8/0

CARRIED

Minute Reference 05/12 - 7

SHIRE OF CHAPMAN VALLEY

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Terry and Pat Clarke
1625 Chapman Valley Rd
Yetna WA 6532
Mobile: 0477 486 086 (Terry)
Mobile: 0427 731 033 (Pat)

ATTACHMENT 1

16th April 2012

To whom it may concern,
We have submitted to council plans for the construction of a shed that we propose to reside within a caravan.

This will be for a period of time whilst our home is being built. We are building our house with Total Home Frames of Wangara in Perth and have been given an expected completion time of 27 weeks upon signing.

We are proposing to build our shed with Aussie Sheds of Place Road in Geraldton. We have been given an approximate 6 - 8 week build time, from sign up to completion.
It will be an 18m x 8m colorbond shed consisting of 5 bays, each 3.6m wide with an enclosed concreted area taking up 2 of the bays accessible by a roller door and personal access door. On the rear of the enclosed area is a proposed ablution area, measuring 3.6m square, to include toilet, shower and laundry facilities. The whole shed, including downpipes, guttering, doors etc will be in Manor Red (colour swatch enclosed).

As advised, we have consulted a plumbing company and they have recommended 1 x 1500 septic tank connected to 1 x 9m leach drain as the shed will be too far away from the house to have a connecting system.

The caravan will be located in one of the open bays.

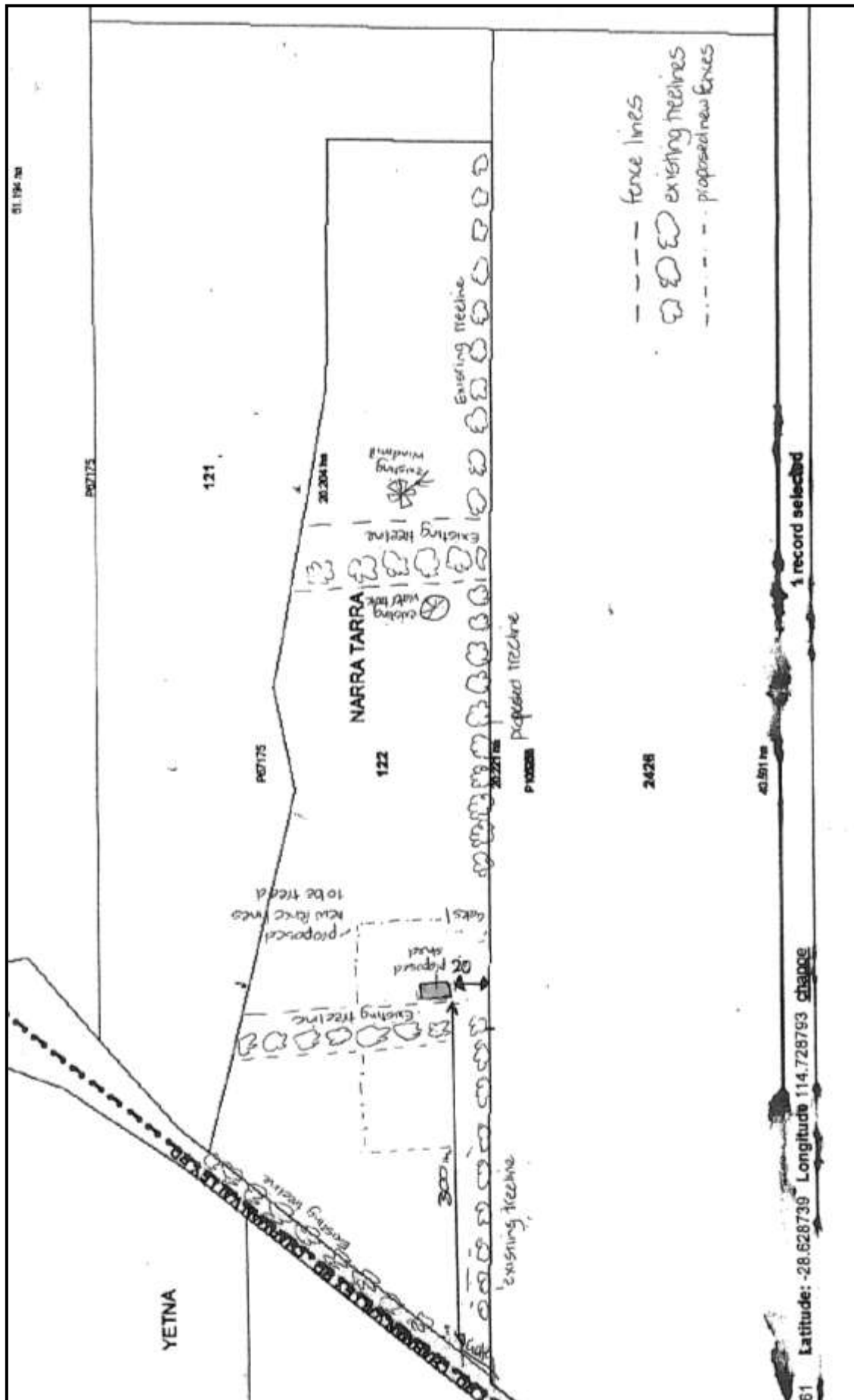
Our shed will sit beautifully on our block, as it will be screened by a row of advanced river gums and will be positioned approximately 300m from the road, the opening will be facing to the east, so as to conceal the caravan and machinery from passers by on Chapman Valley Road. Additionally there is a thick hedging screen of differing varieties of trees along the front of the block aiding in privacy. We also plan to plant additional trees along new fence lines as we are passionate about beautifying our property as well as providing a haven for native fauna.

We hope that this meets with your approval and if you need any additional information, we would be more than happy to provide it.

Thank you
Terry and Pat Clarke



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ROOF PURLINS PER
MEMBER SCHEDULE ON
SHEET 5

SIDEWALL GIRTS PER
MEMBER SCHEDULE ON
SHEET 5



SIDEWALL EXTERIOR ELEVATION

SCALE: 1 = 200

ROOF PURLINS
PER SCHEDULE



11°

TO PEAK

TO EAVE

1778

3500
(NOMINAL)

4278

T.O. CONCRETE

WALL GIRTS PER
MEMBER SCHEDULE ON
SHEET 5

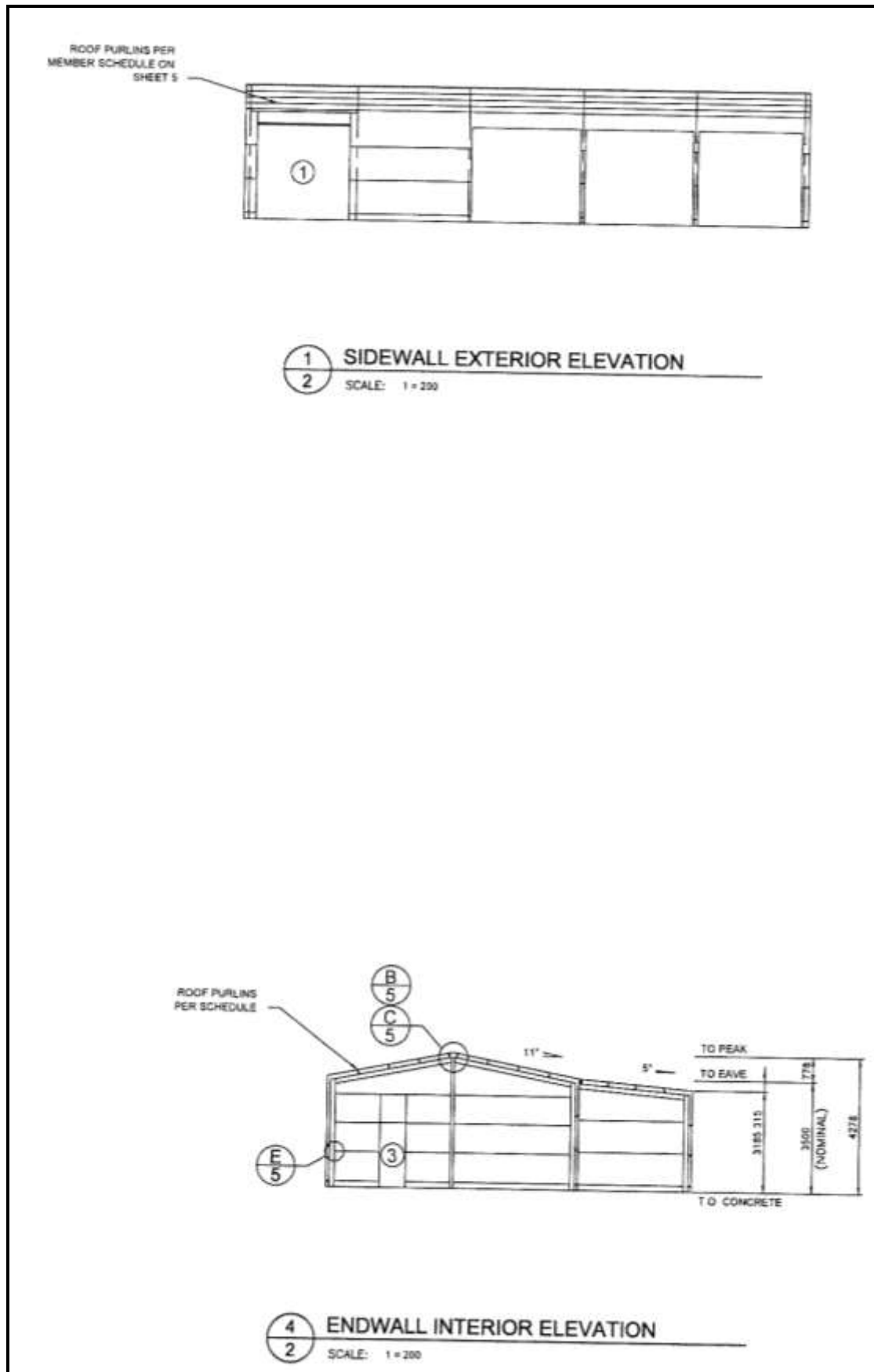


ENDWALL INTERIOR ELEVATION

SCALE: 1 = 200

SHIRE OF CHAPMAN VALLEY

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ATTACHMENT 2

Kathryn Jackson

From: Peter Harding <peter@totalhomeframes.com.au>
Sent: Wednesday, 2 May 2012 11:12 AM
To: Kathryn Jackson
Subject: Lot 122 Chapman Valley Road, GERALDTON

Hi Kathryn,

Following on from a telephone conversation this morning with Ms Pat Clarke, I understand that Ms Clarke is intending to commence progress towards building with Total Home Frames / Milford Homes by signing a Preliminary Agreement.

To give you some sort of build completion estimates, upon signing the Preliminary Agreement we will allow 6 weeks to prepare working drawings, contract papers and conduct a site visit. From contract and drawings signing allow another 3 to 4 weeks for drawings to be certified by engineering. We then commence construction on the home within 8 to 10 weeks of the Building Permit being obtained from the Shire, with an approximate 12 week build time. At a guess I usually allow 6 weeks or so for Shire to do what it needs, though you may have a better idea on this.

So depending on the clients moving along with us, I would expect from today an estimated completion date of approximately 9 January 2013.

Please let me know if you need anything else.

Kind regards,

Pete

Peter Harding
Sales & Building Consultant
TOTAL HOME FRAMES

Phone: (08) 9309 8999
Direct: (08) 9309 8903
Mobile: 0401 047 479
Fax: (08) 9309 3211

email: peter@totalhomeframes.com.au
web: www.totalhomeframes.com.au
web: www.getawayhomes.com.au

Address: 11 O'Connor Way, Wangara. WA. 6065

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.1.5
SUBJECT:	REVIEW OF LOCAL PLANNING POLICY – OUTBUILDINGS
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	10/08-7
DATE:	8 MAY 2012
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

All Local Planning Policies are to be reviewed annually by the Chief Executive Officer and during the operation of the 'Outbuildings' Local Planning Policy it has become apparent that some minor amendments to the Policy will enable an improved level of service to the community.

It is suggested that the Shire's Local Planning Policy 'Outbuildings' should be updated to address the precedents that have been set for the 'Special Rural' and 'Rural Residential' zones, and a review of the Policy has therefore been placed before Council for its consideration.

This report recommends the advertising of the revised Local Planning Policy 'Outbuildings' for public comment for a period of 21 days pursuant to Section 3.2 of Shire of Chapman Valley Town Planning Scheme No.1.

COMMENT

For the most part a Local Planning Policy is formulated to align with the strategic direction as principally set by the Council and, accordingly, used by staff to disseminate information to the community and industry on the minimum standards for development as prescribed by Council. Given that most 'General Farming', 'Special Rural', 'Rural Residential' and 'Residential' zoned lots will at some stage have an outbuilding developed upon the site it is appropriate for the Shire of Chapman Valley to review its Policy requirements to ensure that developments are managed to ensure an appropriate standard of development and avoid land use conflict.

Since the adoption of the Shire's 'Outbuildings' Local Planning Policy the majority of applications received at the Shire are for the construction of outbuildings within the 'Special Rural' and 'Rural Residential' zones and most commonly propose the construction of an outbuilding that is 200m² in size with a wall height of 4m (as measured from pad height).

There are two areas of the Policy that are proposed to be amended to enable greater efficiency when dealing with applications based on past precedents and trends for the 'Special Rural' and 'Rural Residential' zones:

- **Maximum Outbuilding Floor Area**

The current Policy states that an outbuilding that is between 150m² and 200m² in area is considered a permitted development given consultation with adjoining landowners is undertaken and consent is obtained. The majority of the applications will receive consent from adjoining landowners and in the case that an objection is lodged the application is placed before Council. To date Council

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has not refused an application for an outbuilding that is between 150m² and 200m² in size upon land zoned 'Special Rural' or 'Rural Residential' based on an objection lodged from an adjoining landowner.

It is considered that 200m² has become a commonplace and acceptable scale of development within 'Rural Residential' and 'Special Rural' zones and that outbuildings of this size should now be permitted to be approved without the requirement to consult with neighbours. It is emphasised that any proposal in excess of 200m² (or outside of other Policy requirements) would still be presented to Council for deliberation.

Recommendation: It is proposed that the Policy be amended to remove the requirement for consultation with adjoining landowners for outbuildings that are between 150m² and 200m² in size and constructed upon land zoned 'Special Rural', 'Rural Residential' and 'General Farming' (limited to lots smaller than 20ha in size).

- **Maximum Wall Height**

The Policy currently states a maximum wall height of 4m (as measured from natural ground level) and an overall maximum height of 5m (as measured from pad height) for outbuildings that are proposed to be constructed upon 'Special Rural' and 'Rural Residential' zoned land. Many landowners are seeking wall heights of 4m to gain access for caravans, boats and 4WDs with roof top additions and therefore any fill that is placed onsite to create an even building site pushes the wall height over the maximum 4m wall height requirement. Council has reviewed many applications of this nature with each application being assessed on its own individual merits.

Recommendation: It is proposed that the wall height of an outbuilding, as permitted by the policy, should be increased by 0.5m to provide greater flexibility to landowners. The policy amendment would provide applicants with the opportunity to either decrease the wall height of an outbuilding to allow for a higher amount of fill, or increase the wall height of an outbuilding with a reduced level of fill (or excavate a building site) upon land zoned 'Special Rural', 'Rural Residential' and 'General Farming' (limited to lots smaller than 20ha in size). This would allow for a maximum wall height of 4.5m as measured from natural ground level. The proposed amendment would address what Council has increasingly been viewing as acceptable development and it is not considered that the proposed outbuilding height would be obtrusive given the requirement to cluster outbuildings with residences and that standard residence heights exceed 5.5m.

A review of recent Council approvals for outbuildings in excess of policy requirements bears out the proposed amendments, and the adoption of the updated policy would reflect the dimensions that Council has established as being acceptable in the 'Special Rural' and 'Rural Residential' zones, and streamline the development process for applicants. Lots zoned 'General Farming' that are smaller than 20ha in size have also been included in this proposed Policy variation as the land is of the same size as 'Special Rural' or 'Rural Residential' zoned land and would ensure the Policy is consistent with similar sized land parcels.

A copy of revised Local Planning Policy 'Outbuildings' has been included as **Attachment 1** to this report for Council's information with the proposed changes indicated in red for ease of reference.

STATUTORY ENVIRONMENT

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

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It is proposed that revised Local Planning Policy 'Outbuildings' be adopted under Section 3.2 of Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme') which states:

“3.2.1 Town Planning Scheme Policy

In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

3.2.2 Operative Town Planning Scheme Policy

A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- (a) the Council having prepared and having resolved to adopt a Draft Town Planning Scheme Policy, shall advertise a summary of the Draft Policy one a week for two consecutive weeks in a newspaper circulating in the area giving details of where the Draft Policy may be inspected and where, in what form, and during what period (being not less than 21 days) representations may be made to the Council;*
- (b) the Council shall review its Draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the Draft Policy with or without amendment or not proceed with the Draft Policy; and*
- (c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy deposited with the Scheme documents for inspection during normal office hours.*

3.2.3 Alteration or Rescinding of a Town Planning Scheme Policy

A Town Planning Scheme Policy may only be altered or rescinded by:

- (a) preparation and final adoption of a New Policy pursuant to this Clause, specifically worded to supersede an existing Policy;*
- (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.*

3.2.4 Binding of Council

A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent, but the Council shall take into account the provisions of the Policy and objectives which the Policy was designated to achieve making its decisions.

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3.2.5 Conflict between Policy/Scheme

If there is any conflict between a Policy made or adopted by Council and the provisions of the Scheme, the Scheme prevails."

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

By comparison, the following table compares acceptable maximum heights (as measured from pad height) and aggregate areas for outbuildings as set by other Local Governments in the region.

Local Government	Greater Geraldton	Northampton	Irwin	Chapman Valley Current	Chapman Valley Proposed
Wall Height	4m	4m	4m	4m	4.5m (measured from natural ground level)
Apex Height	6.5m	6.5m	5m	5m	5m
Aggregate Area	240m ²	240m ²	300m ²	150- 200m ²	200m ²

POLICY IMPLICATIONS

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

It is suggested that the revised 'Outbuildings' Local Planning Policy be initiated by Council for the purpose of advertising.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire.

As previously mentioned, Policies also provide a consistent approach to approving land use and development. Therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

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UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

This report and the draft updated Policy highlight the importance of a continued review of Local Planning Policies to keep pace with current development trends, demands and Council expectations.

VOTING REQUIREMENTS

Simple majority of Council.

OFFICER RECOMMENDATION

That Council pursuant to Section 3.2 of the Shire of Chapman Valley Town Planning Scheme No.1 resolve to:

- 1 Adopt revised Local Planning Policy 'Outbuildings' for public comment and advertise it for a period of 21 days;
- 2 Should no written, author-identified objections be received during the 21 day advertising period, then adopt for final approval Local Planning Policy 'Outbuildings' and proceed to publish a notice to this effect in the local newspaper; &
- 3 Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

COUNCIL RESOLUTION

MOVED: CR ANTHONY FARRELL

SECONDED: CR PAULINE FORRESTER

That Council pursuant to Section 3.2 of the Shire of Chapman Valley Town Planning Scheme No.1 resolve to:

- 1 **Amend the Local Planning Policy 10.1.5 'Outbuildings' Policy Statement: Rural Residential (Lots < 4 ha), Special Rural & General Farming Wall Heights 4.5metres* to 5.5metres***
- 2 **Adopt revised Local Planning Policy 10.1.5 'Outbuildings' as contained in attachment 1 and subject to the amendment contained in Item Part 1 of this resolution for public comment and advertise it for a period of 21 days;**
- 3 **Should no written, author-identified objections be received during the 21 day advertising period, then adopt for final approval Local Planning Policy 'Outbuildings' and proceed to publish a notice to this effect in the local newspaper; &**
- 4 **Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.**

**Voting
5/4 Casting Vote
CARRIED**

**Cr Trevor Royce/ Cr Beverley Davidson/ Cr Peter Humphrey & Cr Peter Batten against
Minute Reference 05/12 - 08**

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

ATTACHMENT 1

16.40	Outbuilding Policy	<p>Comment: For the purposes of this policy an 'Outbuilding' is a Class 10A building, as defined by the Building Code of Australia, that is being erected on any 'Residential', 'Rural-Residential' or 'Special Rural' zoned land and used for primarily domestic purposes. This policy also applies to 'General Farming' zoned lots less than 20 hectares in area. Clause 3.1.9 contains a number of standards regarding the development of outbuildings. There may be situations where these provisions are inappropriate and Clause 3.1.3 provides the power to relax these standards when appropriate. The policy below provides guidance as to the use of Clause 3.1.3 with respect to outbuildings.</p> <p>Note: For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open) covered by a permeable or semi permeable roof.</p>																																					
Scheme provisions: Clause 3.1.9	Other references: Nil.	Special procedural considerations Refer to Policy Statement 1 notations.																																					
Policy statement:																																							
1. In consideration of Clause 3.1.9 and pursuant to Clause 3.1.3 of the Town Planning Scheme the following maximum standards apply to outbuildings:																																							
<table border="1"> <thead> <tr> <th>Zone</th><th>Standard</th><th>Maximum</th></tr> </thead> <tbody> <tr> <td rowspan="3">Residential</td><td>Area (total aggregate)</td><td>75 m²</td></tr> <tr> <td>Wall Height</td><td>3.0 metres*</td></tr> <tr> <td>Overall Height (single story)</td><td>4.0 metres</td></tr> <tr> <td rowspan="4">Rural Residential (Lots < 4 ha)</td><td>Area (per building) (total aggregate)</td><td>150 m² ** 200 m²</td></tr> <tr> <td>Wall Height</td><td>4.5 metres*</td></tr> <tr> <td>Overall Height (single story)</td><td>5.0 metres</td></tr> <tr> <td>Overall Height (double story barn)</td><td>6.5 metres</td></tr> <tr> <td rowspan="4">Special Rural (Lots < 20 ha)</td><td>Area (per building) (total aggregate)</td><td>150 m² ** 200 m²</td></tr> <tr> <td>Wall Height</td><td>4.5 metres*</td></tr> <tr> <td>Overall Height (single story)</td><td>5.0 metres</td></tr> <tr> <td>Overall Height (double story barn)</td><td>6.5 metres</td></tr> <tr> <td rowspan="4">General Farming (Lots < 20 ha)</td><td>Area (per building) (total aggregate)</td><td>150 m² ** 200 m²</td></tr> <tr> <td>Wall Height</td><td>4.5 metres*</td></tr> <tr> <td>Overall Height (single story)</td><td>5.0 metres</td></tr> <tr> <td>Overall Height (double story barn)</td><td>6.5 metres</td></tr> </tbody> </table>			Zone	Standard	Maximum	Residential	Area (total aggregate)	75 m ²	Wall Height	3.0 metres*	Overall Height (single story)	4.0 metres	Rural Residential (Lots < 4 ha)	Area (per building) (total aggregate)	150 m² ** 200 m ²	Wall Height	4.5 metres*	Overall Height (single story)	5.0 metres	Overall Height (double story barn)	6.5 metres	Special Rural (Lots < 20 ha)	Area (per building) (total aggregate)	150 m² ** 200 m ²	Wall Height	4.5 metres*	Overall Height (single story)	5.0 metres	Overall Height (double story barn)	6.5 metres	General Farming (Lots < 20 ha)	Area (per building) (total aggregate)	150 m² ** 200 m ²	Wall Height	4.5 metres*	Overall Height (single story)	5.0 metres	Overall Height (double story barn)	6.5 metres
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* Wall heights are to be measured from natural ground level.																																							
** The Council may allow a single outbuilding to the max. aggregate 200m² subject to consultation with affected neighbouring landowners, and the Council or its delegated officer being satisfied with the outcome of the consultation process.																																							

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

2. Pursuant to Clause 3.1.3 of the Scheme, setbacks for outbuildings on 'Residential' zoned land may be assessed in accordance with the Residential Design Codes of Western Australia in preference to the standards outlined at Sub-Clause 3.1.9 (c).
3. An outbuilding is required to be sited behind the 'front building line' of a dwelling on lots less than 4.0 hectares in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.

Note: For the purpose of this statement the 'front building line' is to be measured from the closest point of the house to the front boundary drawn parallel to the boundary as illustrated in Figures 1 and 2 below:

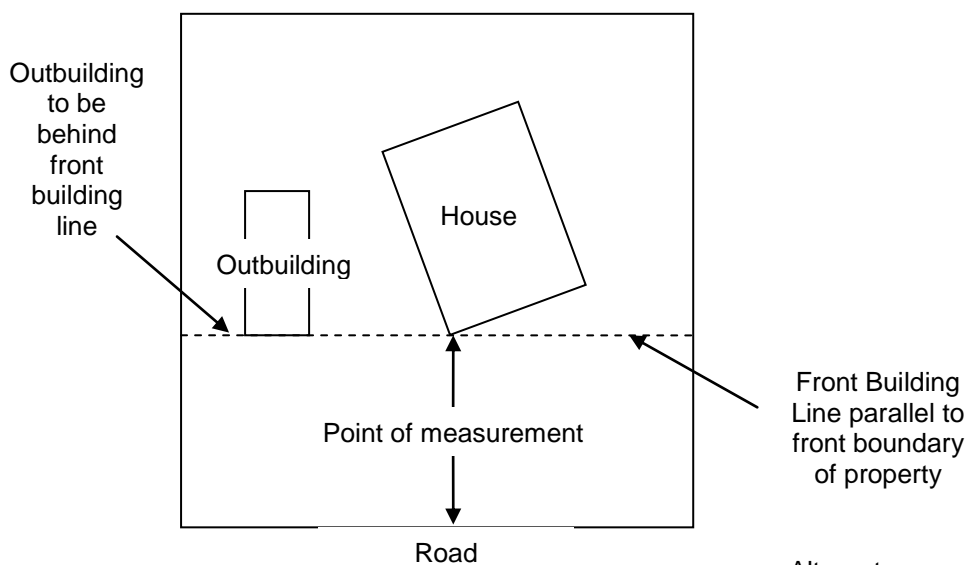


Figure 1 – Rectangular Lot

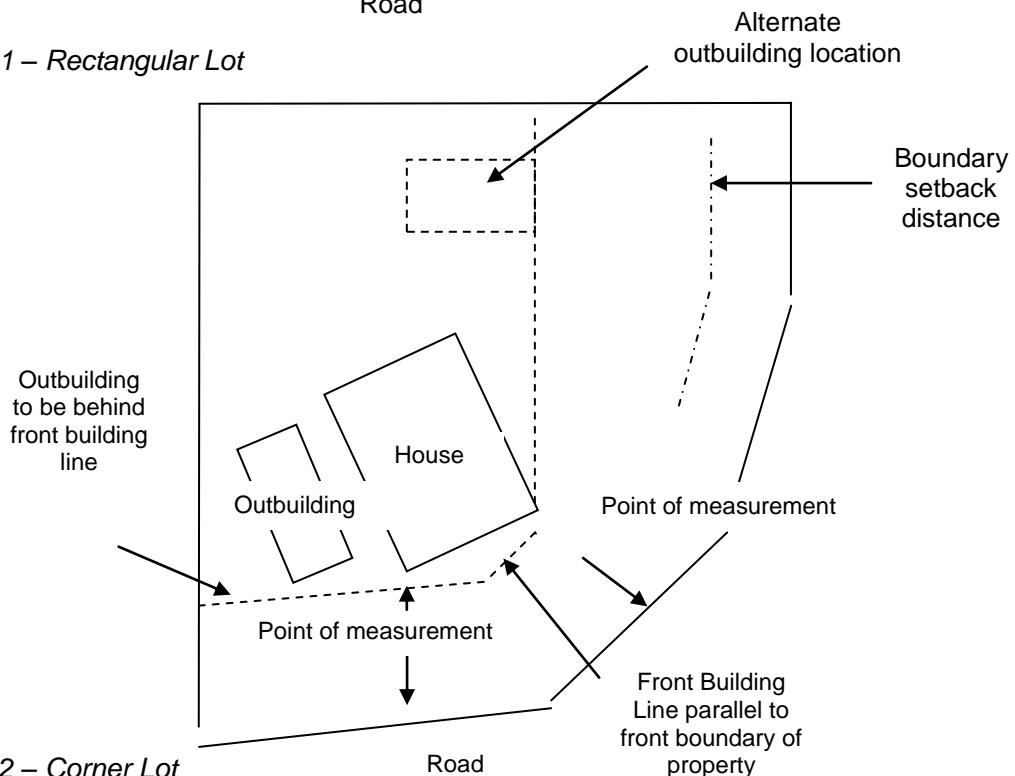


Figure 2 – Corner Lot

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

4. The Council will not support the erection of an outbuilding prior to completion of a house to a finished floor level (concrete pad or sub-floor structure) on all residential zoned land, unless specific justification is provided and accepted by the Council.
5. Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
6. An outbuilding (Class 10 building) as defined under the Building Code of Australia (BCA) is **NOT** to be used for residential habitation purposes.
7. Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme No.1 the Town Planning Scheme shall prevail.

Amended by Council: 15th October 2008

Reviewed by

Adopted by Council: 16 February 2011

Reviewed: 18 April 2012

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.2.1
SUBJECT:	PROVISION OF AUDIT SERVICES – APPOINTMENT OF INDIVIDUAL AUDITORS
PROPONENT:	FINANCE AND AUDIT COMMITTEE
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	305.05
PREVIOUS REFERENCE:	04/12 - 15
AUTHOR:	MR STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved at its Ordinary Meeting of Council held 18th April 2012 to appoint UHY Haines Norton as its external Auditors for the Shire of Chapman Valley for the next three (3) years with the option of extending for another two (2) years.

COMMENT

Further to advice received (Attachment 1) from Mr Greg Godwin, Partner of UHY Haines Norton, it is necessary for Council to appoint individual Auditors from its chosen firm to attend to its Provision of Audit Services.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

2011/12 – 2016/17 Budgets

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Vote Required. *

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

MOVED: CR PAULINE FORRESTER	SECONDED: CR PETER HUMPHREY
That Council appoints UHY Haines Norton Partners, Mr Greg Godwin and Mr David Tomasi as its individual Auditors to undertake the Provision of Audit Services for a period of three (3) years with the option to extend the contract another two (2) years.*	
Voting 8/0 CARRIED Minute Reference 05/12 - 09	

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

From: Greg Godwin <ggodwin@uhyhn.com.au>
Date: 3 May 2012 10:57:16 AM AWST
To: Stuart Billingham <ceo@chapmanvalley.wa.gov.au>
Cc: Dylan Stainton-Owen <pa@chapmanvalley.wa.gov.au>
Subject: RE: PROVISION OF AUDIT SERVICES

ATTACHMENT 1

Hi Stuart

I believe you are on the road to Perth and I have left a message for you at your office.

We are very pleased to have been re-appointed as the external auditors of Chapman Valley.

One technicality is that the Shire needs to appoint the individual auditors. I note the resolution only appoints UHY Haines Norton. Please could you arrange to have Council appoint David and myself as Council's auditors?

Regards

Greg Godwin

Partner

<imageae9aeb.JPG>

Perth - Western Australia
16 Lakeside Corporate - 24 Parkland Road
Osborne Park - WA 6017
telephone - +61 8 9444 3400 facsimile - +61 8 9444 3430

www.uhyhn.com

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SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.2.2
SUBJECT:	FUTURE OF BATAVIA REGIONAL ORGANISATIONS OF COUNCIL (BROC)
PROPONENT:	BATAVIA REGIONAL ORGANISATION OF COUNCILS
SITE:	N/A
FILE REFERENCE:	404.15
PREVIOUS REFERENCE:	
AUTHOR:	MR STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has previously discussed its future direction as a member of Batavia Regional Organisations of Council (BROC) at its Ordinary Meeting of Council held Wednesday 18 April 2012.

Each BROC member has been requested to provide a direction in the future of BROC and its possible retention or disbandment.

COMMENT

Further to correspondence received from the Shire of Northampton (attachment 1) and its resolution at its recent Council meeting to not support the continuation of BROC on the basis of its inability to achieve desired outcomes, it is requested that Shire of Chapman Valley reconsider its position and future direction.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority Vote Required. *

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

MOVED: CR ANTHONY FARRELL SECONDED: CR BEVERLEY DAVIDSON

That Council resolves to advise all Batavia Regional Organisations of Councils (BROC) members that it supports the decision of disbandment of BROC given its inability to achieve desired outcomes.

**Voting
8/0**

CARRIED

Minute Reference 05/12 - 10

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

ATTACHMENT 1



Shire of
Northampton
Simply Remarkable

199 Hampton Road
PO Box 61
Northampton WA 6535

P 08 9934 1202
F 08 9934 1072
E council@northampton.wa.gov.au
W www.northampton.wa.gov.au

24 APR 2012

Our Ref: 4.1.13/OCR23308

Record No

Stuart Billingham
Chief Executive Officer
Shire Of Chapman Valley
PO Box 1
NABAWA WA 6532

FILE No.	1104-15
CEO	<input checked="" type="checkbox"/>
CORPORATE SERVICES	<input type="checkbox"/>
FINANCE	<input type="checkbox"/>
MARKETING SERVICES	<input type="checkbox"/>
OPERATIONS	<input type="checkbox"/>
PROPERTY MANAGER	<input type="checkbox"/>
PROJECT ASSISTANT	<input type="checkbox"/>

Dear Stuart,

FUTURE OF BROC

As you are aware at the recent BROC meeting the issue of its usefulness and achievements was raised and whether it should be disbanded. It was requested that each BROC member discuss this at their next Council meetings and provide a direction and whether to disband BROC or retain it.

I advise that at their recent meeting the Northampton Shire Council resolved to advise all BROC members that it does not support the continuation of the BROC as it has not achieved anything of real value and do not see it achieving anything in the future.

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

Yours faithfully



GARRY L KEEFFE
CHIEF EXECUTIVE OFFICER

23/04/2012

Northampton • Kalbarri • Horrocks • Port Gregory • Isseka • Binnu • Ajana

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.2.3
SUBJECT:	COUNTRY LOCAL GOVERNMENT FUND (CLGF) BATAVIA GROUP REGIONAL COMPONENT TIMETABLE
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	N/A
FILE REFERENCE:	309.05
PREVIOUS REFERENCE:	
DATE:	9 MAY 2012
AUTHOR:	MR STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

As part of the Royalties for Regions Country Local Government Fund Regional component, the Shire of Chapman Valley is part of the Batavia Group which comprises of the Shires of Chapman Valley, Northampton and Irwin. The Batavia Group have the following table of regional projects agreed to by all three Councils.

	2010/11	2011/12	2012/13	2013/14
Chapman Valley	\$182,255	\$297,536	\$260,364	\$520,729
Northampton	\$288,409	\$456,637	\$412,012	\$824,025
Irwin	\$241,509	\$394,269	\$345,013	\$690,026
Total Funding Available	\$712,173	1,148,442	1,017,389	2,034,780
Projects				
Northampton - Community Centre	500,000	0	0	0
Northampton - Industrial Subdivision	0	0	517,389	184,780
Northampton - Kalbarri Phone Tower	0	0	250,000	0
Irwin - Coastal Erosion	100,000	100,000	100,000	100,000
Irwin - Aged Care/Retirement Development	112,173	246,077	0	1,000,000
Irwin - Community Resource Centre	0	0	0	0
Chapman Valley - East Bowes Road	0	552,365	150,000	750,000
Chapman Valley - Mobile Phone Tower	0	250,000	0	0
Total	712,173	1,148,442	1,017,389	2,034,780

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

New proposed timetable with changes highlighted in bold italics font.

	2010/11	2011/12	2012/13	2013/14
Chapman Valley	\$182,255	\$297,536	\$260,364	\$520,729
Northampton	\$288,409	\$456,637	\$412,012	\$824,025
Irwin	\$241,509	\$394,269	\$345,013	\$690,026
Total Funding Available	\$712,173	1,148,442	1,017,389	2,034,780
Projects				
Northampton - Community Centre	500,000	0	0	0
Northampton - Industrial Subdivision	0	0	517,389	184,780
Northampton - Kalbarri Phone Tower	0	0	250,000	0
Irwin - Coastal Erosion	100,000	100,000	100,000	100,000
Irwin - Aged Care/Retirement Development	112,173	246,077	0	1,000,000
Irwin - Community Resource Centre	0	0	0	0
Chapman Valley - East Bowes Road	0	802,365	150,000	500,000
Chapman Valley - Mobile Phone Tower	0	0	0	250,000
Total	712,173	1,148,442	1,017,389	2,034,780

COMMENT

Due to the Shire of Chapman Valley not being able to have a Business Case developed with Telstra, for the mobile phone tower, submitted to the Department of Regional Development and Lands by the 30 May 2012 deadline, a reshuffle of project funding required between years.

STATUTORY ENVIRONMENT

Country Local Government Fund Guidelines 2011/12

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

2011/12 -2013/14 Budgets.

STRATEGIC IMPLICATIONS

Asset Management Plan - Regional Projects
Shire of Chapman Valley Corporate Plan

VOTING REQUIREMENTS

Simple Majority Vote Required

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

MOVED: CR TREVOR ROYCE

SECONDED: CR PETER HUMPHREY

That Council endorse the amended timetable for the Batavia Group as submitted below.

	2010/11	2011/12	2012/13	2013/14
Chapman Valley	\$182,255	\$297,536	\$260,364	\$520,729
Northampton	\$288,409	\$456,637	\$412,012	\$824,025
Irwin	\$241,509	\$394,269	\$345,013	\$690,026
Total Funding Available	\$712,173	1,148,442	1,017,389	2,034,780
Projects				
Northampton - Community Centre	500,000	0	0	0
Northampton - Industrial Subdivision	0	0	517,389	184,780
Northampton - Kalbarri Phone Tower	0	0	250,000	0
Irwin - Coastal Erosion	100,000	100,000	100,000	100,000
Irwin - Aged Care/Retirement Development	112,173	246,077	0	1,000,000
Irwin - Community Resource Centre	0	0	0	0
Chapman Valley - East Bowes Road	0	802,365	150,000	500,000
Chapman Valley - Mobile Phone Tower	0	0	0	250,000
Total	712,173	1,148,442	1,017,389	2,034,780

**Voting
8/0**

CARRIED

Minute Reference 05/12 - 11

Mrs Debby Barndon entered the meeting at 11.43am.

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

10.3 FINANCE AND ADMINISTRATION

AGENDA ITEM:	10.3.1
SUBJECT:	FINANCIAL REPORT MAY 2012
PROPONENT:	ACCOUNTANT
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	
AUTHOR:	DEBBY BARNDON

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for April 2012 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

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

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

SHIRE OF CHAPMAN VALLEY

**UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012**

FINANCIAL IMPLICATIONS

As presented.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIRMENTS

Simple majority of Council.

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

MOVED: CR PAULINE FORRESTER

SECONDED: CR TREVOR ROYCE

That Council receive the financial report for the month of April 2012 comprising the following:

- **Summary of Payments**
- **Net Current Assets**
- **Summary of Financial Activity,**
- **Detailed Statement of Financial Activity,**
- **Details of Cash and Investments,**
- **Statement of Significant Variations,**
- **Summary of Outstanding Debts**
- **Reserve Funds**
- **Information on Borrowings**
- **Disposal of Assets**
- **Acquisition of Assets**
- **Rating Information**
- **Trust Fund Reconciliations**
- **Bank Reconciliation**
- **Credit Card Statement from 21 March 2012 to 22 April 2012**

**Voting
8/0**

CARRIED

Minute Reference 05/12 - 12

Mrs Debby Barndon left the meeting at 11.49pm

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

AGENDA ITEM:	10.3.2
SUBJECT:	DIFFERENTIAL RATES 2012/13
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	N/A
FILE REFERENCE:	301.03
PREVIOUS REFERENCE:	
DATE:	9 MAY 2012
AUTHOR:	MRS DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Landgate Valuation Services provides Council with a rateable value for each rateable property within the Shire. The predominant land use determines the method of valuation required for rating purposes. Where the land is used predominantly for rural purposes, the unimproved value of the land applies; and where the land is used predominantly for the non-rural purposes, the gross rental value of the land applies. The rateable value is multiplied by the rate in the dollar that Council set to produce the annual rates to be charged to the property. If this value is less than the minimum rate set by Council then the ratepayer will be charged the minimum value.

In the past Council has used a number of rating categories for gross rental valued properties although applying one rate in the dollar across all categories. To simplify the rating adoption this year these categories have been streamlined to one gross rental value with one general rate in the dollar. This method of rating does not require Ministerial approval as long as the model complies with the Local Government Act 1995. The unimproved valued properties have a differential Oakajee rating category and a general Unimproved Value Rural category.

COMMENT

The Local Government Act 1995 s.6.35 (4) allows a minimum rate to be imposed on not more than 50% of the total number of separately rated properties in each category. The 2011/2012 adopted budget was not compliant with this section of the Act and is currently with the Department of Local Government. As detailed below it is proposed that the Shire will have three (3) rating categories for 2012/2013 with the percentage of minimums clearly below 50% complying with the Act.

Draft Rate Model 2012/2013						
Rating Category	Basis	Rate in \$ 2011/2012	Minimum 2011/2012	Proposed Rate in \$ 2012/2013	Proposed Minimum 2012/2013	Percentage of Properties on Minimums
GRV	GRV	9.1538	\$ 793.00	9.7946	\$ 630.00	35%
UV Rural	UV	0.7207	\$ 277.00	0.7711	\$ 300.00	10%
UV Oakajee	UV	1.6070	\$ 277.00	1.7195	\$ 300.00	0%

The Draft Rates Model for 2012/2013 has been prepared based on a 7% increase to the rate in the dollar with compliant minimums.

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Rate Revenue from Adopted Budget 2011/2012	\$1,869,246
Loss of revenue due to non compliance	\$36,000
Total Rate Revenue 2011/2012	\$1,833,246
Proposed 7% increase	\$137,624
Proposed Rate Revenue 2012/2013	\$1,970,870

STATUTORY ENVIRONMENT

Local Government Act 1995

- S.6.32 *States that a local government, in order to make up the budget deficiency, is to impose a general rate on rateable land that may be imposed uniformly or differentially.*
- S6.33 (1) *Provides that a local government may impose differential rates based upon characteristic of zoning, predominant land use, whether or not the land is vacant.*
- S6.34 *States that a local government cannot without the approval of the Minister yield a general rate that exceeds 100% of the budget deficiency or less than 90% of the budget deficiency.*
- S6.35 *States that a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- S6.35(4) *States that a minimum payment is not to be imposed on more than the prescribed percentage of a) the number of separately rated properties in the district; or b) the number of properties in each category.*
- FMR 5 s.52 *States that the percentage prescribed for the purposes of s6.35 (4) is 50%.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual budget identifies how funds will be sourced and allocated in the forthcoming year, and allows for the imposition of rates as an income stream from which services and upcoming projects may be funded. For the 2012/2013 draft Budget it is proposed to raise a total of \$1,970,890 from GRV and UV rateable properties.

STRATEGIC IMPLICATIONS

Annual Budget 2012/13

VOTING REQUIREMENTS

Simple Majority

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

OFFICER RECOMMENDATION/ COUNCIL RESOLUTION

MOVED: CR ANTHONY FARRELL

SECONDED: CR PETER BATTEN

That Council;

- 1. Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential general rates for the 2012/13 financial year as listed below.**
- 2. Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2012/2013 Draft Annual Budget.**

DRAFT RATE MODEL 2012/2013						
Rating Category	Basis	Rate in \$ 2011/2012	Minimum 2011/2012	Proposed Rate in \$ 2012/2013	Proposed Minimum 2012/2013	Percentage of Properties on Minimums
GRV	GRV	9.1538	\$ 793.00	9.7946	\$ 630.00	35%
UV Rural	UV	0.7207	\$ 277.00	0.7711	\$ 300.00	10%
UV Oakajee	UV	1.6070	\$ 277.00	1.7195	\$ 300.00	0%

**Voting
8/0**

CARRIED

Minute Reference 05/12 - 13

Meeting adjourned at 12.01pm.

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

ATTACHMENT 1

7% Rate in the Dollar increase from 2011/2012

Code	Rating Category	Total Props	UV Value	GRV Value	Min Amt	UV %	GRV %	Calculated Rates	Propson Min	Concession	Actual Rates to Raise	% Var LY	Percentage on Mins
01	GRV	364	0.00	2919448.00	630.00		9.7946	285948.37	127	0.00	312713.95	-5.97	35%
02	UV Rural	468	193436789.00	0.00	300.00	0.7711		1491591.23	46	0.00	1503796.67	8.32	10%
04	UV Oakajee	3	8977000.00	20000.00	300.00	1.7195		154359.52		0.00	154359.52	7.84	
		835	202413789	2939448				1931899.1	173	0.00	<u>\$ 1,970,870.14</u>		

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE
COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

ATTACHMENT 2

Assess #	Address	SAMPLE PROPERTIES LV Valuation	NV Valuation	% Inc Val	Calculated	Actual	Last Year	\$ Increase	Var Calc	% Var L/Y
A351	LOT 106 NORTH WEST COASTAL HIGHWAY HOWATHARRA 6532				73.46	630.00	793.00	-163.00	757.60	-20.56
A620	1 EASTOUGH ROAD NANSON 6532				220.38	630.00	793.00	-163.00	185.86	-20.56
A607	36 BURGESS STREET NANSON 6532				244.87	630.01	793.00	-162.99	157.28	-20.56
A556	2988 NORTH WEST COASTAL HIGHWAY HOWATHARRA				483.85	630.00	793.00	-163.00	30.20	-20.56
A627	25 EAST TERRACE NANSON 6532				509.32	630.00	793.00	-163.00	23.69	-20.56
A664	26 INDIALLA ROAD NABAWA 6532				550.06	630.00	793.00	-163.00	14.53	-20.56
A1544	44 WITTENOOM CIRCLE WHITE PEAK 6532				634.69	634.69	793.00	-158.31	0.00	-19.97
A1680	2630 NORTH WEST COASTAL HIGHWAY HOWATHARRA 6532				713.05	713.05	793.00	-79.95	0.00	-10.09
A1541	47 WITTENOOM CIRCLE WHITE PEAK 6532				947.33	846.75	846.75	100.58	0.00	11.87
A1443	275 ELIZA SHAW DRIVE WHITE PEAK 6532				1044.10	1044.10	975.80	68.30	0.00	6.99
A1455	290 ELIZA SHAW DRIVE WHITE PEAK 6532				1044.10	1044.10	975.80	68.30	0.00	6.99
A1462	5 PARMELIA BOULEVARD WHITE PEAK 6532				1044.10	1044.10	975.80	68.30	0.00	6.99
A1548	12 WITTENOOM CIRCLE WHITE PEAK 6532				1171.43	1171.43	1069.23	102.20	0.00	9.55
A7	1633 NORTH WEST COASTAL HIGHWAY BULLER 6532				8785.76	8785.76	8210.96	574.80	0.00	7.00
A703	4968 CHAPMAN VALLEY ROAD NARALING 6532				817.37	817.37	763.94	53.43	0.00	6.99
A1302	11 NANSOM-HOWATHARRA ROAD HOWATHARRA 6532				909.90	909.90	850.43	59.47	0.00	6.99
A422	12 MURPHY STREET NANSOM 6532				1148.94	1148.94	980.15	168.79	0.00	17.22
A8	128 HARMONY PLACE WHITE PEAK 6532				1179.78	1179.78	1016.19	163.59	0.00	16.09
A714	9388 WANDANA ROAD WANDANA 6532				1179.78	1179.78	1102.67	77.11	0.00	6.99
A1382	127 URGH ROAD YETNA 6532				1441.96	1441.96	1232.40	209.56	0.00	17.00
A1289	423 OLSEN ROAD HOWATHARRA 6532				1519.07	1519.07	1326.09	192.98	0.00	14.55
A1756	23 JAMES EASTOUGH CLOSE NANSOM 6532				1565.33	1565.33	1362.12	203.21	0.00	14.91
A479	495 HICKETY ROAD HICKETY 6532				1627.02	1627.02	1448.61	178.41	0.00	12.31
A1434	57 CORONATION BEACH ROAD HOWATHARRA 6532				1781.24	1781.24	1535.09	246.15	0.00	16.03
A767	6539 CHAPMAN VALLEY ROAD YUNA 6532				1904.62	1904.62	1780.13	124.49	0.00	6.99
A44	216 WHITE PEAK ROAD WHITE PEAK 6532				1966.31	1966.31	1751.30	215.01	0.00	12.27
A777	16 BEATTIE HASLEBY ROAD NARALING 6532				2043.42	2043.42	1909.86	133.56	0.00	6.99
A1393	LOT 2402 CHAPMAN VALLEY ROAD NANSOM 6532				2166.79	2166.79	1924.27	242.52	0.00	12.60
A804	2131 NOLBA ROAD NOLBA 6532				2166.79	2166.79	2025.17	141.62	0.00	6.99
A1303	LOT 2402 CHAPMAN VALLEY ROAD NANSOM 6532				2166.79	2166.79	1924.27	242.52	0.00	12.60
A326	118 CHAPMAN VALLEY ROAD NABAWA 6532				2421.25	2421.25	2263.00	158.25	0.00	6.99
A756	1107 WANDANA ROAD WANDANA 6532				2999.58	2999.58	2659.38	340.20	0.00	12.79
A704	4968 CHAPMAN VALLEY ROAD NARALING 6532				3593.33	3593.33	3358.46	234.87	0.00	6.99
A790	285 BALLA-WHELARRA ROAD YUNA 6532				3878.63	3878.63	3625.12	253.51	0.00	6.99
A1430	LOT 61 CORONATION BEACH ROAD HOWATHARRA 6532				4163.94	4163.94	3891.78	272.16	0.00	6.99
A1649	2873 WANDANA ROAD WANDANA 6532				4233.34	4233.34	4071.96	161.38	0.00	3.96
A126	1293 CHAPMAN VALLEY ROAD YETNA 6532				4287.32	4287.32	4007.09	280.23	0.00	6.99
A782	3887 BINNU EAST ROAD DARTMOOR 6532				4541.78	4541.78	4244.92	296.86	0.00	6.99
A782	3887 BINNU EAST ROAD DARTMOOR 6532				4541.78	4541.78	4244.92	296.86	0.00	6.99
A731	800 EAST BOWES ROAD NARALING 6532				5389.99	5389.99	5102.56	287.43	0.00	5.63
A1365	717 FORRESTER BROOKS ROAD YUNA 6532				6623.75	6623.75	6205.23	418.52	0.00	6.74
A755	308 WANDANA ROAD WANDANA 6532				9646.46	9646.46	9397.93	248.53	0.00	2.64
A1357	497 NABAWA-NORTHAMPTON ROAD NABAWA 6532				11975.18	11975.18	11102.47	782.71	0.00	6.99
A1752	1751 DURAWAH ROAD DURAWAH 6532				18714.60	18714.60	17022.93	1691.67	0.00	9.93
A771	992 MARRAH ROAD MARRAH 6532				33689.36	33689.36	31494.59	2194.77	0.00	6.96
A1525	925 NORTH WEST COASTAL HIGHWAY OAKAJEE 6532				119952.32	119952.32	112104.32	7848.00	0.00	7.00

SHIRE OF CHAPMAN VALLEY

UNCONFIRMED MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS NABAWA ON WEDNESDAY 16th MAY 2012

Meeting recommenced at 1.00pm

11.0 ELECTED MEMBERS

Nil

12.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

13.0 GENERAL BUSINESS

13.1 Elected Members

Parkfalls Estate - Horse Trails Maintenance
Cr Peter Humphrey

Cr Humphrey highlighted the following issues pertaining to the Horse Trails within the Parkfalls Estate:

- Sand related/ introduction of amendment to firebreak policy
- Maintenance including mowing/ slashing of overgrown vegetation

Mr Billingham advised that matters relating to the maintenance of the Horse Trails will be reviewed and addressed. Associated capital and maintenance costs will be determined. Exploration will be undertaken into the future need for the trails. Possible community consultation will be undertaken.

Mr Billingham confirmed an inspection will need to be undertaken.

13.2 Officers

Coronation Beach Road Shelter Relocation
Building Surveyor/ Project Officer – Anthony Abbott

COUNCIL RESOLUTION

MOVED: CR ANTHONY FARRELL SECONDED: CR PETER HUMPHREY

That Council instructs the Chief Executive Officer to relocate the two (2) shelter structures located at the Coronation Beach Road and North West Coastal Highway intersection turnoff to the Coronation Beach Nature Camping Area.

Voting

7/1

CARRIED

**Cr David Bell Against
Minute Reference 05/12 - 14**

14.0 CLOSURE

The Chairman thanked all elected members and staff for their attendance. The meeting was declared closed at 1.15pm.