



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

## ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting  
of Council will be held on Wednesday 16 December 2015  
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana  
CHIEF EXECUTIVE OFFICER

# AGENDA

## DECEMBER 2015

## DISCLAIMER



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

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

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

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

### **WRITTEN CONFIRMATION**

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

Maurice Battilana  
**CHIEF EXECUTIVE OFFICER**

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## 6.0 DISCLOSURE OF INTEREST

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

### Section 5.60A:

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

### Section 5.60B:

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

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

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

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

### Regulation 34C (Impartiality):

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

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

Presentation of book written by Anthea Kalazich – “In Their Footsteps”

In Their Footsteps is a social history set in the Mid-West of Western Australia from 1822 – 2010. Set primarily in Chapman Valley, In Their Footsteps looks at the Victoria District from before the white man, through to the present day. Chapters include the Geraldton to Yuna Mail Run, the Schools, Store and Post Office at Nabawa, the Railway and Race Track, Chapman Research Station, the Rifle Range and Protheroe Lead Mine. It unearths the old brickworks at Yetna and the little churches that were built at Nabawa in 1812.

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

8.1 Ordinary Meeting of Council held on Wednesday 18 November 2015

That the minutes of the Ordinary Meeting of Council held Wednesday 18 November 2015 be confirmed as a true and accurate record.

### **9.0 OFFICERS REPORTS**

# **9.1 Manager of Planning December 2015**

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<b>AGENDA ITEM:</b>	<b>9.1.1</b>
<b>SUBJECT:</b>	<b>PROPOSED OUTBUILDING EXTENSION</b>
<b>PROPONENT:</b>	<b>C &amp; S CLOUGH</b>
<b>SITE:</b>	<b>2 (LOT 316) PATTEN PLACE, WHITE PEAK</b>
<b>FILE REFERENCE:</b>	<b>A1784</b>
<b>PREVIOUS REFERENCE:</b>	<b>9/13-3</b>
<b>DATE:</b>	<b>30 NOVEMBER 2015</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

Council is in receipt of an application for an extension to an existing outbuilding upon 2 (Lot 316) Patten Place, White Peak. The application is presented to Council as the proposed location is outside of the building envelope as shown upon the Dolby Creek Subdivision Guide Plan, and also within the minimum boundary setback requirement for this zone. This report recommends conditional approval of the application.

## COMMENT

Lot 316 is a cleared, rectangular 7,516m<sup>2</sup> property with a 42.18m frontage on its eastern boundary to David Road, and a 151.67m frontage to Patten Place on its southern boundary.

**Figure 9.1.1(a) – Location Plan for 2 (Lot 316) Patten Place, White Peak**



The property contains a single storey residence with frontage to Patten Place, and a cream colorbond outbuilding immediately to the north of the residence. The applicant is seeking to extend the 144m<sup>2</sup> outbuilding along its northern side with a 36.8m<sup>2</sup> (16m x 2.3m) extension. The lean-to would have a wall height of 2.1m and skillion roof sloping upwards to match the top of wall height on the existing outbuilding.

A copy of the submitted site, elevation and floor plans have been included as **Attachment 9.1.1(a)** for Council's further information.

The proposed outbuilding extension would increase the total outbuilding area from 144m<sup>2</sup> to 180.8m<sup>2</sup>, this is compliant with the delegated authority requirements under the Shire of Chapman Valley Local Planning Policy 'Outbuildings'. The proposed extension would, however, reduce the outbuilding setback to the northern property boundary from 5.2m to 2.9m, and this exceeds the delegated authority of Shire staff which is 5m within the 'Rural Residential' zone, and this application has therefore been presented to Council for its deliberation.



**Figure 9.1.1(b) – Aerial Photograph of 2 (Lot 316) Patten Place, White Peak**



**Figure 9.1.1(c) – View of proposed development upon Lot 316 looking west**



**Figure 9.1.1(d) – View of Lot 316 looking south-west from David Road**



The development history of Lot 316 is as follows:

- 4 October 2012 - building permit issued for outbuilding;
- 18 December 2012 - building permit issued for residence;
- 18 September 2013 - Council approved retaining walls about the residence and perimeter colorbond fencing.

Shire staff, after having taken into consideration the merits of this application, recommend conditional approval for the following reasons:

- the application is considered to meet the variation standards prescribed in Section 5.5 of the Scheme;
- the additional visual impact of extending the existing outbuilding is considered to be relatively minor and would not detrimentally affect the streetscape or amenity of the surrounding area;
- the development would be contained behind an existing 1.2m high colorbond fence that would partially obscure the building and already serves to demarcate the development area on the property;



- the outbuilding extension would be matching colours to the existing outbuilding;
- the outbuilding extension would not be constructed of flammable materials and the 2.9m boundary setback area is gravelled and can be kept free of fuel load to maintain an appropriate fire separation distance to the property to the north.

## STATUTORY ENVIRONMENT

2 (Lot 316) Patten Place, White Peak is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Table 2 of the Scheme lists 5m as the minimum side/rear boundary setback, the submitted application proposes a boundary setback of 2.9m, and therefore exceeds the delegated authority of Shire staff and is presented to Council for its deliberation.

Lot 316 is also contained within the area addressed by the Dolby Creek Subdivision Guide Plan, adopted by Council at its 20 October 2010 meeting and provided as **Attachment 9.1.1(b)**. The Subdivision Guide Plan illustrates a boundary setback of 5m from the northern property boundary for Lot 316.

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

- “(a) Provide for residential development within a low-density environment;*
- (b) Provide for other land-uses compatible with a high level of residential amenity;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land.”*

Schedule 11 of the Scheme notes the following for the 'Rural Residential 1' zone:

- “1 Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.*
- 2 All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.”*

Section 5.1 of the Scheme 'Variations to Site and Development Standards and Requirements' establishes the basis by which Council should consider relaxation or variation of its standard requirements:

*“5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Local Government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.*

*5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to:*

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

*5.5.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that:*

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

Section 5.11 of the Scheme states:

*“5.11 Building Envelopes*

- 5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.*
- 5.11.2 No development of any structures shall occur within any area/s identified as ‘Development Exclusion Area’, ‘Re-vegetation Area’, ‘Remnant Vegetation’ or similar on the subdivision guide, structure or fire management plan;*
- 5.11.3 Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*
- 5.11.4 In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:*
  - (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;*
  - (b) unnecessary clearing of remnant native vegetation;*
  - (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;*
  - (d) suitability for landscape screening using effective screening vegetation; and*
  - (e) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Local Planning Policies.”*

Section 10.2 of the Scheme lists the following relevant matters to be considered by Council in considering this development application:

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

**POLICY IMPLICATIONS**

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

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

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

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

- “4.3 In considering an application to relax the development standards pursuant to Section 5.5 of Local Planning Scheme No.2, the Council will give particular consideration to:*
  - (a) justification for the proposed amendment;*
  - (b) the secondary nature of the development should the application be to site a building/s outside of the envelope (i.e. horse stables);*
  - (c) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations, such as the edge of hill or mesa tops within prominent parts of the Moresby Range;*
  - (d) unnecessary clearing of remnant native vegetation;*
  - (e) visual obtrusiveness and/or impact on an adjoining property by way over looking, noise, odour or light spill;*
  - (f) suitability for landscape screening using effective screening vegetation and the availability of a proven water supply for this purpose;*
  - (g) use of materials and colours to assist in softening any perceived visual impact;*
  - (h) compliance with the land-use, setback, building height, development exclusion, vegetation protection, bushfire requirements and other pertinent provisions of the Local Planning Scheme and associated Planning Policies.*
- 4.4 Building envelopes are generally imposed at the time of subdivision to provide an area in which buildings upon a property will be clustered and provides an understanding for surrounding landowners of the potential location of future built form. Whilst this Policy provides guidelines for an application to be submitted to amend a building envelope it should not be construed that approval will be granted with each application assessed on its individual merits.”*

The proposed development would comply with the area and height requirements of the Shire of Chapman Valley Local Planning Policy 'Outbuildings' for the 'Rural Residential' zone. Section 4.9(c) of the policy states:

*“For lots zoned 'Rural-Residential', 'Rural Smallholding' and 'Rural' the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.”*

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**

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 its involvement in the appeal process.

- **Long Term Financial Plan:**

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

## **STRATEGIC IMPLICATIONS**

It is considered that the primary motive underpinning the positioning of the building envelopes upon the Dolby Creek Subdivision Guide Plan was to ensure that development was located away from the Dolby Creek watercourse. The relaxation of the building envelope in this particular instance would not conflict with this primary purpose.

- **Strategic Community Plan:**

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

## **CONSULTATION**

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

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

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

The Shire wrote to the immediately adjoining landowner on 6 November 2015 providing details of the application and inviting comment upon the proposal prior to 27 November 2015, no response was received during this time and it is therefore assumed that the neighbour is either indifferent to the proposal or is raising no objection.

## **RISK ASSESSMENT**

Not Applicable.

## **VOTING REQUIREMENTS**

Simple majority required.

## **STAFF RECOMMENDATION**

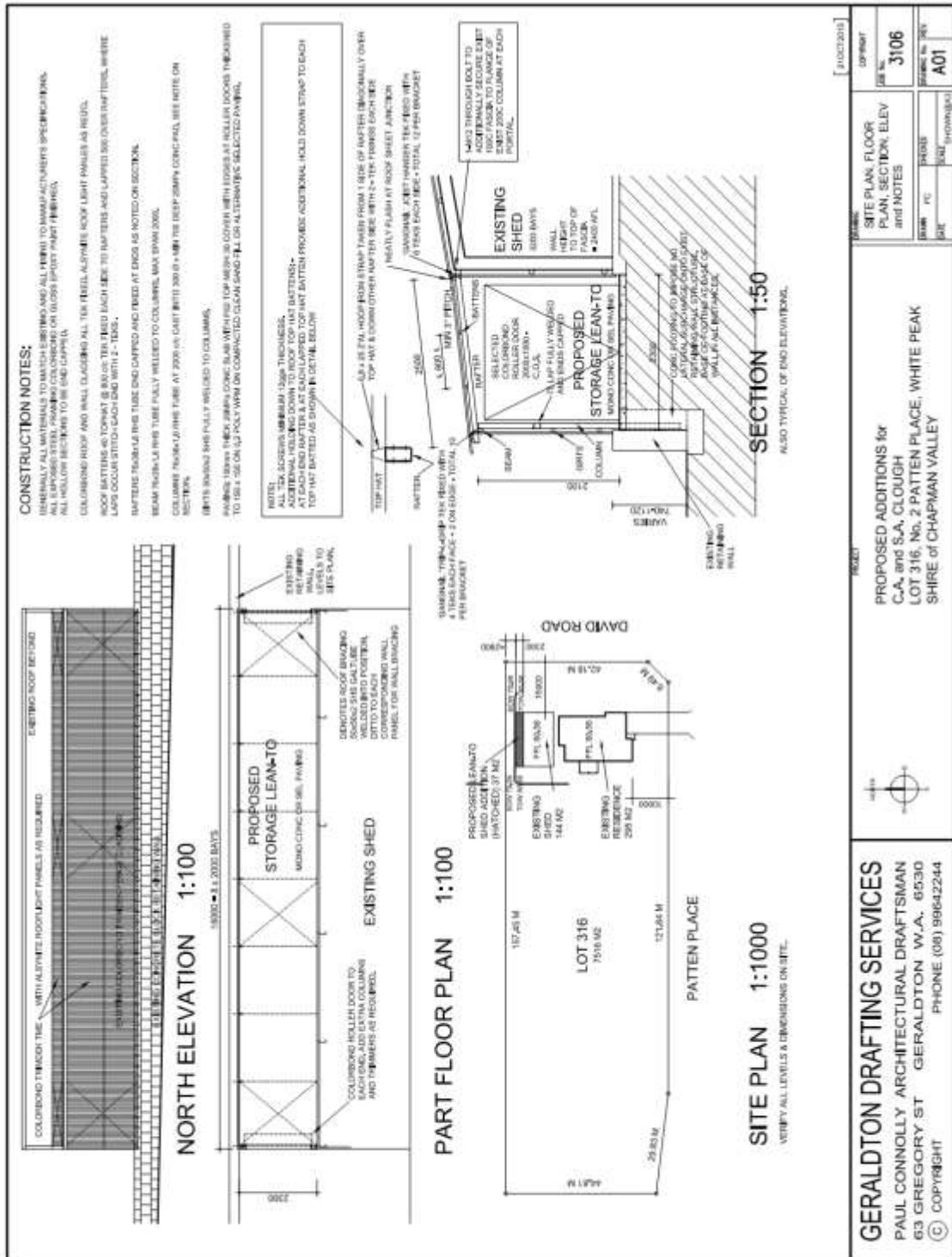
That Council grant formal planning approval for an outbuilding extension upon 2 (Lot 316) Patten Place, White Peak subject to compliance with the following conditions:

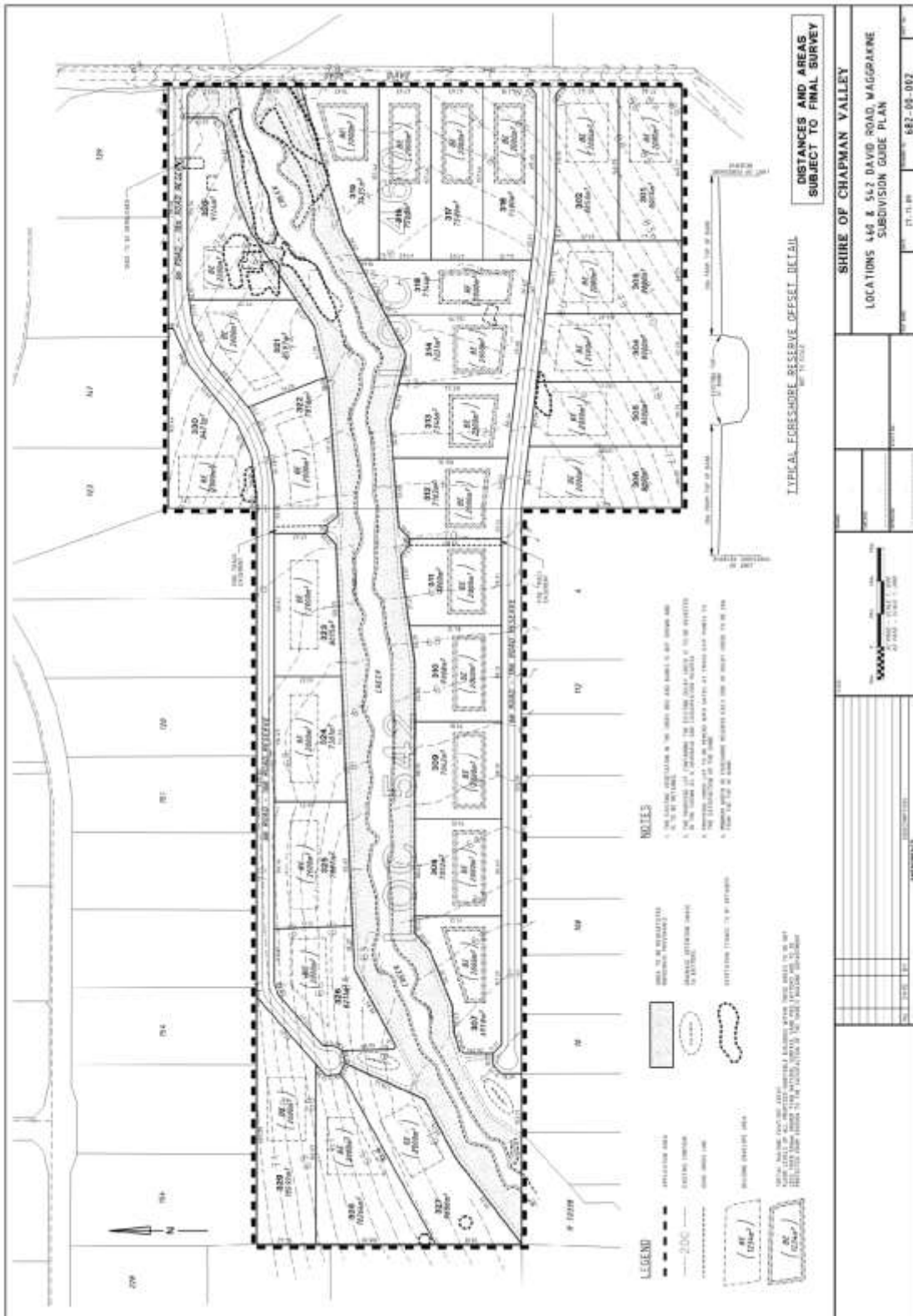
- 1 Development shall be in accordance with the approved plans dated 16 December 2015 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The walls and roof of the outbuilding extension are to be clad in coated metal sheeting (i.e. colorbond) of matching colours to the existing outbuilding to the approval of the local government.
- 4 All stormwater is to be disposed of on-site to the approval of the local government.

- 5 This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.

Advice Notes:

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







AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	C ASTON
SITE:	30 (LOT 330) WESTLAKE PLACE, WHITE PEAK
FILE REFERENCE:	A1842
PREVIOUS REFERENCE:	Nil
DATE:	9 DECEMBER 2015
AUTHOR:	SIMON LANCASTER

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

Council is in receipt of an application for an outbuilding upon 30 (Lot 330) Westlake Place, White Peak. The application is presented to Council as the proposed location is outside of the building envelope as shown upon the Dolby Creek Subdivision Guide Plan. This report recommends conditional approval of the application.

## COMMENT

Lot 330 is a cleared, triangular shaped 8,241m<sup>2</sup> property with a 189.32m frontage along its southern boundary to Westlake Place.

**Figure 9.1.2(a) – Location Plan for 30 (Lot 330) Westlake Place, White Peak**



The applicant is seeking to construct a 140m<sup>2</sup> (14m x 10m) enclosed outbuilding with a wall height of 4m and a gable roof with a total height of 4.972m. The applicant also proposes a 30m<sup>2</sup> (3m x 10m) verandah on the western end of the outbuilding to create a total outbuilding area of 170m<sup>2</sup>. The outbuilding would be clad in 'Deep Ocean' colorbond. A copy of the applicant's submitted site, elevation and floor plans and supporting correspondence have been included as **Attachment 9.1.2(a)** for Council's further information.

The proposed outbuilding area compiles with the delegated authority requirements under the Shire of Chapman Valley Local Planning Policy 'Outbuildings'. However, the proposed siting for the outbuilding is outside of the building envelope for Lot 330 as shown upon the Dolby Creek Subdivision Guide Plan and therefore exceeds the level of delegated authority established by the Shire of Chapman Valley Local Planning Policy 'Building Envelopes', and this application has therefore been presented to Council for its deliberation.

**Figure 9.1.2(b) – Aerial Photograph of 30 (Lot 330) Westlake Place, White Peak**



**Figure 9.1.2(c) – View of proposed development site upon Lot 330 looking north**



Shire staff, after having taken into consideration the merits of this application, recommend conditional approval for the following reasons:

- it is considered that the siting of the outbuilding outside of the building envelope would not detrimentally affect the amenity of the surrounding area or neighbouring properties' outlook;
- the unusual triangular shape of the lot, with its extended curving street frontage would result in any development upon the lot being apparent from the road and the proposed siting of the outbuilding in the suggested location is not considered to unduly impact upon the streetscape;
- the outbuilding would meet the policy requirements relating to area, material and total height;
- the requirement for screening landscaping to be installed between the outbuilding and Westlake Place has the ability to lessen the visual impact of the development;
- requiring the applicant to construct the outbuilding within the building envelope and to the rear of the residence, whilst setting the outbuilding further back from the road, would also move it further up the slope and potentially impact upon neighbours to a greater degree;
- no objection to the proposed development was received from surrounding landowners;
- The outbuilding would meet with the minimum 15m front boundary setback;
- the application is considered to meet the variation standards prescribed in Section 5.5 of the Scheme.

**Figure 9.1.2(d) – View of proposed development site upon Lot 330  
looking west along Westlake Place frontage**



**Figure 9.1.2(e) – View of proposed development site upon Lot 330  
looking east along Westlake Place frontage**



## **STATUTORY ENVIRONMENT**

30 (Lot 330) Westlake Place, White Peak is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Lot 330 is contained within the area addressed by the Dolby Creek Subdivision Guide Plan, adopted by Council at its 20 October 2010 meeting and provided as **Attachment 9.1.2(b)**. The Subdivision Guide Plan illustrates a 2,000m<sup>2</sup> building envelope along the western boundary and the proposed outbuilding would be 22m east of this envelope.

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

- "(a) Provide for residential development within a low-density environment;*
- (b) Provide for other land-uses compatible with a high level of residential amenity;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land."*

Schedule 11 of the Scheme notes the following for the 'Rural Residential 1' zone:

- "1 Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.*
- 2 All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope."*

Section 5.1 of the Scheme 'Variations to Site and Development Standards and Requirements' establishes the basis by which Council should consider relaxation or variation of its standard requirements:

- "5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Local Government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.*
- 5.5.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to:*
  - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
  - (b) have regard to any expressed views prior to making its determination to grant the variation.*
- 5.5.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that:*
  - (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
  - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."*

Section 5.11 of the Scheme states:

#### *"5.11 Building Envelopes*

- 5.11.1 Where a building envelope is identified on a subdivision guide, structure or fire management plan, all development shall be contained within the designated envelope area.*
- 5.11.2 No development of any structures shall occur within any area/s identified as 'Development Exclusion Area', 'Re-vegetation Area', 'Remnant Vegetation' or similar on the subdivision guide, structure or fire management plan;*
- 5.11.3 Notwithstanding the requirements of Clause 9.1 of the Scheme, where a building envelope exists on a particular lot an application for planning approval to change or relocate the building envelope shall be accompanied by relevant building plans and information addressing visual amenity, privacy and screening, vegetation loss, access, and proximity to natural features.*
- 5.11.4 In considering an application to relax the requirements of Clause 5.11.2 and 5.11.3 the Local Government shall, in addition to the general matters set out in Clause 5.5, give particular consideration to:*
  - (a) unacceptable visual clutter, especially in elevated areas of high landscape quality or visually exposed locations;*
  - (b) unnecessary clearing of remnant native vegetation;*
  - (c) visual obtrusiveness and/or impact on an adjoining property by way of privacy, noise, odour or light spill;*
  - (d) suitability for landscape screening using effective screening vegetation; and*



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

Section 10.2 of the Scheme lists the following relevant matters to be considered by Council in considering this development application:

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

## **POLICY IMPLICATIONS**

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

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

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

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

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

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

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

The proposed development being 170m<sup>2</sup> would comply with the 200m<sup>2</sup> maximum outbuilding area, and with a 4.972m gable height would comply with the 5.5m total height requirements of the Shire of Chapman Valley Local Planning Policy 'Outbuildings' for the 'Rural Residential' zone. Due to the placement of fill to achieve a level building site the outbuilding would exceed the policy wall height of 4.5m by approximately 300mm in the south-western corner of the fill area (this being the highest point) but would meet the wall height requirement in all other sections. No objection is raised to this minor policy variation at officer level given it is only in one corner of the outbuilding (with the ground level rising to meet the fill height in the opposite corner) and the overall height of the outbuilding would still meet the policy requirements.

The outbuilding would exceed Section 4.9(c) of the policy which states:

*"For lots zoned 'Rural-Residential', 'Rural Smallholding' and 'Rural' the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope."*

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**

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 its involvement in the appeal process.

- **Long Term Financial Plan:**

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

## **STRATEGIC IMPLICATIONS**

It is considered that the primary motive underpinning the positioning of the building envelopes upon the Dolby Creek Subdivision Guide Plan was to ensure that development was located away from the Dolby Creek watercourse. With Lot 330 being on the opposite (northern) side of Westlake Place from Dolby Creek, the relaxation of the building envelope in this particular instance would not conflict with this primary purpose.

- **Strategic Community Plan:**

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

## **CONSULTATION**

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

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

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

The Shire wrote to the 7 surrounding landowners on 17 November 2015 providing details of the application and inviting comment upon the proposal prior to 8 December 2015, a sign was also placed on-site advising of the received development application and the seeking of comment. 2 submissions were received during this time, both in support of the application.

One of the submissions offered support without comment, whilst the other from the landowner of Lot 140 Eliza Shaw Drive to the north-east of Lot 330 offered support with the accompanying comment:

*"We don't object to building proposal as long as height does not exceed the current height of wattle trees on Lot 141 as these do not obstruct our view. If the proposed shed exceeded this height and future house exceeded this height then the views would be obstructed and we would be disadvantaged."*

It is noted that were the landowner of Lot 330 to site their outbuilding within the building envelope area as shown upon the Dolby Creek Subdivision Guide Plan then it would be sited to the rear/north of the future residence, at a contour height of approximately 75m. The proposed siting of the outbuilding outside of the building envelope would be located at approximately the 74m contour height. The respondent's residence is located at approximately the 82m contour height.

## **RISK ASSESSMENT**

Not Applicable.

## **VOTING REQUIREMENTS**

Simple majority required.

## **STAFF RECOMMENDATION**

That Council grant formal planning approval for an outbuilding upon 30 (Lot 330) Westlake Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 16 December 2015 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The outbuilding must not exceed 5.5m total height as measured from natural ground level.
- 4 All stormwater is to be disposed of on-site to the approval of the local government.
- 5 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 6 Landscaping is required to be installed and maintained between the development and the Westlake Place frontage, within 6 months of the date of approval, for the purposes of screening the development, to the approval of the local government.
- 7 All lighting devices shall be installed and shaded in such a way as to not cause undue light spill to passing motorists or neighbouring residences to the approval of the local government.
- 8 Installation of crossing place/s to the standards and specifications of the local government.



- 9 The approved outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
- 10 This approval is valid for a period of two (2) years from the date of approval and will be deemed to have lapsed if the development has not substantially commenced before the expiration of this period.

Advice Notes:

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

### Application for construction of outbuilding outside building envelope

#### 30 Westlake Place, White Peak

As shown in the attached site plans, I wish to build a shed outside of the building envelope on my property for the following reasons:

- Increased space around all sides of the shed, increasing practicality (for parking of cars, grass yard, working areas, garden etc.), and to allow the shed to be drive-through (roller door on both sides).
- If both the house and shed are within the existing envelope, the shed would need to be either
  - hard against the northern boundary, making it south-facing, and particularly when roller doors are open, would be strongly affected by the prevailing summer south winds. The yard/car park area outside my shed would also have no wind protection. In this position the shed would be far more visible my neighbours to the north, and possibly affect their views.
  - or at the far west end near the boundary, which would block the views of the future house.
- If both the shed and house are within the envelope my house would be quite close to the road, and my shed would be close to my northern boundary/neighbours property. This would reduce my level of privacy in particular along the road side boundary.
- As shown on the site plan, both the shed and house would be able to be positioned centrally in the block, allowing for trees and vegetation to surround the boundaries, creating more privacy and some wind blockage. I believe centralising the buildings for privacy will also increase my security by reducing visibility to passers-by on the road side, particularly when roller doors are open, revealing the contents of my shed, for example.
- Better views from the shed verandah, and from the future house, which would then be able to be in the best position within the envelope view-wise. As my block is on a hill and slopes down towards the ocean, I believe confining the building to the bottom area of the envelope does not make the most of the views offered by my property. Unaware of the envelope restrictions when I purchased it I had always planned to build as shown on the site map, the views from further up the hill being a major incentive in my decision to buy it.
- As the maps/plans show my block is irregular in shape and quite long. The existing envelope confines building to only one half of my block, on the west side of the halfway point. Building here would leave a large area of space vacant within the top half which I believe is a waste of space, views and the other benefits listed above. Finding use for this space would be difficult, and would possibly require a lot of vegetating.

The position I am applying to build my outbuilding would be of far greater benefit to myself and how I plan to use my land, as presented above. In my opinion, where I would like to build my shed would not affect the views of any of my neighbours, nor have any other negative impact, and I can't imagine

anyone would object for any significant reason. From my view it would make far better use of the block, allow for privacy, more boundary vegetation, and make the most of the views available from such a property.

I also believe that benefits I have listed would ultimately raise the value of my property when buildings have been completed, and make it far more appealing to a potential future buyer, due to practicality, innovation and of course the best possible ocean views.

### **Elevations of proposed outbuilding**

#### **30 Westlake Place, White Peak**

As seen in the site plan containing the ground elevations of the proposed shed site, the south west corner of the pad is 0.94m lower than the highest natural point (north-west corner).

The wall height of my shed is 4.0m. With the maximum allowed wall height from natural ground level being 4.5m, this would make my shed wall height 0.44m above the limit.

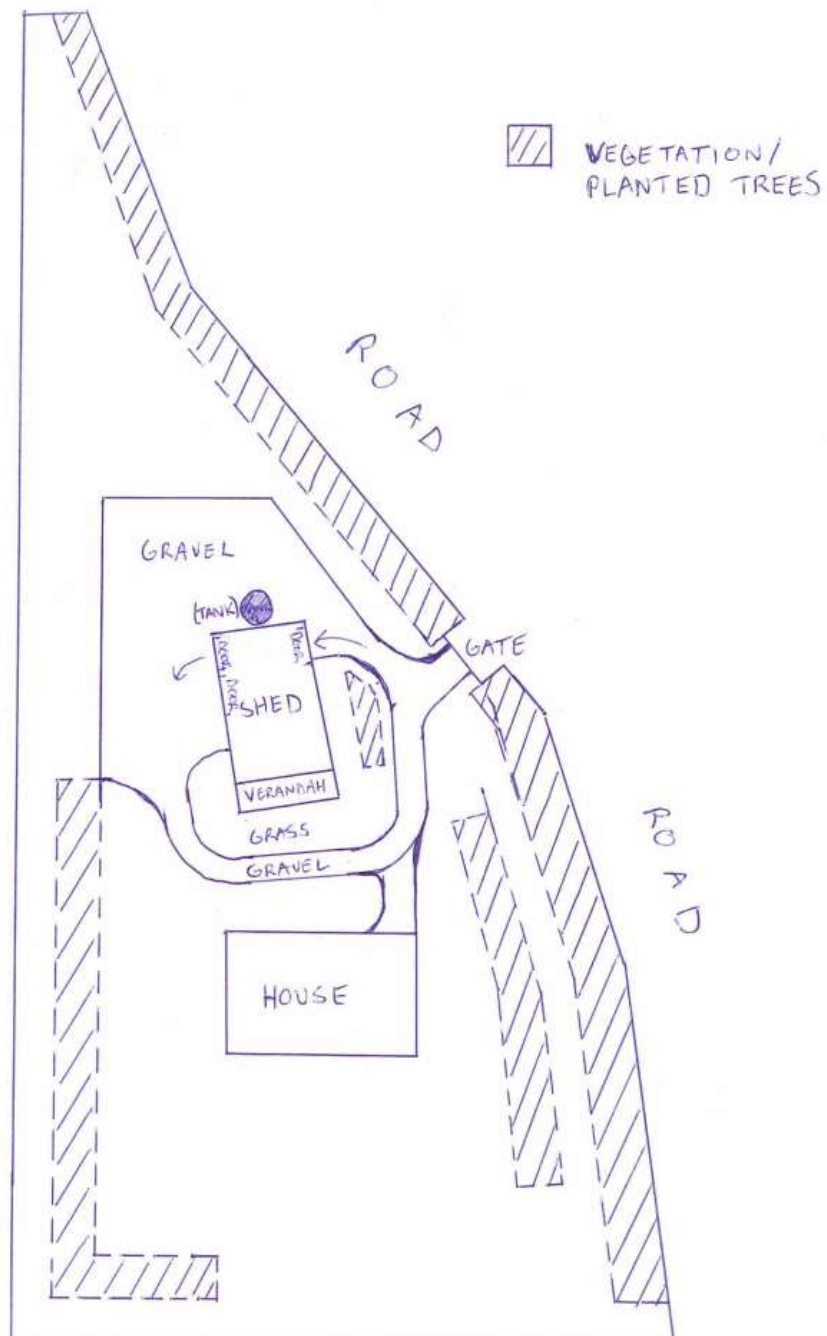
I would like to apply to build off the natural ground level, without digging into the hill (build up low points without cutting into the hill). I would prefer not to cut into the ground as my block is situated on a hill with continuous slope. I believe cutting the pad into the hill slope will give me possible issues with water drainage around my shed at times of high rainfall, particularly the north and west sides, and would like to avoid drainage and shed flooding problems if possible.

I would also like to retain all height as it will maximise the ocean views from the shed verandah.

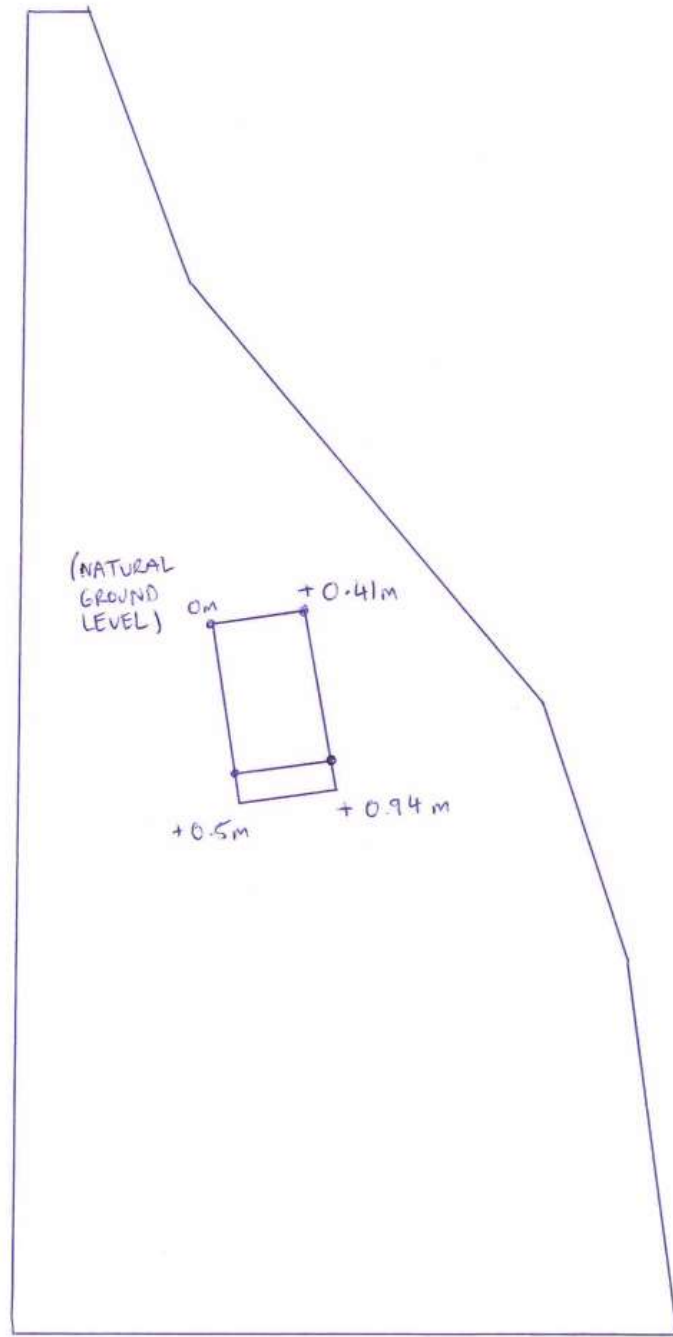
I would like to slightly build up the ground surrounding the raised sides of the pad and form it with a natural slope, so that the raised pad is not really noticeable, and that the shed wall height would still be 4.5m from the ground.

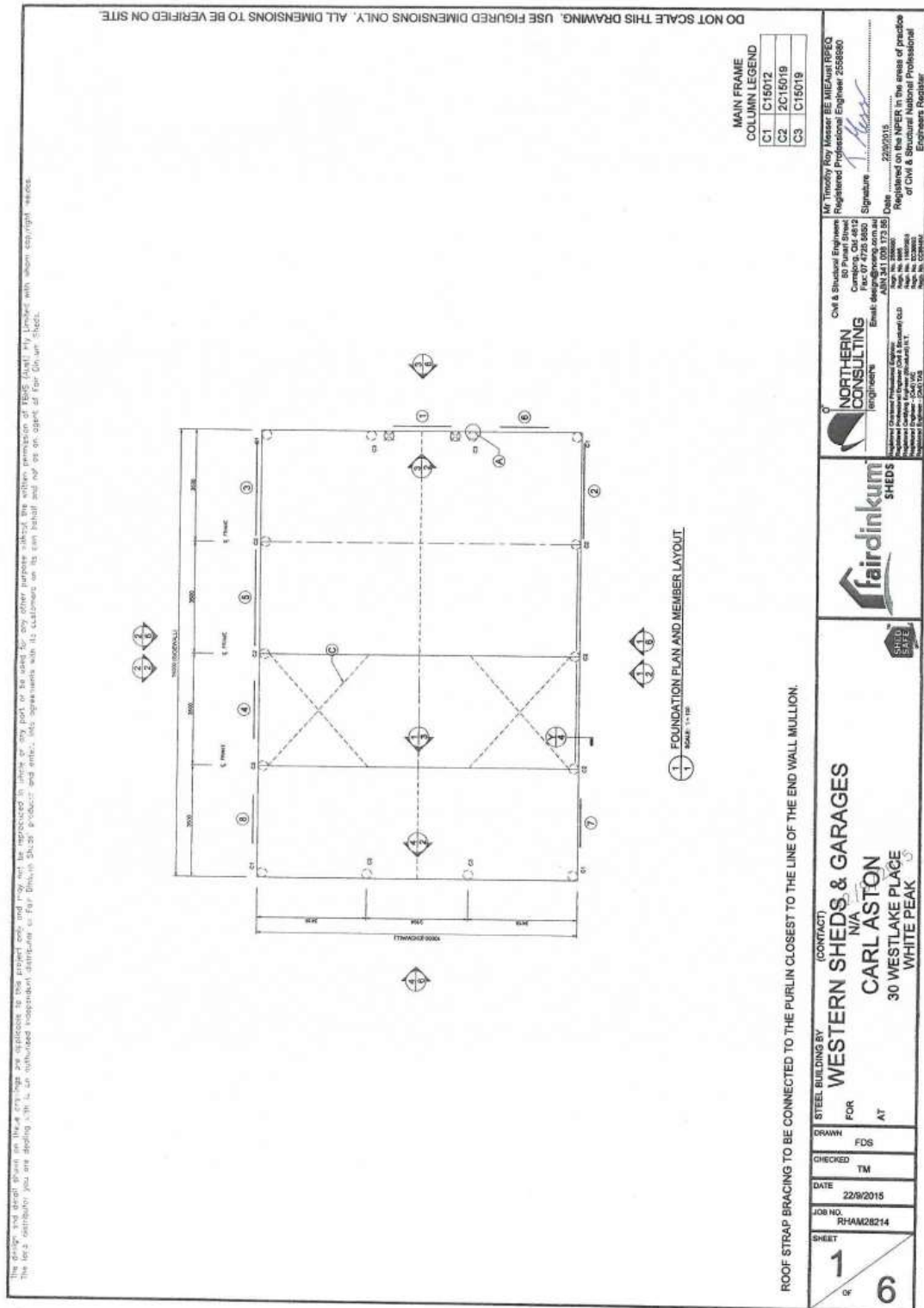
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SITE PLAN - BUILDINGS, LANDSCAPING, VEGETATION

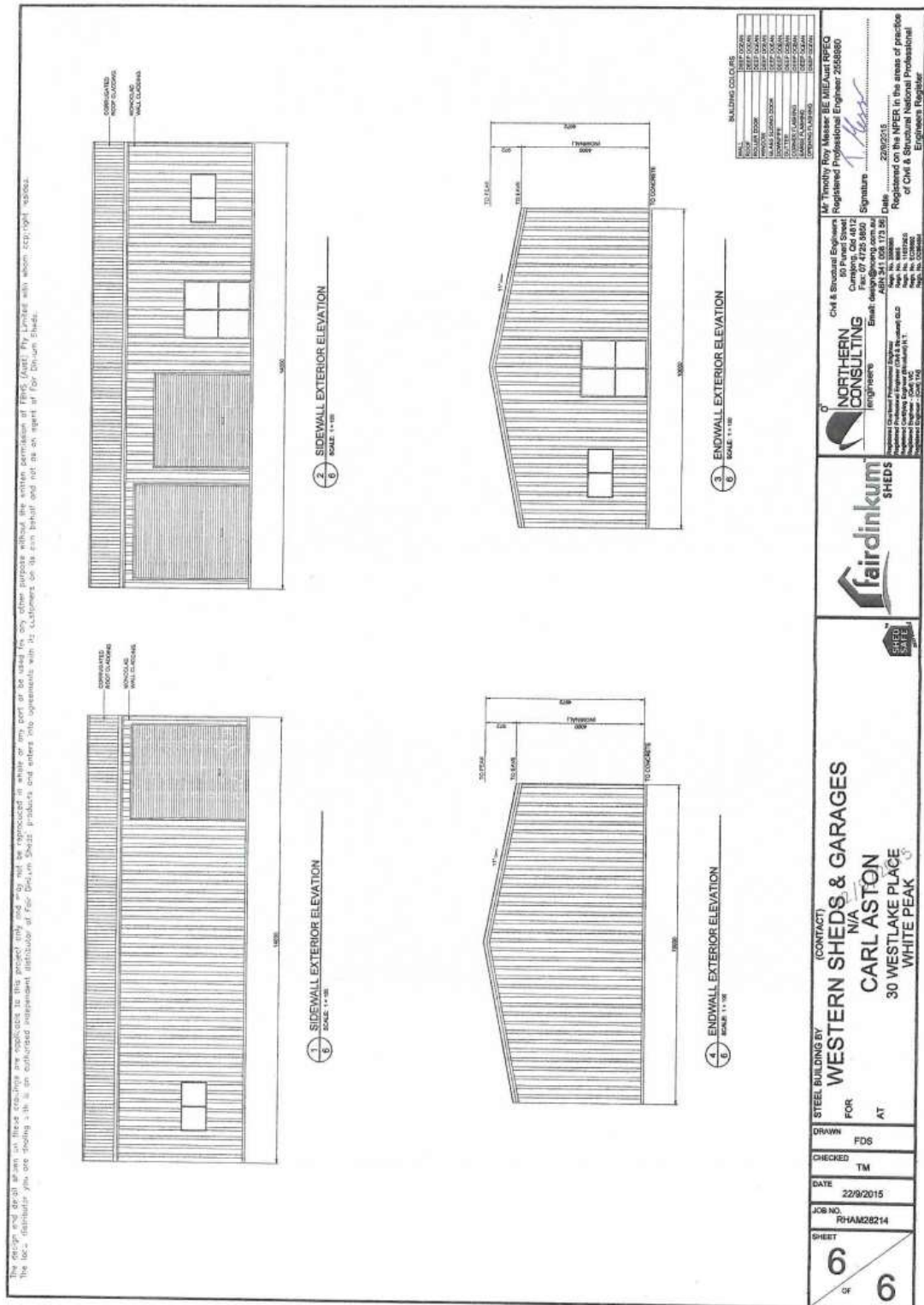


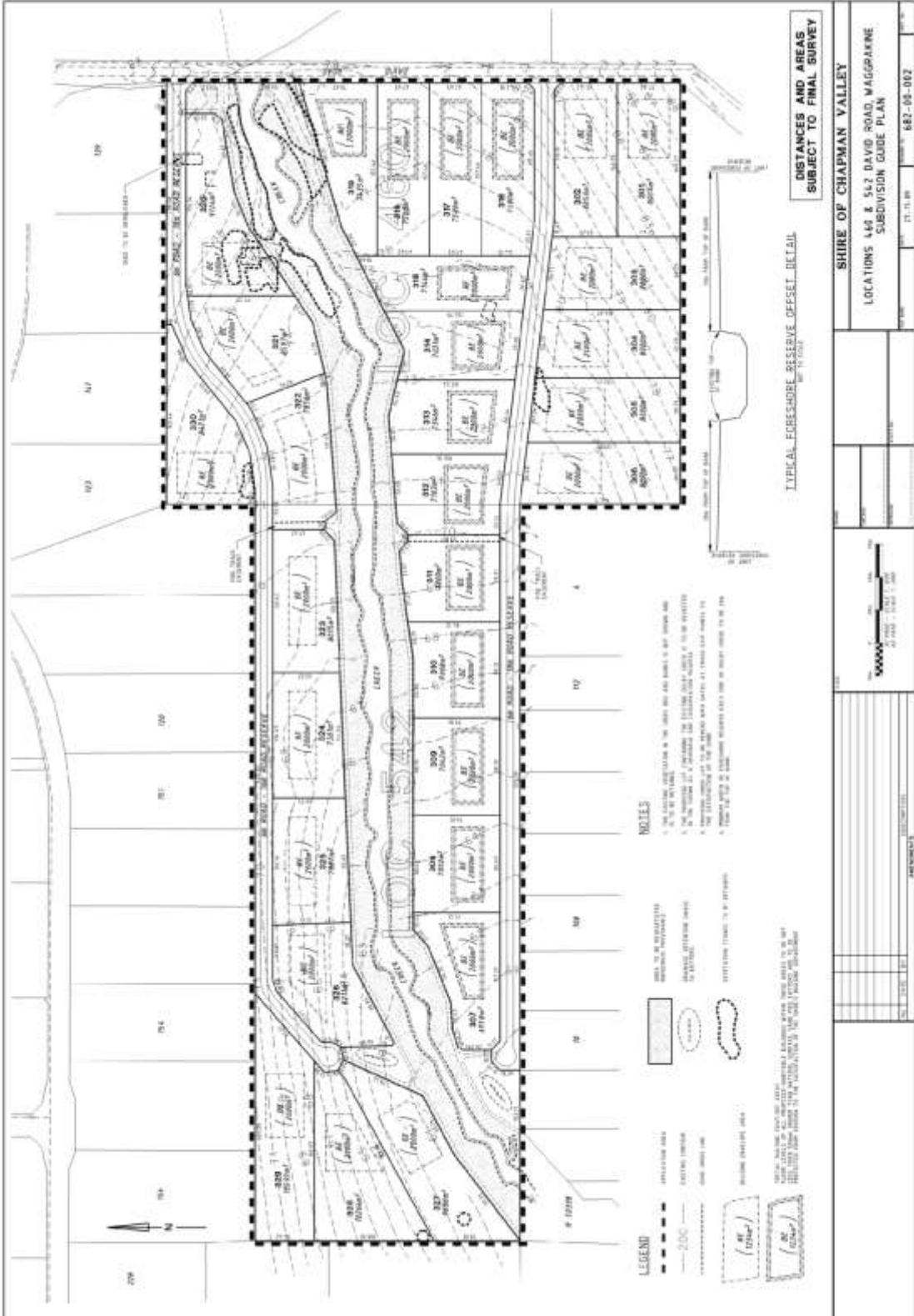
SITE PLAN : ELEVATIONS OF SHED











<b>AGENDA ITEM:</b>	<b>9.1.3</b>
<b>SUBJECT:</b>	<b>PROPOSED REZONING</b>
<b>PROPONENT:</b>	<b>LANDWEST FOR EASTOUGH</b>
<b>SITE:</b>	<b>LOTS 16, 17 &amp; 18 BROWN LANE, WHITE PEAK</b>
<b>FILE REFERENCE:</b>	<b>A1673 &amp; 204.04.03</b>
<b>PREVIOUS REFERENCE:</b>	<b>09/03-4</b>
<b>DATE:</b>	<b>1 DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

#### DISCLOSURE OF INTEREST

Nil

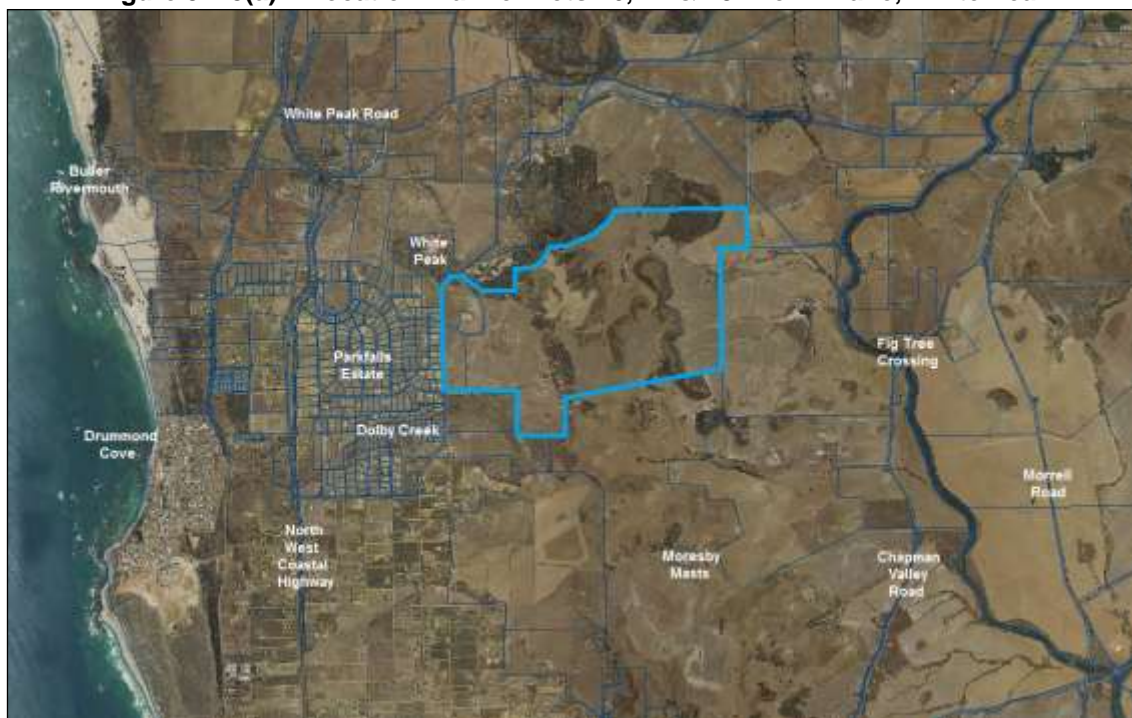
#### BACKGROUND

Council is in receipt of an application seeking to rezone Lot 17 and portions of Lot 16 & 18 Brown Lane, White Peak from the 'Rural' zone to the 'Rural Residential' and 'Parks & Recreation' zones. This report recommends initiation of the rezoning application as Scheme Amendment No.3.

A copy of the submitted Scheme Amendment documentation that provides extensive background to this rezoning application has been provided to Councillors as a **separate attachment** to the Council Agenda.

#### COMMENT

**Figure 9.1.3(a) – Location Plan for Lots 16, 17 & 18 Brown Lane, White Peak**

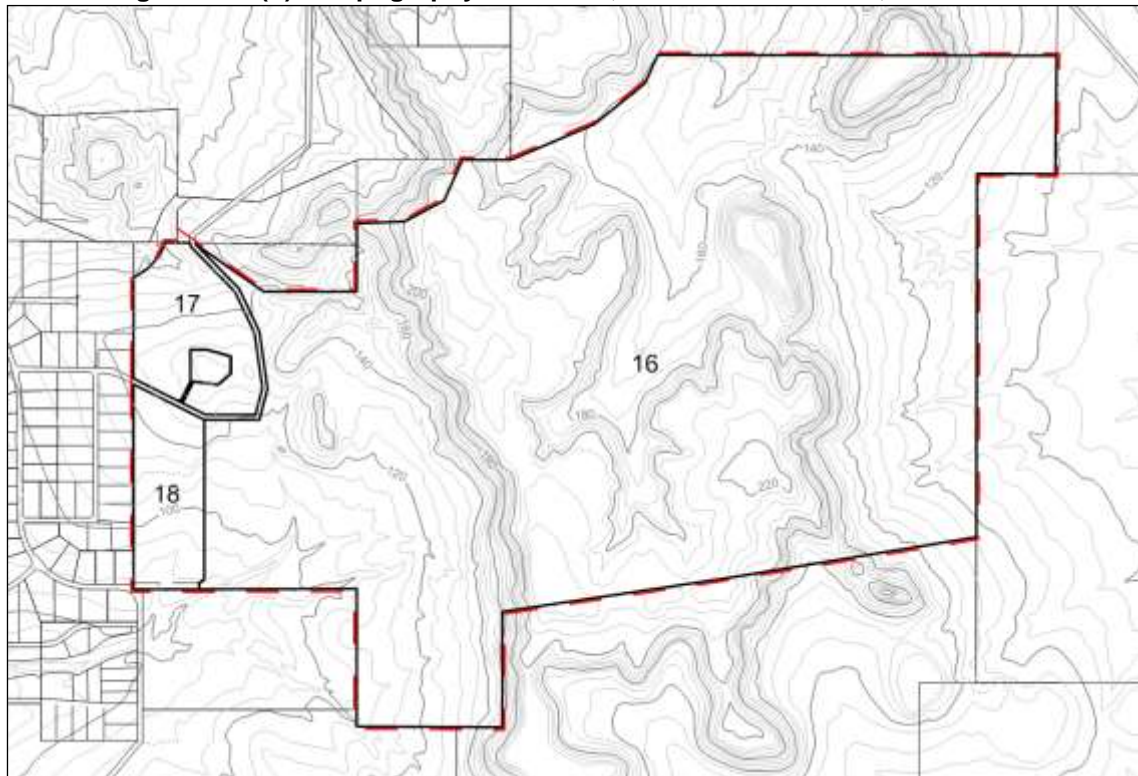


Lot 17 is a 23.9924ha vacant property located immediately east of the Parkfalls Estate and is on the north side of Brown Lane and surrounding the Water Corporation facility. The property is almost entirely cleared, and used for farming purposes, with the exception of a small area of remnant vegetation in the northern most section, that adjoins the Wokatherra Nature Reserve. The application seeks to rezone the cleared majority of Lot 17 from 'Rural' to 'Rural Residential 1' (the same zoning as the Parkfalls Estate) with the northern most section proposed to be rezoned 'Parks & Recreation'. The application also seeks to rezone a portion of Lot 17 from 'Rural' to 'Public Purposes Water' to accommodate an area of privately owned land that the Water Corporation are currently discharging stormwater onto.

Lot 18 is a 20.7462ha property located immediately east of the Parkfalls Estate and is on the south side of Brown Lane, the property also fronts the Eliza Shaw Drive/David Road bend in its south-western corner. Lot 18 contains a residence and outbuilding and is cleared and used for farming purposes. The application seeks to rezone the cleared northern section of Lot 18 from 'Rural' to 'Rural Residential 1' to allow for later subdivision, and leave the southern portion zoned 'Rural'.

Lot 16 is 565.95ha property that is used for farming purposes and contains a number of outbuildings and a small family cemetery. Lot 16 is predominantly cleared and the western section contains several tributary watercourses that run into the Dolby Creek that have remnant vegetation along them. Lot 16 rises steeply further to the east, and this vegetated area forms part of the western face of the Moresby Range. A steep vehicle track climbs the Moresby Range to access the cleared flat-top that comprises the middle farming section of Lot 16. The eastern face of the Moresby Range is also vegetated and slopes steeply downward to a farmed area at the eastern end of the property that includes some watercourse tributary lines that run into the Chapman River. The application seeks to rezone the north-western portion of Lot 18 from 'Rural' to 'Parks & Recreation' and leave the remainder of the lot zoned 'Rural' allowing for current grazing and cropping land uses to continue.

**Figure 9.1.3(b) – Topography of Lots 16, 17 & 18 Brown Lane, White Peak**



The applicant has prepared an Indicative Subdivision Guide Plan that has been included as **Attachment 9.1.3**.

The Subdivision Guide Pan proposes the creation of 22 lots ranging in area from 1ha to 1.621ha within the 26.6ha area to be rezoned 'Rural Residential'. These lots would gain access to the wider road network through the extension of Brown Lane.

The Subdivision Guide Plan also provides for the creation of the 22.8ha area proposed to be rezoned to 'Parks & Recreation' as public open space at the subdivision stage, with areas of biodiversity value able to be included in the adjoining Wokatherra Nature Reserve.

The Subdivision Guide Plan allows for the portion of land proposed to be rezoned to Public Purposes Water' to be acquired by the Water Corporation and amalgamated into their existing property.

The remaining 'Rural' zoned land would be rationalised into 2 titles of 90ha and 470ha.



**Figure 9.1.3(c) – Aerial Photograph of Lots 16, 17 & 18 Brown Lane, White Peak**



**Figure 9.1.3(d) – View looking west from Lot 16 Brown Lane, White Peak**



In assessing this application it is considered that the proposal has merit on the following grounds:

- The rezoning of the subject property presents no environmental constraints, with a previously cleared area not impacted by drainage lines proposed to be rezoned to allow for rural residential subdivision;
- The rezoning of the subject property presents no heritage constraints and allows for the section of Ngurlunga (White Peak Hill) identified on the Department of Aboriginal Affairs' database that is presently within private land to be rezoned to 'Parks & Recreation' and ceded as public land;
- The rezoning of the subject property presents no bushfire hazard constraints given the area proposed to be rezoned to 'Rural Residential' is cleared land, and there is the ability for the application of building envelopes for any lots in proximity to remnant vegetation at subdivision stage;
- Land capability analysis indicates that the subject area is capable of supporting rural residential development and the Scheme requirements for the 'Rural Residential 1' zone provide ability to regulate land management;
- The area proposed to be rezoned can be serviced appropriately at subdivision stage due to its proximity to reticulated water, power and telecommunications;
- The proposed lots are consistent in size with the existing rural-residential lots in the Parkfalls Estate to the west, and Dolby Creek Estate to the south-west;
- The subject area has frontage to the existing sealed road network;
- The rezoning process will give formal opportunity to the Environmental Protection Authority ('EPA'), the Department of Water, the Department of Agriculture & Food, the Department of Health, the Department of Fire & Emergency Services, service authorities and neighbouring landowners (amongst others) to make comment upon the proposed Scheme Amendment and the accompanying Subdivision Guide Plan;
- The rezoning process would present the opportunity to the Department of Parks & Wildlife to make comment upon the landowner's offer to cede land for inclusion in the Wokatherra Nature Reserve;
- The rezoning process would present the opportunity to the Water Corporation to make comment upon the potential acquisition of an area of privately owned land, that it currently discharges stormwater runoff into;

- The rezoning and subdivision proposals are considered to meet the objectives of State Planning Policy 2.5 Land Use Planning in Rural Areas, the Greater Geraldton Structure Plan, the Moresby Range Management Strategy, the Moresby Range Management Plan and the Shire of Chapman Valley Local Planning Strategy.

## STATUTORY ENVIRONMENT

Lots 16, 17 & 18 Brown Lane, White Peak are zoned 'General Farming' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

The majority of the landholding is located within the overlying 'Special Control Area 2 - Moresby Range Landscape Protection' zone, although only a minor area is within the area proposed to be rezoned 'Rural Residential' with the majority of this zone proposed to remain 'Rural' and a portion proposed to become 'Parks & Recreation' and ultimately be ceded as Crown Reserve at subdivision stage.

Section 6.3 of the Scheme notes the following for the 'Moresby Range Landscape Protection' zone:

*"6.3.2 The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give consideration to the purpose of the Special Control Area.*

*6.3.3 Within Special Control Area 2 no clearing or destruction of any remnant native vegetation or re-vegetation shall be permitted except for:*

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

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

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

The application proposes that a 5ha area of land that is within the 'Moresby Range Landscape Protection' 'Special Control Area would be rezoned from 'Rural' to 'Rural Residential'. This is not considered to be of concern, given it is relatively small area, and the Special Control Area provisions would still address the subject area and thereby provide an additional layer of control over and above the Structure Plan and Schedule 11 conditions to ensure any visual impact of development is minimised.

Section 4.2.4 of the Scheme lists the objectives for the 'Rural Residential' zone, that is proposed for a portion of the subject landholding, as follows:

- "(a) Provide for residential development within a low-density environment;*
- (b) Provide for other land-uses compatible with a high level of residential amenity;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas; and*
- (d) Protect the environmental and landscape values of the land."*

Part 5 of the *Planning & Development Act 2005* provides for the amendment of a Scheme.

Should Council support this rezoning application then it is required to forward a copy of the Scheme Amendment documentation to the EPA for its assessment as per Section 81 of the *Planning & Development Act 2005*. Should the EPA advise that the proposed rezoning does not warrant assessment under Part IV Division 3 of the *Environmental Protection Act 1986* then the Shire would forward a copy of the Scheme Amendment documentation to the Western Australian Planning Commission ('WAPC') seeking its consent to advertise the rezoning application.

Schedule 12 of the Scheme lists the following conditions for the 'Rural Residential 1' zone:

- "1 Subdivision and land use shall be generally in accordance with a Structure Plan adopted by the Local Government and endorsed by the Western Australian Planning Commission.*
- 2. All dwellings shall be sited in accordance with the setback requirements specified in the Scheme for the Rural Residential Zone, except where for specific lots, building envelopes are shown on the Structure Plan. Where building envelopes are shown then all dwellings, associated structures and effluent disposal systems must be located within that envelope.*
- 3 For those lots which do not depict a building envelope, all structures including sheds, outbuildings, garages, storage areas and effluent disposal systems shall be sited not more than 22 metres from the closest wall of the dwelling, and must also comply with the setback and/or siting standards in Clause (2) above.*
- 4 All buildings constructed on the land shall be sympathetic to existing landscape elements, namely landform, vegetation and amenity, in terms of their design, height, location, materials and cladding colours.*
- 5 All stormwater and runoff from buildings and other impervious surfaces shall be disposed of within each lot so as to avoid scouring and erosion.*
- 6 With the objective of maintaining sustainable land use practices, and preventing land degradation through wind and water erosion, the keeping of animals is permitted in accordance with the following or such density as approved by the local government following consultation with the Department of Agriculture and Food, with conditions if appropriate:*  
*5 sheep / 1ha of agistment area*  
*1 horse / 2ha of agistment area*  
*1.6 pony / 2ha of agistment area*  
*1 milking cow / 2ha of agistment area*  
*1.6 heifer / 2ha of agistment area*  
*5 goats / 1ha of agistment area*  
  
*Only one stock option as specified above will be permitted or a combination equivalent of one option.*
- 7 Notwithstanding the above, the Local Government may reduce or vary the limit on stocking or place any other conditions in light of prevailing seasonal conditions to prevent overstocking, erosion, or other practices detrimental to the environment or amenity of the neighbouring properties from those rates described in Clause (6) above.*
- 8 No remnant vegetation or tree shall be destroyed or removed except where the landowner obtains the prior consent in writing of the Local Government, or where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, development within a building envelope and access to the envelope, for an outbuilding or fence or for development of a water source.*
- 9 The following fencing requirements shall apply:*  
*(a) The minimum standard of fencing shall be seven line ringlock with single strand wire on top, with pine posts at six metre separation;*



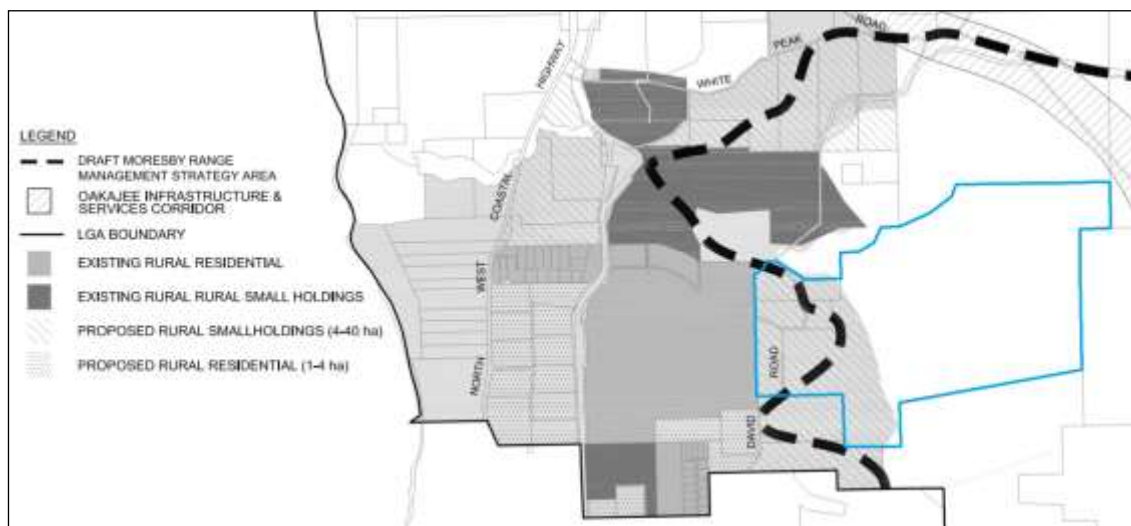
- (b) *The subdivider shall construct perimeter boundary fencing to the minimum standard at each stage of subdivision.*
  - (c) *The developer shall fence all bridle trails to the minimum standard as the bridle trails are developed at each progressive stage of subdivision.*
  - (d) *Prior to final approval of subdivision of the land, the watercourse and all remnant vegetation (excluding areas for fire control, driveway access and servicing) shall be protected from livestock by means of fencing to an appropriate standard as prescribed by the local government.*
  - (e) *All other fencing shall be constructed by individual landowners to the minimum standard, prior to the issue of a Building Licence.*
- 10 *Prior to the commencement of any development on any new lot, the Local Government will require each lot owner to prepare a tree planting and maintenance program with the intention of screening building structures and rehabilitating and revegetating the land without restricting approved activities/operations.*
  - 11 *Construction of a dam or soak or land use activity that may impede in any way the natural flow along any water course shall be subject to formal planning consent being granted by the local government, following consultation with the Department of Water.*
  - 12 *No dwelling shall be constructed or approved for construction unless an approved method of on-site effluent disposal suitable for long-term usage has been incorporated into the approved plans, and is in a location, to the satisfaction of the local government in consultation with the Health Department of WA.*
  - 13 *At the time of subdivision the preparation of a fire protection plan may need to be established in consultation with and to the satisfaction of the Local Government and FESA.*
  - 14 *The Local Government shall recommend to the Western Australian Planning Commission that as part of any approval to subdivide the land that an Urban Water Management Plan and Watercourse Management Plan shall be prepared and implemented to the satisfaction of the Local Government and the Department of Water by the subdivider at the subdivider's cost.*
  - 15 *Bridle trails depicted on the Structure Plan will be constructed by the subdivider at the time of subdivision to the specification and satisfaction of the Local Government.*
  - 16 *Stables are to be sited no closer than 50 metres from any watercourse or land prone to inundation or waterlogging, and are to be at least 1.2 metres above the highest known groundwater level.*
  - 17 *All lots created shall be connected to a reticulated water supply.*
  - 18 *The creation of lots adjoining the future North West Coastal Highway alignment will not be permitted without a trafficable alternative access being provided to the subject land, and direct access onto the highway alignment will not be permitted."*

## **POLICY IMPLICATIONS**

Lots 16, 17 & 18 Brown Lane, White Peak are located within 'Precinct No.7 – South West' of the Shire of Chapman Valley Local Planning Strategy (2008) the vision for which is:

*"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."*

**Figure 9.1.3(e) – extract from Local Planning Strategy Precinct No.7 Map**



Figures 4 & 11 of the Local Planning Strategy identify the area proposed to be zoned 'Rural Residential' by this application as 'Proposed Rural Smallholdings (20-40ha)' and the rezoning application may therefore be considered to not accord with the following community objective of the Shire's Local Planning Strategy. However, it should be noted that the Moresby Range Management Plan (2010) and Greater Geraldton Structure Plan (2011) subsequently refined strategic planning for this area, identifying land west of the Range Precinct as suitable for carefully designed rural residential subdivision. Review of the Local Planning Strategy is about to commence and will incorporate the superseding recommendations of the Moresby Range Management Plan and Greater Geraldton Structure Plan that investigated and planned for this area on a more detailed basis.

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

The rezoning application might be considered to accord with the following economic objectives for Precinct 7 of the Local Planning Strategy:

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

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

The rezoning application has the potential to better meet the following environmental objectives of Precinct 7 of the Local Planning Strategy, through conditions attached to the subsequent structure planning and subdivision stages that would follow any rezoning:

*"7.3.1 Encourage re-vegetation and retention of existing vegetation in order to minimise soil erosion and to stabilise existing landforms along the coast and the western portion of the Moresby Ranges."*

*7.3.2 Protect and enhance the visual amenity in areas of visual prominence.*

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

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

*7.3.5 Ensure fire prevention measures are implemented and maintained in accordance with statutory requirements as a minimum."*

The rezoning application can be considered to accord with the following infrastructure objectives for Precinct 7 of the Local Planning Strategy:

*“7.4.1 Enhance the standards of servicing and infrastructure commensurate with urban development standards (i.e. bitumen sealed roads, reticulated water, underground power etc.).*

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

*7.4.3 Identify, support and facilitate the efficient and coordinated use of existing road linkages.”*

## **FINANCIAL IMPLICATIONS**

The applicant has paid the \$7,377 (GST inclusive) fee for a request to Council for the initiation of a (major) Scheme Amendment under the Shire of Chapman Valley 2015/2016 Planning Service Fees. In the event that the WAPC were to not grant consent to advertise the Scheme Amendment, 50% of the fee would be refunded to the applicant as per the Fee Schedule.

- **Long Term Financial Plan:**

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

## **STRATEGIC IMPLICATIONS**

The Greater Geraldton Structure Plan was updated in 2011 by the WAPC to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a Structure Plan for the Greater Geraldton area which identifies the area proposed to be rezoned from ‘Rural’ to ‘Rural Residential’ by this application as being within ‘Development Investigation Area 3 – Rural land adjacent to the Moresby Range’ noting that:

*“This area is situated immediately adjacent to the Moresby Range and is identified as ‘rural.’ It will be considered for future intensification. The relative proximity of the southern portion to Central Geraldton and the northern portion to the northern coastal corridor will be significant considerations in determining the most appropriate level of intensification.*

*General farming currently constitutes the predominant land use and as such most of the land is extensively cleared. Significant remnant vegetation however, does remain in parts of the development investigation area. The surrounding area is of significant visual landscape value and it is essential that the interface between any future development and the Moresby Range is considered.*

*An amendment to the applicable local planning schemes will be necessary for any eventual change in zoning. Amendments may be subject to environmental studies and plans, including the Geraldton Regional Flora and Vegetation Survey and Moresby Range Management Strategy. Depending on the sensitivity of the proposed land use, the rezoning of land may require an environmental assessment to be undertaken by the Environmental Protection Authority.”*

**Figure 9.1.3(f) – extract from Greater Geraldton Structure Plan**



The area proposed to be rezoned from 'Rural' to 'Rural Residential' by this application falls outside the 'Development Investigation Area' boundary and Moresby Range footslopes and sideslopes as identified by the WAPC's Moresby Range Management Strategy (2009) and is consistent with the strategy's recommendations. The rezoning of portions of the landholding from 'Rural' to Parks & Recreation' and their subsequent ceding as Crown Reserve at the subdivision stage would align with the recommendations of the Moresby Range Management Strategy.

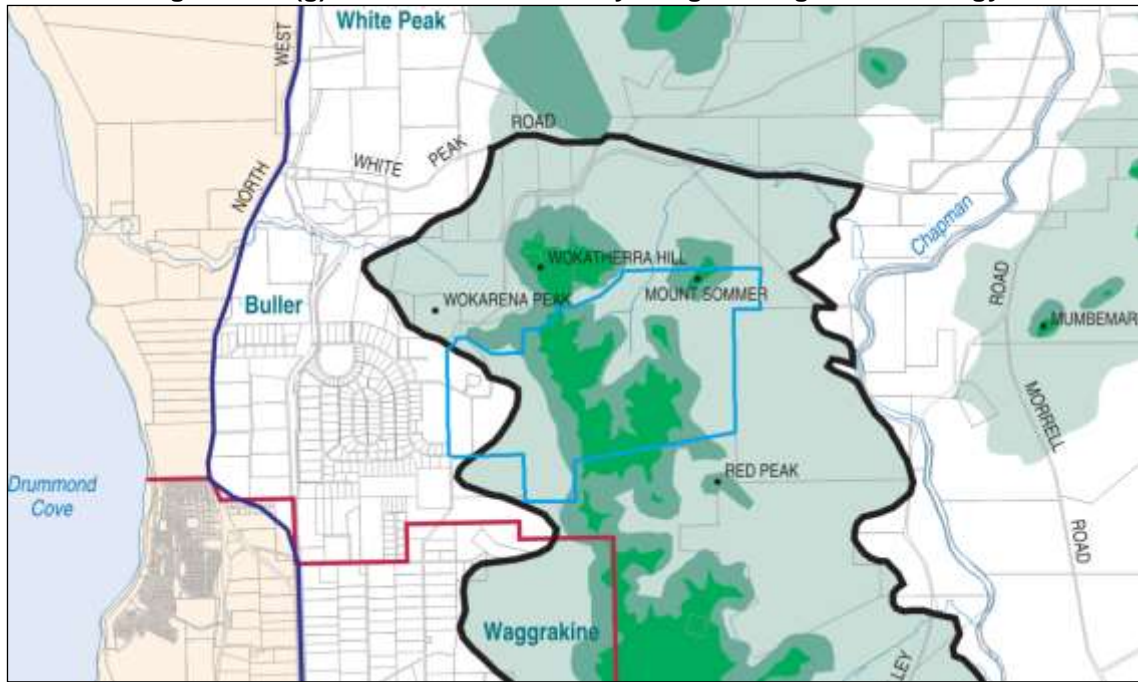
The WAPC's Moresby Range Management Strategy addressed a 55,000ha study area from Isseka in the north, to Mount Erin to the east (27km inland) and the Geraldton-Mount Magnet Road to the south. The Strategy recognised that there were particular issues relating to the southern section of the Range (which includes the area subject to this rezoning application) that were of particular importance to the regional community, and recommended that a Management Plan be prepared for this area, with Section 5.1 noting that:

*"A key recommendation of this strategy is the development of a management plan for the Detailed Investigation Area...The intent of developing a management plan is to more clearly define the objectives and recommendations of this strategy as they relate to the portion of the range identified as having the most development pressure.*

*The management plan will include an implementation strategy for achieving key objectives for the detailed investigation area, particularly in relating to providing for public access and recreation. It should define areas targeted for future public access and set out means to achieve this, including any necessary land acquisition."*

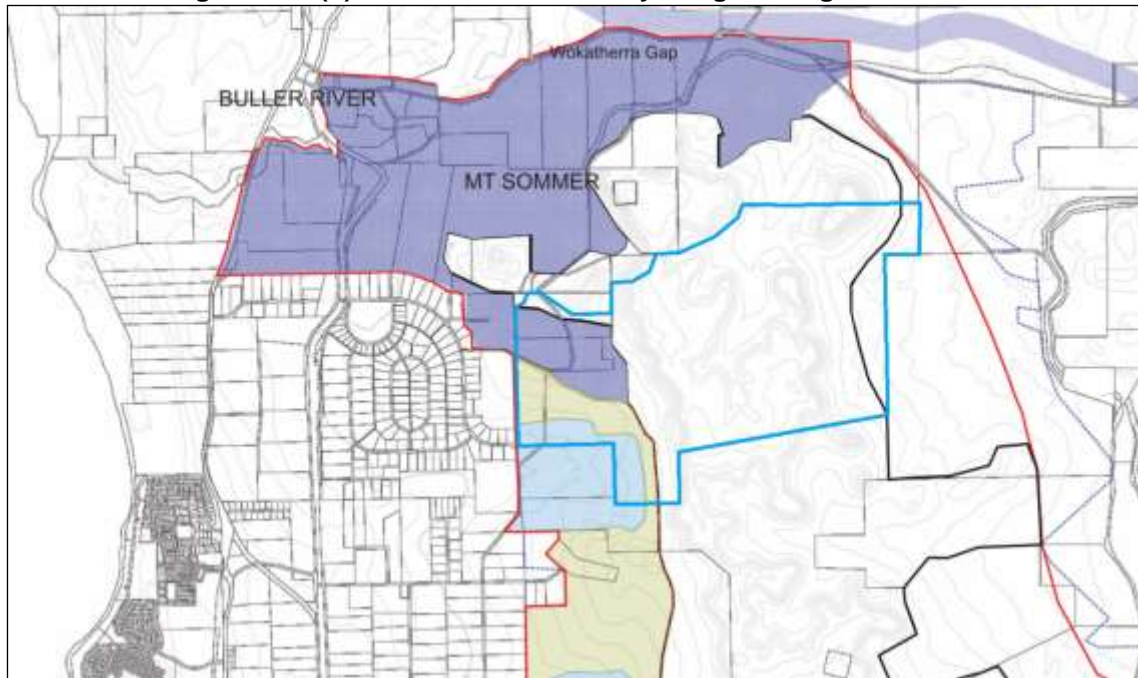


**Figure 9.1.3(g) – extract from Moresby Range Management Strategy**



The area proposed to be rezoned from 'Rural' to 'Rural Residential' by this application falls outside the area identified as 'Range Precinct' by the Moresby Range Management Plan (2010). The proposed rezoning of portions of the applicant's landholding identified within the 'Range Precinct' from 'Rural' to Parks & Recreation' and their subsequent ceding as Crown Reserve at the subdivision stage would align with the strategic direction of the Moresby Range Management Plan. Section 4.3.4 of the applicant's submitted Scheme Amendment documentation addresses in detail the proposal's alignment with the objectives and recommendations of the Moresby Range Management Plan.

**Figure 9.1.3(h) – extract from Moresby Range Management Plan**



The Moresby Range Management Plan defines the 'Range Precinct' as the area that includes the flat tops and major slopes of a section of the Moresby Range but excludes the flatter areas of land that surrounds the Range. The Plan has the vision for a community park that would ultimately turn the Range Precinct into an iconic regional resource. The Plan identifies the community park not as a formal planning description, rather a statement of aspiration and intent, ideally, when a park eventuates it will be formally recognised under an appropriate planning framework.

The boundary of the Range Precinct was selected according to a number of criteria including topography, cadastral boundaries, biogeographical and biodiversity features, and existing developments. The Plan makes recommendations for land uses around the Range Precinct, particularly on the western side of the Range that is under the most immediate pressure. Here the objective is to allow limited urban development to occur in the foothills, subject to development conditions, that will create smooth and gradual visual transitions from the obviously urban centre of the City to the vegetated and green appearance of the Range.

Section 13.1 of the Moresby Range Management Plan (2010) noted that:

*“Most of the land in the Range Precinct, except for the Wokatherra Nature Reserve, is privately owned and the landowners should receive a fair and reasonable exchange for placing their land into a Park if they choose to do so. This exchange may involve a mix of purchase, land swaps and development opportunities, and would be determined on a case-by-case basis. Land would not be acquired ahead of landowner agreement as it is considered inappropriate for State or Local Government acquisition to be done before landowners are ready for such action and legislative mechanisms in place.”*

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. It may be considered that support for this rezoning, and subsequent subdivision applications by Council would assist in addressing the community strategy of ‘*Make the right land available to increase housing*’ with the outcome of ‘*More people and families move into the Shire*’ and the environmental objective of ‘*We want to make the most of our environment, including the ranges, rivers and coastline*’ with the strategy of ‘*Explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics*’ as outlined by the Shire’s Strategic Community Plan.

## **CONSULTATION**

Were the WAPC to grant consent to advertise the Scheme Amendment then the Shire would undertake the following actions of consultation, inviting comments and responses within a 60 day advertising period:

- erect a public notification sign upon the site;
- place a notice within a locally circulating newspaper;
- place a copy of the Scheme Amendment documentation on the Shire website;
- place a copy of the Scheme Amendment documentation in the Shire office/library for public viewing;
- write directly to all surrounding landowners; &
- write directly to all relevant government agencies, service authorities and community groups.

At the completion of the advertising period all received submissions would be presented for Council’s consideration, and should the Scheme Amendment be given final approval at this point by Council then the rezoning documents would be forwarded to the WAPC seeking final assessment and approval.

## **RISK ASSESSMENT**

Not applicable.

## **VOTING REQUIREMENTS**

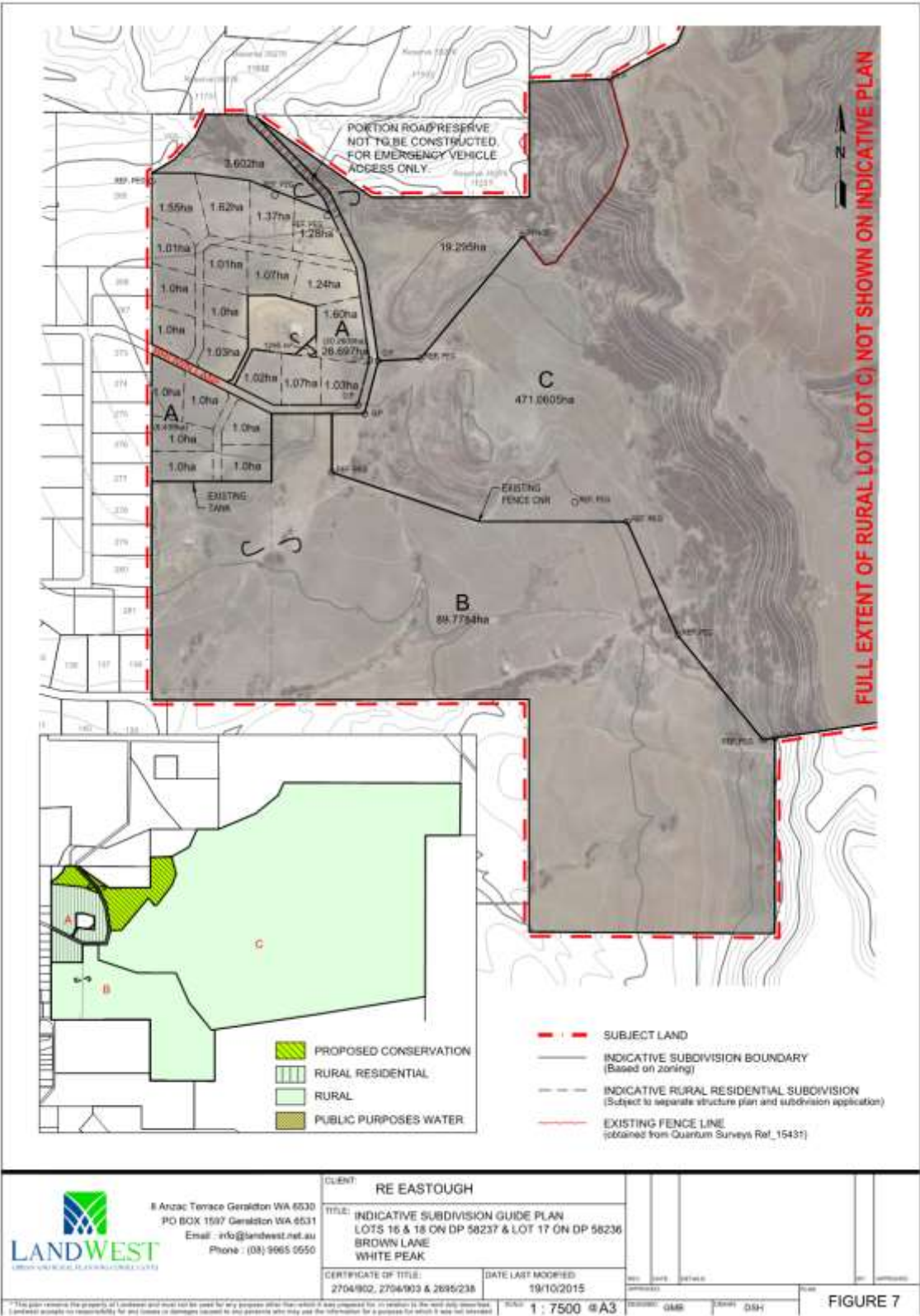
Simple majority of Council

## **STAFF RECOMMENDATION**

That Council pursuant to Part 5 of the *Planning and Development Act 2005* amend Shire of Chapman Valley Local Planning Scheme No.2 by:

- 1 Rezoning a portion of Lot 17 and portion of Lot 18 Brown Lane, White Peak from ‘Rural’ to ‘Rural Residential’;
- 2 Rezoning a portion of Lot 17 from ‘Rural’ to ‘Public Purpose (Water)’;
- 3 Rezoning a portion of Lot 16 and Lot 17 from ‘Rural’ to ‘Parks and Recreation’;

- 4 Modifying the Description of Land column for RR1 in Schedule 11 by replacing 'Map 12/14' with 'Maps 12/14 and 13/14'; and
- 5 Amending the Scheme Maps accordingly.





<b>AGENDA ITEM:</b>	<b>9.1.4</b>
<b>SUBJECT:</b>	<b>DOLBYS DRIVE STRUCTURE PLAN</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>LOTS 166 &amp; 171-174 DOLBYS DRIVE, WAGGRAKINE</b>
<b>FILE REFERENCE:</b>	<b>204.06.08</b>
<b>PREVIOUS REFERENCE:</b>	<b>11/10-16, 5/13-6 &amp; 05/14-2</b>
<b>DATE:</b>	<b>7 DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

A structure plan is required to be prepared for the Dolbys Drive area to enable further subdivision. Council made an allocation in its 2015/2016 budget to undertake this structure planning and expressions of interest have been sought from planning firms to undertake this work. This report recommends that GHD be appointed to undertake the preparation of the Dolbys Drive Structure Plan.

**Figure 9.1.4(a) – Aerial Photograph and Cadastre of subject area  
(note that Dolbys Drive has been sealed since date of aerial photograph)**



## COMMENT

The intended structure plan would address a 35ha area comprised of 5 individually owned lots each of which contain a residence, and are all capable of being further subdivided.

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

The strategic direction for this area established by the Greater Geraldton Structure Plan (2011) and the Shire of Chapman Valley Local Planning Strategy (2007) is for lots to be subdivided to 1ha, but there has been some precedent for lots to be subdivided below 1ha, further east along Dolby Creek where subdividers have provided in addition to land for public open space, improvements thereon (e.g. walking trails, limestone bench seating, planting, weed control and financial contribution towards initial maintenance).

As demonstrated by the current cadastral layout along Dolbys Drive the Western Australian Planning Commission ('WAPC') have been willing to approve subdivision for regular shaped 1ha lots to the immediate south-east of the proposed structure plan area. However, in its most recent determination on a subdivision approval (149890) the WAPC included the following advice note:

*"The Shire of Chapman Valley is advised that in approving this subdivision the WAPC has formed the opinion that, in accordance with Local Planning Scheme No.2, a structure plan should be prepared for land in 'Rural Residential 1'. In this case the ceding of the foreshore reserve is not supported without an overall plan due to access and management issues; and the identification of potential lots below 1ha."*

Given that the proposed structure plan area is under multiple ownership, and several of the landowners have differing timeframes for subdivision, and occasional cause for disagreement, the Shire has assumed the role of lead agency to resolve this matter, and would be commissioning the consultant to undertake the structure plan (with the 5 landowners to be consulted in its preparation).

The Dolbys Drive Structure Plan will need to give due regard to Section 5.22 of the Shire's Scheme, the relevant WAPC State Planning Policies, and the expectations the WAPC have in relation to the scope and layout of Structure Plans as contained in the 'Structure Plan Framework'.

It is also suggested that, relevant to the subject land area, the structure plan process will need to address the following key issues:

- Designation of an appropriate foreshore reserve along Dolby Creek that will assist in the strategic goal of providing a recreation and wildlife corridor between the coast and the Moresby Range (in previous instances at a subdivision stage the width of the foreshore reserve has been established through on-site walking of the watercourse by the landowner, with Shire and Department of Water staff in the presence a surveyor who has made record of the agreed foreshore width);
- Identification of a crossing location to enable subdivision of the land north of Dolby Creek, this may require supporting information that provides an indicative crossing design that is to the requirements of the Department of Water and potentially a shared contribution mechanism for subdividers to contribute towards this crossing;
- Regard for the requirements of Main Roads WA in relation to the proposed Primary Distributor Road alignment as identified by the Greater Geraldton Structure Plan.

Given that the subject area is uniformly zoned rural-residential, and addresses a relatively small area and lot yield, it not anticipated that the structure plan will be required to identify land, or contributions towards, a primary school, commercial centre or community facility.

7 planning consultancies drawn from the Western Australian Local Government Association panel, and 2 local planning firms, were written to on 21 October 2015 inviting their submission of an expression of interest and fee estimate prior to 1 December 2015.

7 expressions of interest were received and copies of each of these have been provided as separate attachments for Council's information and consideration. Shire staff have utilised an evaluation criteria to review the received submissions and make recommendation on the preferred consultant. The evaluation criteria has given regard and weighting for factors including experience (generally and locally), proposed methodology, demonstrated understanding of tasks and issues, similar projects and presentation. The submitted price was not factored in the evaluation matrix, however, the highest ranked firm in this instance also proved to be the least expensive (when factoring in expected WAPC/Department of Water requirement for Local Water Management Strategy, and also if factoring in indicative crossing design if required by WAPC/Department of Water). The evaluation criteria selected GHD as the preferred provider, with LandWest ranked second, and Whelans third.

## **STATUTORY ENVIRONMENT**

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

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

**Figure 9.1.4(b) - Scheme Map illustrating the subject area in context to the Dolby Creek reserve that has already been created to the east and the 'Major Road' zone to the west**



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

## POLICY IMPLICATIONS

Council Policy CP-025 establishes that a 5% reduction (up to a value of \$50,000) may be applied to suppliers located within the Mid West Region.

## FINANCIAL IMPLICATIONS

Council has set aside \$28,000 for the preparation of the Dolbys Drive Structure Plan in its 2015/2016 budget (Account 7072/Job 1031).

It is considered likely that the WAPC and the Department of Water will require the preparation of a Local Water Management Strategy ('LWMS') as a technical appendix to the structure plan document, to address the coordinated control of stormwater runoff and prevent direct, immediate discharge into the Dolby Creek system during storm events. It is also possible that an indicative crossing design (potentially similar to the David Road crossing of Dolby Creek) will be required to be prepared by the WAPC and the Department of Water as a technical appendix to the structure plan document.

In the event that these works are required, additional funds can be drawn from Account 2112 (Salary & Wages Expense-T/Plan) as this account will have significant surplus at end of financial year, and the mid-financial year review can reallocate unspent funds arising from the prior 6 months.

Section 6.5 of the Scheme provides the ability for Council to make allowance for a Development Contributions Plan whereby landowners are required to contribute at time of subdivision towards the cost of preparing the structure plan, thereby allowing Council to recoup some of its incurred costs. However, this was not pursued in the previous Wokarena Heights Structure Plan or Buller Structure Plan and is not suggested in this instance either. It is considered appropriate for the Shire to assume the responsibility for the coordination of the structure plan process, and that subdividing landowners, who would benefit from the structure planning will then be responsible for all drainage, road construction, servicing, fencing, surveying and conveyancing costs, and ceding of land identified for recreation free of cost, as is standard for subdivisional works.

A summary of the submitted fee estimates is provided as follows, firms are listed in alphabetical order not in preferential order and all figures are GST exclusive:

- Calibre \$18,000 (amount does not include LWMS or indicative crossing design)
- GHD \$25,936 (amount already includes LWMS, \$31,635.50 total price if indicative crossing design undertaken)
- HTD\* \$23,800 (\$46,300 total price if LWMS and indicative crossing design undertaken)
- LandWest\* \$25,600 (\$47,697.50 total price if LWMS and indicative crossing design undertaken)
- Rowe Group \$44,500 (amount does not include LWMS or indicative crossing design)
- Urbis \$32,700 (amount does not include LWMS or indicative crossing design)
- Whelans \$23,834 (\$55,540 total price if LWMS and infrastructure and civil report undertaken)

\* firms eligible for 5% discount under Council Policy CO-025 Regional Price Preference

- **Long Term Financial Plan:**

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

## **STRATEGIC IMPLICATIONS**

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

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

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

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

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

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

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

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

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

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

The structure plan process will be undertaken with careful regard for the following objectives of the Local Planning Strategy:

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

**The preparation of a structure plan for this area will facilitate the following direction for Precinct No.7 - South West as established by the Local Planning Strategy:**

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

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

Amendment No.24 to Scheme No.1 was given Ministerial approval on 24 May 2000 and rezoned the lots on the northern side of Dolbys Drive from ‘General Farming’ to ‘Special Rural’ leading to the current subdivision pattern for Lots 171-174 (with Lot 170 having been further subdivided since). The Scheme Amendment No.24 documentation contained a Subdivision Guide Plan and this plan has led to the current cadastral layout and is no longer satisfactory to address current demands.

**Figure 9.1.4(c) – Scheme Amendment No.24 Subdivision Guide Plan**



- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 adopted by Council at its 19 June 2013 meeting lists *'making the right land available to increase housing'* as a Community Strategy to achieve the outcome of *'more people and families move into the Shire'* and *'explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics'* as an Environmental Strategy.

## **CONSULTATION**

The Shire would consult with the 5 landowners within the structure plan area through individual meetings, and the appointed consultant would liaise with relevant government agencies, to obtain preliminary feedback that would inform the drafting of the structure plan and accompanying document.

A draft of the structure plan would be presented to Council for consideration prior to any formal release.

Should Council be satisfied with the structure plan then Section 5.22.7 of the Scheme requires that before advertising it must be forwarded to the WAPC for consideration.

In the event that Council and the WAPC are satisfied with the draft structure plan then it would be advertised as per the requirements of Section 5.22.8 of the Scheme and Part 4 Regulation 18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Scheme sets a minimum advertising period of 21 days and the Regulations set a minimum advertising period of 14 days and a maximum advertising period of 28 days. However, it is suggested that the Shire should exceed this and allow for a consultation period of 60 days to enable a fairer and more reasonable opportunity for comment to be provided. The advertising must include the following actions:

- notices to be provided to all landowners within and surrounding the structure plan area;
- notice to be published in a newspaper circulating in the district;
- notice to be displayed on the Shire website;
- notice to be displayed on-site by erecting a sign in a conspicuous place;
- notice to be displayed at the Shire office;
- notice being sent to all relevant government agencies.

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

## **RISK ASSESSMENT**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority

## **STAFF RECOMMENDATION**

That Council:

- 1      Notify GHD that they are the selected provider for the preparation of the Dolbys Drive Structure Plan.
- 2      Thank all parties who expressed an interest in undertaking the preparation of the Dolbys Drive Structure Plan.



<b>AGENDA ITEM:</b>	<b>9.1.5</b>
<b>SUBJECT:</b>	<b>SHIRE OF CHAPMAN VALLEY LOCAL PLANNING STRATEGY</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>204.09</b>
<b>PREVIOUS REFERENCE:</b>	<b>12/04-9, 12/05-9, 11/06-10</b>
<b>DATE:</b>	<b>7 DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

## **DISCLOSURE OF INTEREST**

Nil

## **BACKGROUND**

The Shire of Chapman Valley Local Planning Strategy needs updating to refer to the recommendations of (and ensure it is not at odds with) several strategic planning documents that have been prepared since the strategy was endorsed by the WAPC in 2007. Council made an allocation in its 2015/2016 budget to undertake this review and expressions of interest have been sought from planning firms to undertake this work. This report recommends that LandWest be appointed to undertake the review of the Shire of Chapman Valley Local Planning Strategy.

## **COMMENT**

The Shire of Chapman Valley Local Planning Strategy ('the strategy') was adopted by Council at its November 2006 meeting, and subsequently endorsed by the Western Australian Planning Commission ('WAPC') on 20 November 2007.

The strategy needs updating to reference (and ensure it is not inconsistent with) several strategic planning documents relevant to the strategy area that have been prepared since the strategy was endorsed by the WAPC in 2007, including the following:

- Shire of Chapman Valley Local Planning Scheme No.2 (Shire) (2013);
- Greater Geraldton Structure Plan (WAPC) (2011);
- Oakajee Industrial Estate Structure Plan (LandCorp) (2012);
- Oakajee Port Master Plan (Mid West Ports Authority) (2011);
- Oakajee Narngulu Infrastructure Corridor Alignment Definition Report (WAPC) (advertised in 2014 and currently still in draft format but the alignment is unlikely to change significantly to that shown in this study and the strategy needs updating as it contains a superseded ONIC alignment);
- Dongara to Northampton Corridor Alignment Selection Study (MRWA) (advertised in 2015 but the alignment is expected to be established in early 2016 and the strategy needs updating as it contains a superseded ONIC alignment);
- Wokarena Heights Structure Plan (Shire) (2013);
- Buller Local Structure Plan (Shire) (adopted by Council in 2015 and currently before the WAPC seeking final approval);
- Coastal Management Strategy (Shire) (prepared in 2007 but currently being reviewed and likely to be completed by mid-2016);
- Moresby Range Management Strategy (WAPC) (2009);
- Moresby Range Management Plan (Shire) (2010);
- Nabawa Townsite Revitalisation Plan (Shire) (advertised in 2015 and likely to be completed in early 2016).

With the exception of the last study, all of these strategies address the western regions of the Shire and it is this coastal strip that requires most updating in the Local Planning Strategy, although it is generally the intention that the review will be drawing on the recommendations of these documents rather than creating new strategic directions.

It is not considered that a major overhaul of the strategy relating to the rural/majority of the Shire's land area is required, apart from making some reference to the Department of Agriculture & Food's 'Identification of high quality agricultural land in the Mid West region: Stage 1 – Geraldton Planning Region' (2013) study.



The Local Planning Strategy will also need updating to include reference to a range of State Planning Policies that have emerged since 2007 that the WAPC would expect to be given due regard in the updated strategy, along with any other standard expectations the WAPC have established since 2007 in relation to the scope and layout of Local Planning Strategies.

The strategy was also produced in an era when physical production as a hard copy was still the most common means of viewing the document and the layout and mapping of the strategy require updating to reflect that it is now more commonly going to be viewed online as a PDF.

The Shire's current Local Planning Strategy can be viewed via the Shire and WAPC websites, or alternatively a hard copy can be provided to Councillors upon request.

In preliminary discussions with Department of Planning staff the review of the strategy has been considered an update of the existing document to ensure that it is no longer inconsistent with the Scheme and adopted State strategies and policies, rather than an entirely new exercise.

On this basis Council has set aside \$25,000 for a review of its Local Planning Strategy in its 2015/2016 budget on the understanding that extensive community consultation and site visitation will not be required as the intention is to ensure the document aligns with already adopted planning directions, and to provide general updating of the text and map layouts.

7 planning consultancies drawn from the Western Australian Local Government Association ('WALGA') panel, and 1 local planning firm, were written to on 21 October 2015 inviting their submission of an expression of interest and fee estimate prior to 1 December 2015.

6 expressions of interest were received and copies of each of these have been provided as separate attachments for Council's information and consideration. Shire staff have utilised an evaluation criteria to review the received submissions and make recommendation on the preferred consultant. The evaluation criteria has given regard and weighting for factors including experience (generally and locally), proposed methodology, demonstrated understanding of tasks and issues, similar projects and presentation. All of the received quotes were within the allocated budget amount and are within a maximum range of \$4,000 of each other. The evaluation criteria selected LandWest as the preferred provider, with GHD ranked second, and Calibre third.

## **STATUTORY ENVIRONMENT**

Regulations 11(1) and 11(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that:

- "(1) A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.*
- (2) A local planning strategy must —*
  - (a) set out the long-term planning directions for the local government; and*
  - (b) apply any State or regional planning policy that is relevant to the strategy; and*
  - (c) provide the rationale for any zoning or classification of land under the local planning scheme."*

Regulations 11(1) and 11(2) require that:

- "(3) A local planning strategy may be prepared concurrently with the local planning scheme to which it relates."*

It is suggested, however, that in this instance that Council undertake a Scheme review, upon completion of the review of its Local Planning Strategy, rather than concurrently.

The regulations require that the Shire review its current Scheme (having being gazetted after 19 October 2010) prior to 2020, and it is suggested that Council complete its strategy review first and then commence its scheme review, potentially within 2016/2017 or 2017/2018. This would allow teething issues that have been identified by the WAPC and WALGA with the regulations to be resolved first.

It is also suggested that the scheme review can be delayed without significant issue as the current Scheme No.2 (gazetted 20 November 2013) represented a significant overhaul of Scheme No.1 (gazetted on 20 August 1982) and it is suggested that Scheme No.3 would be more of a refinement process, with the

Scheme No.3 Map largely following the current Scheme No.2 Map and the Scheme No.3 Text following the new Model Scheme Text, which it is hoped would avoid unnecessary delay again with either the WAPC or Environmental Protection Authority.

The current Shire strategy and scheme were both initiated at the same time by Council in 1998 (and given consent to advertise by the WAPC in 2005) however, due to delays arising from various Ministers decisions relating to the Oakajee rezoning and the Buller Environmental Review the strategy was endorsed 6 years prior to the scheme, resulting in the statutory planning document of the scheme having regard for several subsequent planning issues that the strategic planning document of the strategy does not. This less than ideal situation will be rectified through the review and updating of the strategy.

## **POLICY IMPLICATIONS**

The intent of the strategy is to provide the planning direction for the sustainable growth of the Shire for the next 15 years and provide guidance to ongoing development, future land use and management of the Shire. Whilst much of the 2007 strategy remains relevant, particularly the inland sections where precincts were based on land capability assessment, the coastal section of the strategy requires updating to account for, and ensure it aligns with subsequently endorsed planning documents.

Council Policy CP-025 establishes that a 5% reduction (up to a value of \$50,000) may be applied to suppliers located within the Mid West Region.

## **FINANCIAL IMPLICATIONS**

Council has set aside \$25,000 for a review of its Local Planning Strategy in its 2015/2016 budget (Account 7072/Job 1033) and all of the received quotes were within the allocated budget amount.

A summary of the submitted fee estimates is provided as follows, firms are listed in alphabetical order not in preferential order and all figures are GST exclusive:

- Calibre \$21,000
- GHD \$24,216
- LandWest\* \$24,575
- Rowe Group \$25,000
- Urbis \$25,000
- Whelans \$21,588

\* firms eligible for 5% discount under Council Policy CO-025 Regional Price Preference

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is considered that the review of the Local Planning Strategy would not be inconsistent with the Long Term Financial Plan.

## **STRATEGIC IMPLICATIONS**

The WAPC's 'Local Planning Manual' (2010) notes the purpose of a strategy as follows:

*"The local planning strategy is the framework for local planning and the strategic basis for local planning schemes. It provides the interface between regional and local planning, and is increasingly being seen by other agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level."*

*The strategy sets out the local government's objectives for future planning and development and includes a broad framework by which to pursue those objectives. The strategy will need to address the social, environmental, resource management and economic factors that affect, and are in turn affected by, land use and development."*

*The local planning strategy should:*

- *be consistent with state and regional planning policy, including current strategies, structure plans and strategic development initiatives (or provide the rationale for why it is not);*

- *provide strategic direction for land use planning and development over the ensuing 10 years or longer as the basis for the local planning scheme;*
- *set out the strategic direction for sustainable resource management and development in the context of state and regional planning;*
- *provide the rationale for the zoning and reservation of land and for the provisions of the scheme relating to development and development control;*
- *provide a strategic framework for assessment and decision-making in relation to proposed scheme amendments, subdivision, and development;*
- *provide the context for coordinated planning and programming of physical and social infrastructure at the local level;*
- *identify the need for further studies or investigation within a local government area to address longer-term strategic planning and development issues.”*

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and the review of the 2007 Local Planning Strategy will provide the opportunity to ensure it has due regard for this subsequent document. The Local Planning Strategy provides one means to assist in meeting the economic, leadership, community, environmental objectives and strategies as identified within the Strategic Community Plan.

## **CONSULTATION**

The strategy review would draw on the extensive level of community consultation that has been undertaken to prepare the preceding strategies, structure plans, rezonings, alignment definition studies, and policies, that will inform the Local Planning Strategy.

The strategy review would also involve consultation with all relevant government agencies to ensure the document addresses the services demanded within the Shire including infrastructure, community, health, recreational, educational, communications, transport and tourism.

A draft of the reviewed strategy would be presented to Council for consideration prior to any formal release.

Should Council be satisfied with the reviewed strategy then Regulation 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that before advertising the strategy must be forwarded to the WAPC for consideration.

In the event that Council and the WAPC are satisfied with the draft strategy then it would be advertised as per the requirements of Regulation 13 for a minimum period of 21 days (although it is suggested that the Shire should exceed this and allow for a period of 60 days), and the advertising must include the following actions:

- notices to be published in a newspaper circulating in the district;
- display of the strategy at the Shire offices;
- notice being sent to all relevant government agencies.
- display of the strategy on the Shire website;
- display of the strategy at the WAPC office;
- in any other way as directed by the WAPC or the Shire considers appropriate.

Regulation 14 requires that Council give regard for any submissions received during the advertising period and, in the event that Council is satisfied with the strategy, forward it to the WAPC (with or without modification arising from Council's consideration of any issues raised during the submission period) for final consideration and potential endorsement.

## **RISK ASSESSMENT**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority

## **STAFF RECOMMENDATION**

That Council resolve to:

- 1 Prepare/Amend a new Shire of Chapman Valley Local Planning Strategy in accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; &
- 2 Notify LandWest that they are the selected provider for the Shire of Chapman Valley Local Planning Strategy review.
- 3 Thank all parties who expressed an interest in undertaking the Local Planning Strategy review.

<b>AGENDA ITEM:</b>	<b>9.1.6</b>
<b>SUBJECT:</b>	<b>COASTAL MANAGEMENT STRATEGY &amp; ACTION PLAN</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>COASTAL SECTION</b>
<b>FILE REFERENCE:</b>	<b>203.08</b>
<b>PREVIOUS REFERENCE:</b>	<b>05/06-15, 7/07-6, 09/09-5 &amp; 12/14-9</b>
<b>DATE:</b>	<b>4 DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>SIMON LANCASTER</b>

## **DISCLOSURE OF INTEREST**

Nil

## **BACKGROUND**

Council resolved at its 10 December 2014 meeting to initiate a review of its Coastal Management Strategy ('the strategy') and establish a Steering Group to oversee the project. The reviewed strategy has now been prepared and the Steering Group have forwarded it to Council. This report recommends that Council advertise the draft Chapman Valley Coastal Management Strategy & Action Plan.

## **COMMENT**

The coastal strategy was originally prepared to replace the Chapman Valley Coastal Plan (1993) and following extensive consultation was adopted by Council at its 18 July 2007 meeting, but was not presented to the Western Australian Planning Commission ('WAPC') for final endorsement. The Status of Coastal Planning in WA publication lists the 2007 strategy as being a draft document. A copy of the 2007 strategy is available for viewing on the Shire website or alternatively a hard copy can be provided to Councillors upon request.

The coastal strategy review to address ongoing management issues and to account for several documents that have been completed since 2007, including the Oakajee Industrial Estate Structure Plan (2012), the Oakajee Port Master Plan (2011), the Environmental Reports & Recommendations for the Oakajee Port-marine side (1998) and Oakajee Port-land side (2010) and State Coastal Planning Policy (2013). The strategy also required updating to have regard for the Buller Local Structure Plan which is nearing completion, and the introduction of the Mid West Ports Authority as a land manager within the study area, following the issuing of a management order for the Oakajee coastal and marine reserves by the Minister of Lands in 2009.

The strategy required review as these subsequent planning documents make recommendation in regards to coastal management and access, with one key recommendation being that cumulative emissions modelling for the Oakajee Industrial Estate demonstrates that the Buller Rivermouth should be developed for recreational day-use activity only and not nature based camping/chalets as originally envisioned by the 2007 strategy.

The strategy also needed updating to reflect Council's previous resolution at its 16 September 2009 meeting as follows:

*"That Council:*

- 1 Receive the Coronation Beach Boat Ramp Feasibility Study prepared for the Shire of Chapman Valley by MP Rogers and Associates;*
- 2 Endorse the option as outlined in Section 5.2.6 of the Study 'Development in Conjunction with Oakajee Port' as its preferred option based on its social, economic and environmental advantages in meeting demand for boat launching facilities in this area;*
- 3 Resolve to not proceed with Stage 2 (the production of a conceptual plan and design with cost estimates) of the Study, as the development of a boat ramp at Coronation Beach is not considered appropriate or cost effective, based on a number of factors including wave climate, unlikelihood of achieving safe operation, the predicted sediment and weed bypassing requirements and conflicts with other beach users in an area that caters primarily for kitesurfers, windsurfers and nature based camping;*

- 4 *During any future review of either the Coastal Management Strategy or Coronation Beach Planning Study that reference to the development of a boat launching facility at Coronation Beach be deleted; &*
- 5 *Discuss with LandCorp and Oakajee Port and Rail the potential for a boat launching facility to be developed on the northern side of the Oakajee Port, with regard for the Department of Transport's advice that further funding may be available under the Recreational Boating Facilities Scheme grant funds for these investigations."*

Since the coastal strategy's preparation there have also been a number of climate change adaptation documents and policies released, that the review has given regard for, and there are also increasing pressures (including opening up of additional tracks, rubbish, fire risk etc.) being experienced along this section of coast through off-road vehicle use. Whilst this issue was present 8 years ago during the Strategy's drafting it would be reasonable to state that demands on this area have increased due to an expanding population and the introduction of much cheaper flat-packed quad bikes coming onto the market, making this section of coastline more accessible to a greater number of people and resultantly more open to damage and requiring improved management solutions.

To address these anomalies a review of the 2007 strategy was required and Council resolved at its 10 December 2015 meeting as follows:

*"That Council resolve to:*

- 1 *Authorise the signing of the Funding Agreement by the CEO for the Shire of Chapman Valley Coastal Management Strategy.*
- 2 *Notify Land Insights that they are the selected provider for the Shire of Chapman Valley Coastal Management Strategy."*
- "3 *The Shire of Chapman Valley Coastal Management Strategy Steering Group be comprised of the following representatives (and write to those identified parties inviting their nomination of a representative):*
  - *2 Councillors (to serve as Chairman, and Deputy Chairman)*
  - *Shire staff*
  - *Shire of Northampton*
  - *LandCorp*
  - *Mid West Port Authority*
  - *Northern Agricultural Catchments Council*
  - *Department of Planning*
  - *Land Insights (appointed consultant)*
  - *Community Representative (Shire to seek expressions of interests from appropriate parties and their inclusion or otherwise to be determined at the initial Steering Group meeting)"*
- "4 *That Cr Collingwood and Cr Warr be the Councillor representatives for the Shire of Chapman Valley Coastal Management Strategy Steering Group."*

The Steering Group resolved at its 2 December 2015 meeting that the Chapman Valley Coastal Management Strategy & Action Plan should be forwarded to Council as a draft for advertising.

The draft Chapman Valley Coastal Management Strategy & Action Plan has been provided to Councillors as a **separate attachment** for its consideration.

In the event that Council is satisfied with the draft coastal strategy, it is recommended that the document be advertised for public comment.

## STATUTORY ENVIRONMENT

The State Coastal Planning Policy ('SPP2.6') was prepared under Part 3 of the *Planning and Development Act 2005* to provide guidance for decision-making within the coastal zone including managing development and land use change, establishment of foreshore reserves, and to protect, conserve and enhance coastal values. The coastal strategy is required to be prepared in accordance with SPP 2.6.

Section 2.1 of SPP2.6 notes that:

*“There are pressures on the coastal zone for use by different groups in the community for a variety of purposes including a mix of recreational, residential, industrial and commercial uses. Planning for coastal zone land is about balancing these often competing needs and desires in a way that takes into account the values of the coastal zone, which include its scenic, aesthetic and ecological qualities; recreational opportunities; and social, indigenous, cultural and economic importance. The overall effect of these values contributes to the psychological wellbeing and health of the Western Australian community. The presence of coastal hazards is also an important consideration.”*

Section 5.10 of SPP2.6 further notes that:

**“5.10 Coastal strategies and management plans**

- (i) *Ensure that at rezoning, structure planning, subdivision, strata subdivision or development – whichever arises first and is appropriate in scale, a coastal planning strategy or coastal foreshore management plan is prepared and implemented, by the local government and/or proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.*
- (ii) *Any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based on or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).*
- (iii) *Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.*
- (iv) *The proponent should be responsible for the implementation of the foreshore management plan as well as funding, maintenance, monitoring and management of foreshore works for a period not less than five years commencing from completion of all foreshore works.*
- (v) *A coastal planning strategy or foreshore management plan should address as a minimum, the matters set out in the Coastal Planning Policy Guidelines.”*

## **POLICY IMPLICATIONS**

The current 2007 strategy is a strategic planning document that guides ongoing development, future land use and management of the Shire of Chapman Valley coastline, the reviewed document would ultimately supersede the 2007 draft.

## **FINANCIAL IMPLICATIONS**

To reduce the cost of the review of the 2007 strategy to Council the part funding of this project was applied for through the Coastal Management Plan Assistance Program.

A copy of the submitted grant application that detailed the project scope, methodology, outcomes, timeline and a suggested consultation process was provided to Councillors with the 20 August 2014 Staff Information Reports (and an earlier update was provided in the 21 May 2014 Staff Information Reports).

A copy of the correspondence from the WAPC advising of the Shire’s successful grant application was provided to Councillors with the 10 December 2014 Council Agenda, and included the Funding Agreement that contained a project program with milestones.

Account 2203 (Protection of the Environment-Grant Income Other) in the adopted 2014/2015 budget listed an amount of \$30,000 in the event that the lodged grant application was successful. Account 2062 (Protection of the Environment-Coastal Planning Project Expenses) listed an amount of \$30,000 sourced from the Department of Planning should the grant application be successful, and a Shire contribution of \$10,000, and it was not intended that this Shire contribution would be expended unless the grant application was successful.

As the project carried over into a second financial year, Account 2203 (Protection of the Environment-Grant Income Other) in the adopted 2015/2015 budget listed an income amount of \$9,000 (representing the final 3 milestone grant payments). Account 2062 (Protection of the Environment-Coastal Planning Project Expenses) listed an amount of \$22,000 to cover the remaining project costs with this amount being sourced from the Department of Planning previous and pending grant milestone payments and the original Shire contribution.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is considered that the preparation of the coastal strategy would not have impact in relation to the Long Term Financial Plan, and Council has made clear in previous discussions with the Mid West Ports Authority and LandCorp it would be willing to work in partnership on social/recreation infrastructure and management where those works did not mean adverse financial implication to the Shire and its ratepayers.

## **STRATEGIC IMPLICATIONS**

The draft Shire of Chapman Valley Coastal Management Strategy & Action Plan (2015) lists the following:

*“The strategic vision of the report is:*

*To manage the unique recreational resources of the study area taking into account risk from coastal hazards and sea level rise whilst recognising that a section of this coast is identified for port and industrial land uses.”*

*“To achieve the vision a number of objectives are identified within the document including:*

- *Objective 1 – To manage the recreational resources to retain the broad range of recreational opportunities, environmental values and sense of isolation unique to the area*
- *Objective 2 – To achieve cohesive and effective coastal land management considering the fragmented nature of land ownership*
- *Objective 3 – Ensure management and protection of the coast is undertaken in a sustainable manner*
- *Objective 4 – Adequate consideration of coastal hazards and ensure management is undertaken in accordance with SPP 2.6*
- *Objective 5 – To adequately consider future coastal industry, urban growth and tourism and the effects this may have on recreational use of the study area*
- *Objective 6 – Should the proposals for the Oakajee Industrial Estate be realised in the near future, to restore equilibrium, where practical, through the provision of alternative facilities so as to minimise the longer term impacts of the Oakajee Strategic Industrial Estate on recreational choices along the study area.*
- *Objective 7 – To retain, protect and enhance areas of historic value within the study area*
- *Objective 8 – To increase community awareness and participation in coastal management and maintain successful relationships between stakeholders and coastal landowners.”*

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and has the following environmental strategy:

Objective	Strategy	Outcome	Partners
We want to make the most of our environment, including the ranges, rivers and coastline	Explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics	We recognise and uphold the value of our natural landscape	Shire of Chapman Valley State government Community organisations Landowners



## CONSULTATION

Council formed a Steering Group to guide the project comprising the following representation:

- 2 Councillors (to serve as Chairman and Deputy Chairman)
- Shire staff (to serve as minute takers and administrative support)
- Shire of Northampton  
The 2007 strategy had a study area from the Shire of Chapman Valley boundary at Drummond Cove in the south, this being a reasonably logical point as it from this location that 4WD and Off-Road vehicles access the coastline to the north. The strategy included the coastline north of this point within the Shire of Chapman Valley, and also included the section of coastline stretching northwards to Woolawar Gully (within the Shire of Northampton) due to the on-ground reality being that the track leading north along the coast from the Coronation Beach Road (a sealed coastal access point) was in the Shire of Chapman Valley and enables people to access the coast and head north into the Shire of Northampton to fish, surf and camp so the strategy was designed to address and make recommendation in relation to managing this usage. The Department of Planning have requested that the reviewed strategy retain the same section of coastline in the study area.
- LandCorp  
LandCorp are the major landowner along the Shire's coastal section.
- Mid West Ports Authority  
The Mid West Ports Authority have management responsibility for a significant section of the Shire coastline and also have responsibility for the marine reserve (below the high water mark).
- Northern Agricultural Catchments Council ('NACC')  
NACC have previously chaired a working group of Batavia Coast Councils that produced the Climate Change Adaptation Plan and are currently working on further coastal hazard assessment of the coastline including erosion and inundation modelling under future climatic scenarios. NACC have also partnered with the Shire, LandCorp and the Mid West Ports Authority on a wide range of on-ground coastal management projects including fencing, invasive species management, access management and dune rehabilitation.
- Department of Planning  
The Department of Planning are the major funding agency and the authority that will ultimately be presented with the document for endorsement.
- Community representation  
The Geraldton Windsurfing Club, Geraldton 4 Wheel Drive Club, Geraldton Longboard Club, Geraldton Angling Club and Mid West Enduro & Trail Riders Club were invited to nominate representatives to serve as community representatives on the Steering Group. The Geraldton Windsurfing Club provided a representative for the Steering Group, whilst no responses were received from the other groups. These groups were instead then approached for individual feedback at various stages of the strategy review process. Meetings were also held with representatives from the City of Greater Geraldton and the Drummond Cove Progress Association. It is also intended that each of these parties would each be mailed directly a copy of the draft Strategy at the advertising stage.
- Aboriginal representation  
Yamatji Land & Sea Council were invited to nominate representatives, and a meeting was held with the legal representatives of the 3 native title claimant groups at the offices of the Yamatji Marlpa Aboriginal Corporation. Presentations were made to meetings of the Naaguja Native Title Party and the Hutt River Native Title Working Group and it is also intended that a copy of the draft strategy be mailed to all parties at the advertising stage.

Four Steering Group meetings have been held to date on 20 February 2015, 28 April 2015, 24 August 2015 and 2 December 2015 and the minutes of the Steering Group meetings have been provided to Council as information items.

A Community Engagement Strategy was prepared for the project to guide the consultation process.

Preliminary input was invited from landowners along the coast (15 in total), stakeholders and community groups (11 in total) and government organisations (25 in total). Responses were received from the Department of Parks and Wildlife, Department of Mines and Petroleum, Department of Health, Department of State Development, Department of Fire and Emergency Services, Tourism WA and Parkfalls Residents Association.

A survey was also undertaken of Coronation Beach nature based campground users with 53 responses received to further inform the preparation of the draft coastal strategy.

The Steering Group discussed the advertising of the strategy at its 2 December 2015 meeting and have suggested that an extended advertising period of 60 days would be appropriate, particularly if advertising is to take place over the Christmas/New Year/summer school holiday period to allow greater opportunity for comment.

The Steering Group also discussed the advertising of the strategy and have suggested that the following measures would be appropriate:

- public notices placed in the Valley Vibes, Shire E-News & the Mid West Times;
- posters displayed at the Shire of Chapman Valley and Shire of Northampton offices and at Coronation Beach Nature Based Camping Area;
- placement of a copy of the draft strategy on the Shire of Chapman Valley website;
- display of the draft strategy at the Shire of Chapman Valley office/library;
- placement of copies of the draft strategy with the Coronation Beach Nature Based Camping Area Caretaker;
- correspondence advising of the draft strategy and where it may be viewed being sent to all private landowners along and abutting the study area;
- correspondence advising of the draft strategy and where it may be viewed being sent to all identified respondents from the previously conducted community survey;
- correspondence advising of the draft strategy and where it may be viewed being sent to the following local sporting and community groups:
  - Drummond Cove Progress Association
  - Geraldton 4 Wheel Drive Club Inc.
  - Geraldton Angling Club
  - Geraldton Longboard Club
  - Geraldton Windsurfing Club
  - Mid West Enduro & Trail Riders Club
  - Parkfalls Residents Association
- correspondence advising of the draft strategy and where it may be viewed being sent to the following government agencies:
  - City of Greater Geraldton
  - Department of Aboriginal Affairs
  - Department of Environment Regulation
  - Department of Fire & Emergency Services
  - Department of Fisheries
  - Department of Health
  - Department of Lands
  - Department of Mines & Petroleum
  - Department of Parks & Wildlife
  - Department of Sport & Recreation
  - Department of State Development
  - Main Roads WA
  - Mid West Development Commission
  - Tourism WA
  - Yamatji Land & Sea Council.

At the completion of the advertising period all received submissions would be presented to the Steering Group for review, and to discuss modifications that might be warranted arising from the nature of the submissions received and other matters. The strategy would be returned to Council for its further consideration and, if endorsed by Council, forwarded to the WAPC.

## **RISK ASSESSMENT**

Not applicable.

## **VOTING REQUIREMENTS**

Simple Majority

## **STAFF RECOMMENDATION**

That Council resolve to advertise the Chapman Valley Coastal Management Strategy & Action Plan for public comment for a period of 60 days and at the conclusion of the advertising period, and following consideration by the Steering Group of the received submissions, return the matter to a further meeting of Council for consideration.

# **9.2 Finance December 2015**

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## **Contents**

### **9.2 AGENDA ITEMS**

#### **9.2.1 Financial Reports for November 2015**

<b>AGENDA ITEM:</b>	<b>9.2.1</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORTS FOR NOVEMBER 2015</b>
<b>PROPONENT:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>307.04</b>
<b>PREVIOUS REFERENCE:</b>	<b>N/A</b>
<b>DATE:</b>	<b>8 DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>KRISTY WILLIAMS &amp; DIANNE RAYMOND</b>

## **DISCLOSURE OF INTEREST**

Nil

## **BACKGROUND**

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

## **COMMENT**

Attached to this report are the monthly financial statements for November 2015 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 10 percent is set for reporting of all material variances."*

## **FINANCIAL IMPLICATIONS**

As presented in November 2015 financial statements.

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

No significant affect on the LTFP

## **STRATEGIC IMPLICATIONS**

Nil

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

Nil

## **CONSULTATION**

Not applicable

## **RISK ASSESSMENT**

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

## **VOTING REQUIREMENTS**

Simple Majority

## **STAFF RECOMMENDATION**

That Council receives the financial report supplied under separate attachment for the month of November 2015 comprising the following:

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

# **9.3**

## **Chief Executive Officer**

### **December 2015**

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## **Contents**

### **9.3 AGENDA ITEMS**

- 9.3.1 2014/2015 Annual Report and Annual General Meeting of Electors
- 9.3.2 Council Forum Session Rules & Procedures
- 9.3.3 Tourism & Events Working Group



<b>AGENDA ITEM:</b>	<b>9.3.1</b>
<b>SUBJECT:</b>	<b>2014/2015 ANNUAL REPORT AND ANNUAL GENERAL MEETING OF ELECTORS</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>413.01</b>
<b>PREVIOUS REFERENCE:</b>	<b>NA</b>
<b>DATE:</b>	<b>16<sup>th</sup> DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA</b>

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

The purpose of this item is to accept the Shire of Chapman Valley 2014/2015 Annual Report, receive the Auditors Report and Management Letter and set a date/time for the Annual General Meeting of Electors (**Note: The Annual Report is provided under separate cover**).

When considering setting a date for the Annual General Meeting of Electors it is a requirement of s5.27 'Electors General Meeting' of the *Local Government Act 1995* this meeting can be no later than 56 days after accepting the Annual Report (i.e. 9th February 2016).

The Shire of Chapman Valley last held the Annual General Meeting of Electors for 2013/2014 financial year on the 3<sup>rd</sup> February 2015 at the Council Chambers, Nabawa. This meeting commenced at 6.00pm.

## COMMENT

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

- ~ **Tuesday 2<sup>nd</sup> February 2016**
- ~ **Commencing at 6.00pm**
- ~ **Council Chambers, Nabawa**

Bearing in mind the Act stipulates the Annual General Meeting of Electors must be held not more than 56 days after the local government accepts the annual report for the previous financial year. Therefore the latest date the meeting could be held is the 9<sup>th</sup> February 2015.

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

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

The Local Government Act 1995 states the following;

### **“5.27. Electors’ general meetings**

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

### **5.29. Convening electors’ meetings**

- (1) The CEO is to convene an electors’ meeting by giving —

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

#### **5.32. Minutes of electors' meetings**

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

#### **5.33. Decisions made at electors' meetings**

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

#### **5.54. Acceptance of annual reports**

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

\* Absolute majority required.

#### **5.55. Notice of annual reports**

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

### **POLICY IMPLICATIONS**

No existing Policy/procedure relevant.

### **FINANCIAL IMPLICATIONS**

Nil affect

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

Nil affect

### **STRATEGIC IMPLICATIONS**

It is considered appropriate to conduct the Annual General Meeting of Electors to retain open and accountable governance and communication with the Shire's constituents

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

Nil affect

## CONSULTATION

The Shire President, relevant staff and the Shire's Auditors have been consulted and had input into the development of the 2014/2015 Annual Report.

## RISK ASSESSMENT

- Low level risk of non-compliance with legislation to complete this activity in accordance with the Local Government Act and associated Regulations.
- Low level risk of not conducting the Annual General Meeting of Electors at an appropriate time/date to provide constituents to opportunity to attend.

## VOTING REQUIREMENTS

Staff Recommendation 1 - **Absolute Majority**

Staff Recommendation 2 – **Simple Majority**

### STAFF RECOMMENDATION 1

Council:

- 1 Accepts the Annual Report for the 2014/2015 Financial Year as required by s5.54 of the *Local Government Act 1995*. (Absolute Majority Vote Required);

### STAFF RECOMMENDATION 2

Council:

- 1 Receives and accepts the Auditors Report for 2014/2015;
- 2 Receives and accepts the Auditors Management Letter 2014/2015;
- 3 Sets the date for the Annual General Meeting of Electors for Tuesday 2 February 2016 commencing 6.00pm at the Nabawa Council Chamber and advertise this meeting.
- 4 Approves the CEO to give local public notice of the availability of the Annual Report as required by s5.55 of the Act;
- 5 Provides a copy of the Shire of Chapman Valley 2014/2015 Annual Report to the Director General of the Department of Local Government.

<b>AGENDA ITEM:</b>	<b>9.3.2</b>
<b>SUBJECT:</b>	<b>COUNCIL FORUM SESSION RULES &amp; PROCEDURES</b>
<b>PROPONENT:</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>SITE:</b>	<b>SHIRE OF CHAPMAN VALLEY</b>
<b>FILE REFERENCE:</b>	<b>411.00</b>
<b>PREVIOUS REFERENCE:</b>	<b>MINUTE REFERENCE: 04/12-8</b>
<b>DATE:</b>	<b>16<sup>th</sup> DECEMBER 2015</b>
<b>AUTHOR:</b>	<b>MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER</b>

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

Cr Wood advised the Forum Session last month where Council had adopted rules and procedures in April 2012 for how the Council Forum Sessions are to be conducted. However, it appears these *Council Forum Session Rules & Procedures* were not being adhered to.

I undertook an investigation into the history of Council dealing with how the Forum Sessions are to be conducted with the following chronological order of resolutions being relevant to this matter. Sections coloured **BLUE** are actual Council resolutions i.e.

### Original Policy Adopted – October 2001 (Minute Ref:10/01-8)

#### **9.80 CORPORATE DISCUSSION SESSION GUIDELINES**

*Prior to the commencement of the ordinary Meetings each month the Council holds a Corporate Discussion Session. All Councillors and executive staff attend the session to have frank/open discussion concerning matters raised by all those in attendance.*

*E.g. to work through policies which require preparing or updating and these will be listed on a future agenda. To undertake this in a structured meeting procedure under standing orders would be very time consuming.*

*The guidelines for these sessions are as follows: -*

1. *There will be no set agenda prepared for the session, however to allow everyone to come somewhat prepared the following headings be utilised: -*
  - *Main topics to be discussed as requested at previous sessions*
  - *Further topics raised for future discussion*
  - *Main topic for discussion at next session*
2. *This does not restrict any matter from being raised by a Councillor or staff member on the day of the session.*
3. *There will be no members of the public or press allowed at the Corporate Discussion Sessions.*
4. *There are no minutes kept for the Corporate Discussion Session, however briefing notes will be taken.*
5. *There will be no decision/resolution/voting at these sessions. It is designed to discuss issues and provide guidance and/or clarification.*
6. *Any item that requires a decision of the Council will be listed on a future agenda within a report with recommendation.*
7. *Discussion will be conducted in a structured and orderly manner and directed through the Chair.*

## **9.90**

### **PUBLIC FORUM**

*Council resolved to hold Public Forums on their Council Meeting days to allow people to discuss any matter with the council.*

*There is Question Time at the commencement of meetings of the council, however this is not designed for debate or discussion, only question and answer. Therefore the Public Forum would be the avenue for debate and discussion.*

*Guidelines for the Public Forum are: -*

- 1. The Public Forum does not form part of the actual meeting of Council.*
- 2. Discussion or debate will be conducted in a structured and orderly manner and directed through the Chair.*
- 3. There will be no taking of minutes of the Public forum as it is only discussion and debate.*
- 4. There will be no action or resolutions resulting from the Public forum.*
- 5. Should any participant wish to have action taken as a result of any of the debate or discussion they should write to Council in order that it can be dealt with through normal meeting procedure.*

*All debate, discussion and answers to questions are provided in good faith and to the best of the ability of those.*

## **9.100**

### **RULES FOR QUESTION TIME**

- 1. Question Time is not a public forum for debate or making of public statements. The time is limited to a question and answer period only, and questions should be clear and to the point to enable a response.*
- 2. To enable all members of the public present to participate in question time, each individual will only ask one question at a time. The President or Presiding member will then allow the members of the public to ask further questions sequentially one at a time.*
- 3. Question to be directed through the Chair, with the President or Presiding Member having the discretion of accepting or rejecting a question, responding to the question or the right to nominate a Councillor or Officer to answer.*
- 4. Answers to questions are provided in good faith, however, unless reasonable prior written notice of the question is given, the answer provided may not be totally comprehensive and therefore cannot be relied upon.*
- 5. If a question raised is unable to be answered at the meeting, it is to be submitted in writing by the person asking the question and dealt with in accordance with normal Council procedures.*
- 6. The person asking the question is requested to give his/her name and address prior to asking the question.*

**CARRIED**  
**Voting 9/0**  
**Minute Ref:10/01-8**

## Reviewed Policy – October 2002 (Minute Ref: 10/02-12)

*Council discontinue with the public forum on Council days between 3.30pm and 4.30pm and*

1. *Council remove any reference to a Public Forum from Policy 9.70.*
2. *Council delete Policy 9.90 regarding Guidelines for conducting Public Forums.*

*CARRIED  
Voting 9/0  
Minute Reference 10/02-12*

## Reviewed Policy – December 2006 (Minute Ref: 12/06-6)

*That Council amends Policy 9.70 to read as follows;*

*The Council adopts the following schedule on Ordinary Meeting days;*

- *1.00pm – 3pm Corporate Discussion Session*
- *3.30pm – Close Ordinary Meeting*

*That Council amend Policy 9.80 Corporate Discussion Session Guidelines item 1 as follows.*

*An Agenda will be prepared for the session as follows;*

### 1. INFORMATION REPORTS

#### 1.1 Status Reports

##### 1.1.1 Corporate Discussion Status Report

##### 1.1.2 Maintenance Grading Report

##### 1.1.3 Roadworks Status Report

##### 1.1.4 Plant Costing Status Report

##### 1.1.5 Coronation Beach Comments/Suggestions Report

##### 1.1.6 Property Maintenance Status Report

#### 1.2 Works Supervisor's Information Report

#### 1.3 Senior Ranger's Information Report.

#### 1.4 Property Manager/Ranger's Information Report

#### 1.5 Corporate Discussion Session

#### 1.6 Manager of Planning and Regional Development Information Report

#### 1.7 Deputy CEO Information Report

#### 1.8 Chief Executive Officer Information Report

#### 1.9 Councillors

### 2. TOPICS CARRIED OVER FROM LAST/PREVIOUS SESSION(S) FOR DISCUSSION

### 3. FURTHER TOPICS REQUESTED FOR DISCUSSION AT THIS SESSION

### 4. TOPICS FOR DISCUSSION AT A FUTURE SESSION

### 5. GENERAL BUSINESS

### 6. CLOSURE

- 1 TOPICS CARRIED OVER FROM LAST/PREVIOUS SESSION(S) FOR DISCUSSION
- 2 FURTHER TOPICS REQUESTED FOR DISCUSSION AT THIS SESSION
- 3 TOPICS FOR DISCUSSION AT A FUTURE SESSION
- 4 GENERAL BUSINESS
- 5 CLOSURE

CARRIED  
Voting 8/1  
Minute Reference 12/06-6

**Reviewed Policy – February 2009 (Minute Ref: 02/09-11)**

*That Council amend Policy 9.80 Corporate Discussion Session Guidelines item 1 as follows:*

1. OFFICERS REPORTS
  - 1.0 Officers Status Report
  - 1.1 Manager of Works & Services
    - 1.1.1 Information Report
  - 1.2 Senior Ranger
    - 1.2.1 Information Report
  - 1.3 Building Surveyor
    - 1.3.1 Information Report
  - 1.4 Community Development Officer
    - 1.4.1 Information Report
2. TOPICS CARRIED OVER FROM PREVIOUS SESSION FOR DISCUSSION
3. TOPICS REQUESTED FOR DISCUSSION AT CURRENT SESSION
4. TOPICS FOR DISCUSSION AT A FUTURE SESSION
5. SENIOR MANAGEMENT REPORTS
  - 5.0 Senior Management Status Report
  - 5.1 Manager of Planning & Development
    - 5.1.1 Information Report
  - 5.2 Manager of Corporate Services
    - 5.2.1 Information Report
  - 5.3 Chief Executive Officer
    - 5.3.1 Information Report
6. GENERAL BUSINESS
  - 6.1 Elected Members



7. CLOSURE

CARRIED  
Voting 7/0  
Minute Reference 02/09-11

Reviewed Policy – May 2010 (Minute Ref: 05/10-26)

*That Council review and adopt the Policy Manual with changes identified.*

CARRIED  
Voting 8/0  
Minutes Reference 05/10-26

**(Note: No records in Minutes or Agenda what the changes are referred to in the Minutes)**

Reviewed Policy – June 2011 (Minute Ref: 6/11-15)

*That Council review and adopt the Policy Manual with change as identified during the meeting and the updating of staff position titles where referred to, to suit the current (as at June 2011) structure.*

CARRIED  
Voting 8/0  
Minute Reference: 6/11-15

**(Note: No records in Minutes or Agenda what the changes are referred to in the Minutes)**

By 2011 Policy/Procedure 9.80 was no longer part of the Policy Manual???. One can only assume this Policy/Procedure must have been removed as part of annual review of all policies. However, there are no records in the Minutes to reflect this change.

Reviewed Policy – April 2012 (Minute Ref: 04/12-8)

*That Council adopt the Shire of Chapman Valley Forum Rules and Procedures as presented in Attachment 1.*

CARRIED  
Voting: 8/0  
Minute Reference 04/12 - 8

*(Note: See Policy Implications below for a copy of the “Forum Session Rules & Procedures” adopted in the above resolution.)*

The interesting aspect of this resolution is the adopted Procedure was never added to the Shire Policy/Procedures Manual. Therefore was never reviewed as part of the annual review of all Policies & Procedures since.

There is also no evidence the Procedure was actually implemented.

**COMMENT**

I am not sure why an adopted Policy/Procedure would never have been inserted into Council's Policy & Procedures Manual, nor why the Policy/Procedures appears not to have been actioned after being adopted. However, it remains a resolution of Council and unless Council wishes to revoke resolution 04/12-8 the Procedure needs to be implemented, or at least reviewed. I am advocating the Procedure needs to be reviewed as it hasn't been reviewed since it was adopted in April 2012 due to the Procedure not being added to the Policy/Procedures Manual for it to be part of the annual review process.

## STATUTORY ENVIRONMENT

Though there is no actual statutory requirement for a local government authority to have rules and procedures on how to conduct Forum Sessions. The Department of Local Government & Communities has released Operational Guidelines, which are considered industry standards and best practice on how Forums should be conducted.

## POLICY IMPLICATIONS

Below is a copy of the Forum Session Rules and Procedures adopted by Council at the April 2012 OCM (Minute Ref: 04/12-8) yet never appear to have been implemented.

### **SHIRE OF CHAPMAN VALLEY** **COUNCIL FORUM RULES AND PROCEDURES**

#### 1. Accountability

- 1.1 *During the Forum meeting no opportunity for a collective Council decision or implied decision that binds the Shire of Chapman Valley are to be made. i.e. no decision making to occur.*
- 1.2 *Agenda forums are for staff to present information and elected members to ask questions. At no stage during a Agenda Forum are Councillors to engage in vigorous discussion or debate. The Chair to ensure no vigorous discussion or debate between Councillors on the issues raised occurs. To ensure best meeting practice all questions are to be directed through the chair and no free-flowing discussion between elected members is permitted.*
- 1.3 *The Shire of Chapman Valley, when considering conducting closed forums, need to consider their reasons for justification against the likely damage to their public standing from the perception of secrecy. The Shire of Chapman Valley forums will generally be open to the public.*

#### 2. Openness and Transparency

- 2.1 *A significant strength of local government is the openness and accessibility of its processes to the community.*
- 2.2 *In conducting Council forums the Shire of Chapman Valley embraces the concept of openness and transparency.*
- 2.3 *Whenever appropriate the Shire of Chapman Valley Council Forums may be open to the public, however Council reserves the right to close any meeting to the Public if deemed appropriate.*

#### 3. Probity and Integrity

- 3.1 *To ensure high ethical and probity standards and accountability are maintained during Council Forums, Councillors and Staff the comply with the same disclosure rules that would apply as if they were in a Council Meeting. i.e. Conflicts of Interest, proximity interests, impartiality interests and financial interests they should exclude themselves from the Forum proceedings. There is no opportunity for a person with a interest to request they continue in the forum.*

#### 4. Authority for the Chair

- 4.1 *The Shire President is to Chair the Council Forum meetings.*
- 4.2 *In the absence of the Shire President the Deputy Shire President is to Chair the Forum.*
- 4.3 *In the absence of the Shire Deputy President the Councillors present are to elect a Chairperson from amongst them.*

- 4.4 *The Chairperson has the same power and authority to chair the Forum as if the Shire of Chapman Valley Standing Orders Local Law applied at an Ordinary Council Meeting.*

5. Meeting Notification

- 5.1 *The CEO is to ensure that Councillors are given timely notice of the time, location and content for Forum Meetings (minimum 72 hours' notice required). Forum Meeting are to be held on the Third Wednesday of the month except January where there is no meeting, to be held after the Ordinary Council Meeting concludes.*

6. Record Keeping

- 6.1 *A general record of all Forums shall be maintained by the CEO, recording disclosures of interest with appropriate departures/returns.*

The Department of Local Government & Communities (DLGC) developed and published the *Council Forum Local Government Operational Guidelines* which I have attached for Council's information (see **Attachment 1**).

Attached at **Attachment 2** is the Procedure adopted in April 2012 with my suggested changes tracked. The Staff Recommendation is the revised Procedure with all tracked changes accepted.

**FINANCIAL IMPLICATIONS**

No financial implications anticipated.

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

No affect on the LTFP

**STRATEGIC IMPLICATIONS**

It is important Council has in place policies and procedures to ensure best practice is evident in the area of the Shire's governance.

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

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

**CONSULTATION**

It appears the Shire may have introduced the *Forum Rules and Procedures* in April 2012 as a result of the Probity Audit undertaken by the DLG&C in August 2011. One of the issues raised in the Probity Audit was stated as below:

"Corporate Discussion Sessions"

*It was noted that the Council held what was termed "Corporate Discussion Sessions" until 3 months ago.*

*While the Department has issued guidelines on the conduct of "Council Forums" (Local Government Operational Guidelines – number 05 January 2004) and emphasised that is managed appropriately they may be considered of value and a legitimate form of communication within the governance structure.*

However, the form of these sessions conducted by the Shire did not appear to meet a number of Procedural controls mentioned in the Department's guidelines.

For example, some of the following procedural controls were not evident:

- Recording attendances at the discussion sessions;
- Providing for the recording of disclosure of interest;
- **No clear fundamental or basic rules relating to the conduct or procedures for the sessions;**
- Arriving at a consensus or outcome that did not necessarily appear to have Council's formal endorsement or supporting Council decision.

A significant attribute of local government is the openness and accessibility of its processes to the community. In conducting forums or sessions each local government should make a concerted effort to ensure that it demonstrates a satisfactory level of openness and transparency by embracing procedures and practices that promote high standards in its decision making processes.

**Recommendation: 15**

*That Council does not reintroduce Corporate Discussion Sessions until it has thoroughly considered other options that provide similar functions and operate in line with rules and procedures that are contained in the Department's guidelines on Council Forums*

Council formally wrote to the DLG&C on the 25<sup>th</sup> August 2015 in response to the Probity Audit stating the following specifically in regards to **Recommendation 15**:

*"In response to RECOMMENDATION 15, a process was introduced in May 2011 whereby staff reports have been presented as a specific item under the heading "Officer/Staff Reports" and there has been no suggestion for the resurrection of a forum proceeding Council Meetings."*

Though I was not involved in the Probity Audit process I can only imagine the April 2012 resolution to adopt *Forum Rules and Procedures* was based on Recommendation 15 of the Audit as Council attempted to move into more formalized forum sessions

## RISK ASSESSMENT

There a risk of Council not conducting Forum Sessions in accordance with best-practice guidelines and procedures. I believe the recommended revised Corporate Manage Procedure now clearly stipulates the sessions Council are holding are actually **Concept Forums** and not Agenda Forums.

Agenda Forums designed for Elected Members to seek for information on forthcoming Agenda items, which are open to the public. Whereas, Concept Forums are more strategic based to assist employees in researching information for the development Agenda items to be presented to subsequent Council meeting and should not be open to the public. This is supported by the DLG&C Operational Guidelines on Council Forums.

## VOTING REQUIREMENTS

Simple Majority

## STAFF RECOMMENDATION

Council replaces the existing "*Council Forum Rules and Procedures*" adopted in April 2012 (Minute Reference: 04/12-8) with the following Corporate Management Procedure for *Concept Forum Guidelines*:

MANAGEMENT PROCEDURE No.	CMP-071
MANAGEMENT PROCEDURE	CONCEPT FORUM GUIDELINES
RESPONSIBLE DIRECTORATE	GOVERNANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	ADOPTED: MINUTE REFERENCE - 04/12-8
RELEVANT DELEGATIONS	NA

## **OBJECTIVES:**

The Shire will conduct Concept Forums involving Elected Members and employees meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the Shire.

Examples of the type of issues Concepts Forums may include are:

- Current matters of a local or regional significance;
- Matters relating to the future development of the Shire;
- Significant revenue raising requirements or expenditure needs;
- The development of internal strategic, planning, management and financial documents; and

In discussing such items, Officers will acknowledge the Elected Members' feedback and comments and this will be researched for inclusion into final reports, which will be considered at a subsequent Council meeting.

## **MANAGEMENT PROCEDURE STATEMENT/S:**

### 1. Accountability

- 1.1 *During the Concept Forum meeting no opportunity for a collective Council decision or implied decision that binds the Shire of Chapman Valley are to be made. i.e. no decision making to occur;*

### 2. Openness and Transparency

- 2.1 *A significant strength of local government is the openness and accessibility of its processes to the community.*
- 2.2 *In conducting Council forums the Shire of Chapman Valley embraces the concept of openness and transparency; however, Concept Forums will be closed to the public due to the nature of items to be discussed at these forums being to allow Elected Members and employees the opportunity to propose ideas, ask questions and discuss issues, which will form the basis of research undertaken by employees for inclusion into final reports, which will be considered at a subsequent Council meeting..*

### 3. Probity and Integrity

- 3.1 *To ensure high ethical and probity standards and accountability are maintained during Concept Forums, Councillors and Staff are to comply with the same disclosure rules that would apply as if they were in a Council Meeting.*

### 4. Authority for the Chair

- 4.1 *The Shire President is to Chair the Concept Forum meetings.*
- 4.2 *In the absence of the Shire President the Deputy Shire President is to Chair the Concept Forum.*
- 4.3 *In the absence of the Shire Deputy President the Councillors present are to elect a Chairperson from amongst them.*
- 4.4 *The Chairperson has the same power and authority to chair the Concept Forum as if the Shire of Chapman Valley Standing Orders Local Law applied at an Ordinary Council Meeting.*

### 5. Meeting Notification

- 5.1     *The CEO is to ensure that Councillors are given timely notice of the time, location and content for Concept Forum Meetings (minimum 72 hours' notice required). Concept Forum Meetings are to be held on the Third Wednesday of the month except January where there is no meeting, to be held after the Ordinary Council Meeting concludes.*

6.   Record Keeping

- 6.1     *A general record of all Forums shall be maintained by the CEO, recording attendance, apologies, disclosures of interest with appropriate departures/returns.*

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES):**

Adopted – Council Resolution:	04/12-12
Reviewed/Amended – Council Resolution:	



Government of **Western Australia**  
Department of **Local Government and Communities**

# Local Government Operational Guidelines

Number 05 – January 2004

## Council Forums



## 1. Introduction

Over recent years many local governments have introduced procedures that allow elected members and officers to meet and discuss matters relating to the operation and affairs of their local government outside of the formal council meeting framework. This has been done through an informal meeting process that has been given a range of titles including briefing or information sessions, workshops and corporate discussions. For the purposes of this guideline the term “forum” will be used to encompass such meetings.

The forum approach has allowed the ordinary meeting of council to focus on the decision-making needs of the local government. Many local governments that have adopted the forum process in preference to standing committees claim that it has led to better informed elected members and a more efficient and effective decision-making regime. This guideline is designed to assist those local governments that do conduct forums by listing appropriate procedural and behavioural controls. The adoption of such controls should reassure the community that the council decision-making mechanisms are accountable, open and transparent.

Local government forums range from one-off events discussing a particular issue through to regular, structured meetings, albeit not convened under the auspices of the *Local Government Act 1995* (the Act). This guideline is intended to address those forums that are held on a regular basis.

While acknowledging that regular forums are invaluable and legitimate, the Department advises that the conduct of such has generated complaints regarding the potential for a reduced level of transparency in the decision-making process and hence a reduction in accountability to and involvement by the community. Local governments need to make a clear distinction between forums and the formal debate and decision-making process.

It is recognised that local governments may conduct other sessions or workshops which would include items such as team building exercises, strategic planning workshops and community input forums. It is not intended that these guidelines would necessarily be applied to such sessions, but some of the suggested procedural controls may have relevance.

Issues relating to council forums that are addressed in these guidelines include:

- accountability;
- openness and transparency;
- probity and integrity;
- authority for the presiding person;
- participation by elected members and staff;
- proposals under Town Planning Schemes;
- formulating management documents; and
- forums immediately prior to an ordinary meeting of council.

## 2. Principles of the Act

Part 5 of the Act sets out the framework whereby elected members meet as the governing body for the purpose of decision-making on behalf of the local government.

It is an intention of the Act that councils conduct business and make decisions –

- openly and transparently;
- with a high level of accountability to their community;
- efficiently and effectively;
- with due probity and integrity;
- acknowledging relevant community input;
- with all available information and professional advice; and
- with the fullest possible participation of elected members.

The Act establishes ordinary, special and committee meetings. Each council must decide the meeting structure it will adopt within the legal framework for it to achieve the most efficient and effective decision-making process. It is a legal requirement that all decisions made on behalf of the local government are to be made at meetings called and convened under the provisions of the Act.

In addition to ordinary and special meetings, elected members can meet as a committee, membership of which may vary in number from three to all members of council. Committees can discuss matters and make recommendations to the council or, if given delegated authority by the council, can make decisions on its behalf. A council does not need to have committees and can have all matters presented to it directly for decision. A recent trend has been

for councils to abolish the system of standing committees or limit the number and/or range of committees and adopt a forum approach.

## 3. Council Forums

Local government forums range from a once-only event to discuss and explore a particular issue, a number of sessions to address matters such as a specific project or the compilation of a report for internal or external use, through to forums held at regular intervals with a consistent structure and objectives.

Regular forums run in local governments exhibit two broad categories which we have titled agenda and concept. They are differentiated by the stage of development of issues which are discussed by elected members and staff. The two types are described below along with the variations in procedural controls and processes suggested for each.

### Concept Forums

Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision. In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Elected members and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Examples of the type of issues concept forums may cover include –

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

Discussion on such proposals in a public forum would be counter-productive. Privacy and informality allows elected members to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views.

The privacy and informality of concept forums also has pitfalls including the risk of neglecting proper standards of probity and public accountability. Over time, participants can become too familiar, and therefore more lax, with the procedure and purpose of the meeting. Unless procedures are adopted and rigorously applied to these forums, there is a danger that collective or collaborative decisions may be made, implied and otherwise.

### Agenda Forums

For proper decision-making, elected members must have the opportunity to gain maximum knowledge and understanding of any issue presented to the council on which they must vote. It is reasonable for elected members to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary council meetings. The complexity of many items means that elected members may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members. Many local governments have determined that this can be achieved by the elected members convening as a body to become better informed on issues listed for council decision. Such assemblies have been termed **agenda forums**. It is considered they are much more efficient and effective than elected members meeting staff on an individual basis for such a purpose with the added benefit that all elected members hear the same questions and answers.

To protect the integrity of the decision-making process it is essential that **agenda forums** are run with strict procedures.

## 4. Principles Governing Procedural and Behavioural Controls for Forums

Local governments that conduct forums or are considering doing so have the right to implement a forum system that best suits their needs. The principles and associated procedures set out below, if adopted by local governments when conducting



forums, will ensure that all requirements of accountability, openness and transparency are satisfied.

The identified principles and associated procedures are accountability, openness and transparency, probity and integrity, authority for the chair and meeting notification. Each of these is explained below.

### **Accountability**

The Act requires that ordinary and special council meetings and committee meetings that have delegated authority must be open to the public. Most local governments also open committee meetings even where there is no delegated authority. This openness allows the community to view the decision-making process from the time an issue is first presented to elected members through to the final decision.

There must be no opportunity for a collective council decision or implied decision that binds the local government to be made during a forum.

Agenda forums should be for staff presenting information and elected members asking questions, not opportunities to debate the issues. A council should have clearly stated rules that prohibit debate or vigorous discussion between elected members that could be interpreted as debate. Rules such as questions through the chair and no free-flowing discussion between elected members should be applied.

If there is minimum debate in the ordinary meeting because the elected member attitudes have been established through the item being thoroughly canvassed in the [agenda forum](#) then the community

is denied the opportunity to witness any debate and understand how the council reached its decision. Other concerns relate to elected members agreeing on movers, seconders and/or amendments. Such an approach must not be allowed by the council whether the [agenda forum](#) is open or closed to the public but a closed forum will almost certainly generate a perception by the community of secret meetings where the decisions are made beyond public scrutiny.

Councils, when considering conducting closed forums, need to consider their reasons for justification against the likely damage to their public standing from the perception of secrecy. A policy that the forums will generally be open to the public will make a significant contribution to the community perception of council accountability. A clearly delineated distinction between agenda and concept forums is important for these reasons.

### **Openness and Transparency**

A significant strength of local government is the openness and accessibility of its processes to the community. In conducting forums each local government should make a conscious decision to promote the community perception that it embraces the concept of openness and transparency. Therefore, whenever appropriate, forums should be open to the public.

### **Probity and Integrity**

The legislation provides that in ordinary meetings and committee meetings elected members must disclose conflicts of interest and exclude themselves from proceedings where they have a financial interest.

Disclosure in forums is a matter of ethics. The disclosure requirements only apply to meetings that are convened under the provisions of the Act. Elected members can legally participate at forums without being in breach of the legislation even where they have a clear financial interest or conflict of interest. Such participation is ethically unacceptable and is clearly at odds with the probity and accountability principles of the Act and codes of conduct. It is essential that councils adopt standards for forums that stipulate that disclosure rules applying to meetings constituted under the Act also apply at all forums. Disclosure should lead to an individual departing the forum.

#### **Authority for the Chair**

Many councils have established a forum process without specifying how the forums should be chaired and what authority the chair is given to control proceedings. In some local governments, the CEO chairs the forums in certain circumstances. This latter approach is not supported because it confuses the roles and relationships established in the Act.

It is recommended that the mayor or president or, if appropriate, another elected member, chairs all forums that involve elected members. Properly managed forums rely on strength and leadership from the chair. Therefore, a forum's chair should be supported by established rules similar to the standing orders that apply to formal meetings.

#### **Meeting Notification**

The provisions of the Act are designed to ensure that members are given timely notice of, and information for, council and committee meetings. Formal provisions

do not apply to forums but the principles remain the same. Adequate notice needs to be given of the time, location and content of the forum.

The forum process is most successful in those local governments where forums are held on a regular basis such as on the alternative weeks to the ordinary council meeting (where they are held fortnightly) or a week before the ordinary council meeting. By setting the dates for forums well in advance, elected members, staff and the community can plan for their attendance.

Forums that are organised without adequate notice or a proper agenda are often poorly attended and inefficiently run. This will be detrimental to the purpose of the forum.

### **5. Particular Issues of Concern in the Forum Process**

There are a number of concerns relating to the content and conduct of forums. These are set out below. Councils need to be aware of these and take action to overcome the concerns if such apply to them.

#### **Dealing With Proposals Under the Town Planning Scheme**

The discretion available to council when making decisions under the Act is not always available when making decisions under town planning legislation. When a council is dealing with town planning matters, it does so under the powers conferred by the State planning legislation. Council assumes the role of a planning authority (ie Western Australian Planning Commission) and an elected member the



role of a planning commissioner. Council is not only constrained by the conditions of its Town Planning Scheme but also by the relevant State Acts.

Decision-making in town planning matters requires the decision-maker to maintain a high degree of independence from the process leading up to the decision being made. The elected member needs to be in a position of being able to make his or her decision after taking into account the relevant and material facts and circumstances as presented to all fellow elected members. These same comments apply whether councils do or do not work with specialist planning committees. Elected members need to be wary of involvement in the lead-up process to a certain decision, especially as a sole agent or member of a small group and being subjected to information from the developer or parties associated with the developer. This may be interpreted as reducing the independence of the decision-maker.

Councils will often have briefings relating to development issues and these are important in terms of the elected members becoming fully informed on the matter on which they have to vote. The nature of the decision means that briefing sessions involving planning matters should be conducted with the strictest of rules. There should be no implication of debate between elected members; the session should primarily involve information being given by the relevant officer and other parties with questions from the floor directed through the chair. In cases where an elected member has relevant information on a development matter to be conveyed to the meeting, it must be done through the chair so that all decision-makers are privy to that information.

### **Formulating Management Documents**

Many local governments prepare their management documents, such as budgets, plans for the future and policy manuals, through a forum process. In many cases this involves a number of forums to which all elected members are invited and the public are excluded. Such forums are not set up under the auspices of the Act. There are no formal decisions made as in due course the documents are adopted at a formal meeting of council. Nevertheless, as the forums proceed and the document is developed, some issues are included, some are discarded and others may need further research by staff. If records of the matters discussed at the forums are not kept, development stages of the documents will be uncertain and hence any orderly progress inhibited. Additionally, the process may lack accountability and the probity of elected members and staff could be challenged. Change of membership of the group by either staff or elected members would again place doubt on the validity of the process.

A more suitable procedural process for the development of management documents would be the formal establishment of a committee under the Act with that assigned purpose. Although the committee meetings, if no power or duty has been delegated to the committee, are not required by legislation to be open to the public, the integrity of the process is protected by the legislative requirement for the agenda and minutes to be available for public inspection. Such committees, upon completion of their assigned task(s), could be wound up or reconvened the following year when the task was again required. Examples would be a committee reviewing standing orders and a "Budget

Committee." The former would be wound up upon submission of its report to council. The "Budget Committee" would be an ongoing but occasional committee which would meet each year from (say) March to early July.

Some committees could have a select and limited membership whereas others (such as the budget committee) could include all elected members.

### **Forums Immediately Prior to an Ordinary Meeting of Council**

Some local governments hold forums immediately prior to ordinary council meetings. Anecdotal evidence suggests that in discussing the agenda of the forthcoming meeting at such forums implied decisions may be made. This familiarity with the issues and known attitudes can lead to debate at the ordinary council meeting being stifled or non-existent much to the chagrin of the public who are not privy to the earlier discussions. Forums held immediately prior to ordinary council meetings cause more complaints of secret meetings and predetermined decisions than any other type of forums.

Pre-meeting forums may be beneficial where an elected member has additional or alternative information to that contained in a staff report which may be controversial or cause problems within the ordinary meeting at the time the item is discussed. Certainly, it is an advantage for the CEO, council and particularly the presiding member to be aware of potential problems in the forthcoming ordinary meeting. While a pre-meeting forum provides the opportunity to inform others of the potential problem it would be preferable to raise the matter with likely concerned

parties such as the presiding member, CEO and reporting officer much earlier than immediately before the meeting. Early advice will give those concerned the opportunity to undertake action to address the identified problems.

It is recognised that with many local governments, especially those that are in rural locations, the timing of the pre-meeting forum is understandable in that the elected members can only get together once a month because of travel time and they need an opportunity to discuss issues with the freedom of a forum.

After consideration of these issues, it is recommended that if a council determines that the only time available for a forum is prior to an ordinary council meeting and it is to be closed to the public, then it be established as a **concept forum** and reference to the forthcoming agenda should be prohibited unless a special circumstance is conveyed to the presiding member. An example of a special circumstance would be information additional to, or contradicting the staff report which is likely to lead to non-adoption or significant variation of the recommendation and it has not been possible to convey such information at an earlier time. Adoption of the **concept forum** approach means elected members needing additional information or explanations from staff on forthcoming agenda items will have to make alternative arrangements to meet their requirements.

The adoption of such rules on pre-meeting forums should be conveyed to the public. Advice of the conducting of such a forum and its general content at the ensuing ordinary meeting will reinforce the openness and accountability of council.



## 6. Forums that Incorporate Both Concept and Agenda Items

Many local governments will run only one forum and it will cover both agenda items to be addressed at the next council meeting and wide-ranging concept issues. It is suggested that the different requirements of the two types are recognised and they be categorised as such in the forum agenda. The most important aspect is that the presiding person apply appropriate procedures regarding debate and discussion between elected members when agenda items are being covered.

Such forums should also be open to the public.

## 7. Model Procedures for Forums

Before introducing, or continuing with forums, councils have a responsibility to weigh carefully the risks as well as the benefits associated with such a process and consider if there are better, alternative ways of achieving the desired outcomes.

Councils that hold forums should adopt meeting rules and processes to ensure that proper standards of probity and public accountability are adhered to. Particular emphasis must be placed on ensuring that there is no decision-making during these forums and that this is rigidly enforced.

### Procedures Applying to Both Concept and Agenda Forums

The Department recommends that councils adopt a set of procedures for both types of forums which include the following –

- Dates and times for forums should be set well in advance where practical;
- The CEO will ensure timely written notice and the agenda for each forum is provided to all members;
- Forum papers should be distributed to members at least three days prior to the meeting;
- The mayor/president or other designated elected member is to be the presiding member at all forums;
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed;
- Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meeting room;
- There is to be no opportunity for a person with an interest to request that they continue in the forum; and
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

### Procedures Specific to Concept Forums

The Department recommends that councils adopt specific procedures for **concept forums** which include the following –

- Concept forums may be open to the public when an issue is being discussed that council believes would benefit from public awareness and debate;



- Discussion between members is to be limited to those issues which are in the preliminary development stages. Items already listed on a council meeting agenda are not to be discussed; and
- As discussion items are not completely predictable there is to be some flexibility as to disclosures of interest. A person may disclose an interest at the time discussion commences on an issue not specifically included on the agenda.

#### Procedures Specific to Agenda Forums

The Department recommends that councils adopt specific procedures for [agenda forums](#) which include the following –

- Agenda forums should be open to the public unless the forum is being briefed on a matter for which a formal council meeting may be closed;
- Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings (or period deemed appropriate);
- Briefings will only be given by staff or consultants for the purpose of ensuring that elected members and the public are more fully informed; and
- All questions and discussions will be directed through the chair. There will be no debate style discussion as this needs to take place in the ordinary meeting of council when the issue is set for decision.

## 8. General Discussions in Councils Without Forums

Travel and time constraints mean that many councils can convene for a limited time; for many, only one day per month. As a result, some local governments have continued with the traditional ordinary meeting format where the decision-making is combined with wide-ranging discussion on other matters. A major problem with this approach is that the wide-ranging discussions result in meetings continuing for long periods of time.

There are benefits to elected members, the public and the staff if the issues requiring decision are dealt with during one continuous stage early in the meeting.

Elected members can have more effective broad ranging discussion during the same time frame as the traditional council meeting with a revised structure. It is suggested a better format would be for the ordinary meeting to be closed as soon as the required decisions have been made. The general discussions would then be pursued in a [concept format](#) environment. The advantages of this approach are the opportunity for councillors to discuss issues of concern in an informal environment.

## 9. Summary

With most local governments, elected members need opportunities to discuss issues outside of the formal ordinary meeting process. The Department acknowledges this approach because those elected members that have the maximum opportunities for input will obtain the greatest satisfaction emanating from their time in local government.

The opportunity for input can be best gained through forums or committees of the full council.

Councils that wish to hold forums of either the concept or [agenda type](#) are encouraged to adopt rules and processes that are in line with these guidelines. This will assist with openness and accountability, minimise public criticism and lead to a more effective and efficient local government.

These guidelines are also available on the Department's website at [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)



#### About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Regulation and Support Branch at:

**Department of Local Government and Communities**

Gordon Stephenson House, 140 William Street, Perth WA 6000

GPO Box R1250, Perth WA 6844

Telephone: (08) 6551 8700 Fax: (08) 6552 1555

Freecall (Country only): 1800 620 511

Email: [info@dlgc.wa.gov.au](mailto:info@dlgc.wa.gov.au) Website: [www.dlgc.wa.gov.au](http://www.dlgc.wa.gov.au)

Translating and Interpreting Service (TIS) – Tel: 13 14 50

MANAGEMENT PROCEDURE No.	CMP-071
MANAGEMENT PROCEDURE	CONCEPT FORUM GUIDELINES
RESPONSIBLE DIRECTORATE	GOVERNANCE
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	ADOPTED: MINUTE REFERENCE - 04/12-8
RELEVANT DELEGATIONS	NA

**OBJECTIVES:**

The Shire will conduct Concept Forums involving Elected Members and employees meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the Shire.

Examples of the type of issues Concepts Forums may include are:

- Current matters of a local or regional significance;
- Matters relating to the future development of the Shire;
- Significant revenue raising requirements or expenditure needs;
- The development of internal strategic, planning, management and financial documents; and

In discussing such items, Officers will acknowledge the Elected Members' feedback and comments and this will be researched for inclusion into final reports, which will be considered at a subsequent Council meeting.

**MANAGEMENT PROCEDURE STATEMENT/S:****7. Accountability**

- 1.1 During the Concept Forum meeting no opportunity for a collective Council decision or implied decision that binds the Shire of Chapman Valley are to be made. i.e. no decision making to occur;

~~1.2 Agenda forums are for staff to present information and elected members to ask questions. At no stage during a Agenda Forum are Councillors to engage in vigorous discussion or debate. The Chair to ensure no vigorous discussion or debate between Councillors on the issues raised occurs. To ensure best meeting practice all questions are to be directed through the chair and no free-flowing discussion between elected members is permitted.~~

~~1.3 The Shire of Chapman Valley, when considering conducting closed forums, need to consider their reasons for justification against the likely damage to their public standing from the perception of secrecy. The Shire of Chapman Valley forums will generally be open to the public.~~

**8. Openness and Transparency**

- 2.1 A significant strength of local government is the openness and accessibility of its processes to the community.
- 2.2 In conducting Council forums the Shire of Chapman Valley embraces the concept of openness and transparency; however, Concept Forums will be closed to the public due to the nature of items to be discussed at these forums being to allow Elected Members and employees the opportunity to propose ideas, ask questions and discuss issues, which will form the basis of research undertaken by employees for inclusion into final reports, which will be considered at a subsequent Council meeting.

~~2.3 Whenever appropriate the Shire of Chapman Valley Council Forums may be open to the public, however Council reserves the right to close any meeting to the Public if deemed appropriate.~~

9. Probity and Integrity

3.1 To ensure high ethical and probity standards and accountability are maintained during ~~Council-Concept~~ Forums, Councillors and Staff ~~the-are to~~ comply with the same disclosure rules that would apply as if they were in a Council Meeting. ~~i.e. Conflicts of Interest, proximity interests, impartiality interests and financial interests they should exclude themselves from the Forum proceedings. There is no opportunity for a person with a interest to request they continue in the forum.~~

10. Authority for the Chair

4.1 The Shire President is to Chair the ~~Council-Concept~~ Forum meetings.

4.2 In the absence of the Shire President the Deputy Shire President is to Chair the ~~Concept~~ Forum.

4.3 In the absence of the Shire Deputy President the Councillors present are to elect a Chairperson from amongst them.

4.4 The Chairperson has the same power and authority to chair the ~~Concept~~ Forum as if the Shire of Chapman Valley Standing Orders Local Law applied at an Ordinary Council Meeting.

11. Meeting Notification

5.1 The CEO is to ensure that Councillors are given timely notice of the time, location and content for ~~Concept~~ Forum Meetings (minimum 72 hours' notice required). ~~Concept~~ Forum Meetings are to be held on the Third Wednesday of the month except January where there is no meeting, to be held after the Ordinary Council Meeting concludes.

12. Record Keeping

6.1 A general record of all Forums shall be maintained by the CEO, recording attendance, apologies, disclosures of interest with appropriate departures/returns.

**ADDITIONAL EXPLANATORY NOTES:**

**ADOPTED/REVIEWED/AMENDED (OTHER THAN ANNUAL REVIEW OF ALL PROCEDURES):**

<u>Adopted – Council Resolution:</u>	<u>04/12-12</u>
<u>Reviewed/Amended – Council Resolution:</u>	

AGENDA ITEM:	9.3.3
SUBJECT:	TOURISM & EVENTS WORKING GROUP
PROPONENT:	TOURISM & EVENTS WORKING GROUP
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.04
PREVIOUS REFERENCE:	NIL
DATE:	16 <sup>th</sup> DECEMBER 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

## DISCLOSURE OF INTEREST

Nil

## BACKGROUND

The Tourism & Events Working Group (TEWG) met on the 25<sup>th</sup> November 2015. Minutes from this meeting have been provided under separate cover due to the **need to keep the Australia Day Award nominations and recommended recipients confidential until they are announced** at the Australia Day Event to be held on the 26<sup>th</sup> January 2016.

**Councillors and Staff are therefore requested to treat the TEWG Minutes as CONFIDENTIAL.**

## COMMENT

The TEWG met to discuss:

- 2016 Australia Day Awards;
- 2016 Australia Day Event;
- Chapman Valley Interaction & Promotion
- Chapman Valley Brochure/Tourist Map

Due to the need for confidentiality this Report and the Staff Recommendation will not mention the recommended Australia Day Award recipients.

There was very productive discussion held on the Chapman Valley Interaction & Promotion and the Chapman valley Brochure/Tourist Map, which I will not allude to in detail in this report, yet welcome any questions on these items, which can be answered by any of the TEWG members present at the meeting.

## STATUTORY ENVIRONMENT

Not applicable.

## POLICY IMPLICATIONS

Council's Corporate Management Procedure CMP-033 states the following in regards to the Australia Day Citizen of the Year Award:

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

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

***Determined by appointed committee, with delegation to make decision of award recipient and Function to be held on Australia Day.***

This is contrary to the endorsed purpose of the TEWG i.e.

*Purpose of the Working Group: Will meet on an 'as needs' basis only to:*



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

The Staff Recommendation below recommends CMP-033 has been amended to complement the TEWG purpose.

## **FINANCIAL IMPLICATIONS**

No financial implications are envisaged at this stage as the costs for Australia Day Awards/Event has been budgeted for as per previous years and it not expected to exceed this amount.

An amount of \$3,500 has been budgeted for the redesign and reproduction of the Tourist Brochure/Maps and it is not envisaged this will exceed budget. In the event additional funds are required this be brought back to Council for a budget variation to be considered.

The Chapman Valley Interaction & Promotion Project will be retained in-house until we have developed a Scope of Works with details of cost estimates to implement the requirements of this project, which is to be brought back to Council for consideration (as recommended by the TEWG).

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

No adverse affect of the LTFP envisaged.

## **STRATEGIC IMPLICATIONS**

There is strong feeling amongst members of the TEWG of the need for Chapman Valley to market and promote itself as a place to live, work and establish a business. The Chapman Valley Interaction & Promotion Project is the first step in this process.

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

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley

## **CONSULTATION**

The TEWG co-opted members of the community to work with them on the matters discussed at the meeting held on the 25<sup>th</sup> November 2015.

## **RISK ASSESSMENT**

There is a risk of confusion if the organisations Procedures, Policies, Local Laws, and Purposes contradict each other. In this instance the risk is low, however; a risk all the same.

## **VOTING REQUIREMENTS**

Simple majority

## **WORKING GROUP RECOMMENDATIONS**

Council endorses:

1. The Working Group's recommended recipients of the 2016 Australia Day Awards;
2. The 2016 Australia Day function to be held at Coronation Beach;

3. Developing a Scope of Works in-house to obtain costings and the establishment of an implementation plan for the Chapman Valley Interaction & Promotion Project for presentation to Council for consideration.
4. Developing a new tourist brochure/map in-house incorporating the new format and businesses in the district.
5. The draft tourist brochure/map being distributed to working group members and local businesses for feedback via a survey prior to being presented to Council for consideration.

#### **STAFF RECOMMENDATION**

Council amend the section referring to *Shire of Chapman Valley Citizen of the Year Award* Corporate Management Procedure CMP-033 to read as follows:

##### **Shire of Chapman Valley Australia Day Awards and Function**

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

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

*The Council appointed Working Group shall:*

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



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

**11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

11.1 Elected Member Reports

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

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

13.1 A799 – Outstanding Rates & Charges

**14.0 CLOSURE**