



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 17 June 2015
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

JUNE 2015

DISCLAIMER



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

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

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

WRITTEN CONFIRMATION

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

A handwritten signature in black ink, appearing to read 'M. Battilana', written over a large, light-colored circular scribble.

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."*

- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Chairman, Cr Collingwood welcomed Elected Members and Staff and declared the meeting open at 9.01am.

2.0 LOYAL TOAST

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

3.1 Present

a. Councillors

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

b. Staff

Officer	Position
Mr Maurice Battilana	Chief Executive Officer
Mr Simon Lancaster	Manager of Planning
Mrs Karen McKay	Executive Assistant (Minute Taker)
Mrs Dianne Raymond	Manager of Finance & Corporate Services (from 10.31am to 11.53am)
Mrs Kristy Williams	Accountant (from 10.31am to 11.53am)

c. Visitors

Name	
Ian & Jill Thompson	Item 9.1.1 (from 9.00am to 9.10am)
Lisa Cole	from 9.00am till 10.15am
Anne Bell	from 9.12am to 10.15am

3.2 Apologies

Name	
Nil	

4.0 PUBLIC QUESTION TIME

4.1 Questions On Notice

Nil

4.2 Questions Without Notice

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR WOOD

That Cr Collingwood, Cr Royce and Cr Warr be granted leave of absence for the July 2015 Council meeting.

**Voting 8/0
CARRIED
Minute Reference 06/15-1**

6.0 DISCLOSURE OF INTEREST

Cr Wood and Cr Maluish declared an impartiality interest in item 9.1.5 Bill Hemsley Park Concept Plan as members of the Parkfalls Residents Association.

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 20 May 2015

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR WOOD

That the minutes of the Ordinary Meeting of Council held Wednesday 20 May 2015 be confirmed as a true and accurate record.

**Voting 8/0
CARRIED
Minute Reference 06/15-2**

9.0 OFFICERS REPORTS

9.1 Manager of Planning June 2015

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9.1.5 Bill Hemsley Park Concept Plan

9.1.6 NACC Agreement

AGENDA ITEM:	9.1.1
SUBJECT:	PROPOSED BED & BREAKFAST
PROPONENT:	I & J THOMPSON
SITE:	53 (LOT 215) REDCLIFFE CONCOURSE, WHITE PEAK
FILE REFERENCE:	A1595
PREVIOUS REFERENCE:	N/A
DATE:	8 JUNE 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

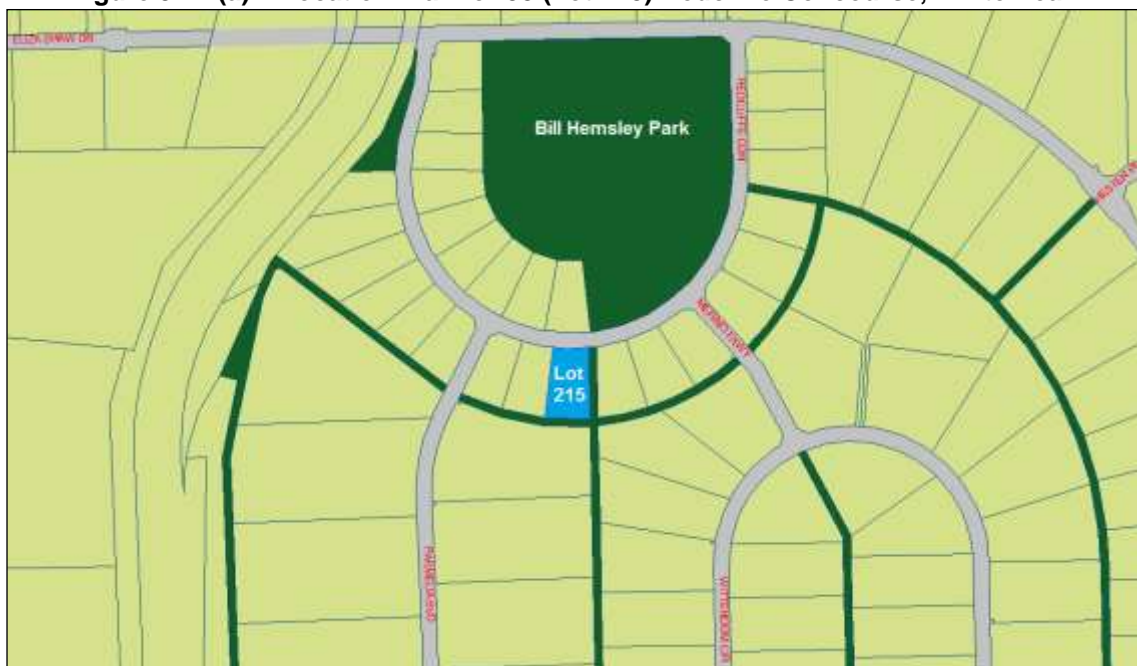
BACKGROUND

Council is in receipt of an application to operate a bed and breakfast upon 53 (Lot 215) Redcliffe Concourse, White Peak. This report recommends conditional approval of the application.

COMMENT

Lot 215 is a 4,642m² property that slopes downwards from the 80m contour at the rear (south of the property) to the 75m contour at the front (north) of the property. Lot 215 is bordered by Redcliffe Concourse and Bill Hemsley Park to the south, a bridle path to the east and south and a similar sized property to the west.

Figure 9.1.1(a) – Location Plan for 53 (Lot 215) Redcliffe Concourse, White Peak



The property contains an existing two storey 4 bedroom, 2 bathroom residence. The applicant is seeking approval to utilise the bedroom, with ensuite bathroom and kitchenette, at the eastern end of the residence for short stay accommodation.

A copy of the submitted floor plan has been included as **Attachment 9.1.1(a)** with this report for Council's information.

Figure 9.1.1(b) – Aerial Photograph of 53 (Lot 215) Redcliffe Concourse, White Peak



Figure 9.1.2(c) – View of Lot 215 looking south from Redcliffe Concourse



STATUTORY ENVIRONMENT

53 (Lot 215) Redcliffe Concourse, White Peak. is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

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."*

'Bed & Breakfast' is listed under the Scheme as a use that must be advertised prior to Council's determination within the 'Rural Residential' zone, and is defined within Schedule 1 of the Scheme as follows:

“a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast”.

Section 2.2 of the Scheme provides for the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area, and the Council has prepared a Local Planning Policy for ‘Rural Tourism Development’ that addresses an application of this nature.

Section 10.2 of the Scheme lists the following relevant matters to be considered by the local government in considering a 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;...*
- ...(p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(u) whether adequate provision has been made for access by disabled persons;*
- (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.”*

It is not considered that approval of this application would be contrary to the provisions of the Scheme.

POLICY IMPLICATIONS

The objectives of the ‘Rural Tourism Development’ Local Planning Policy are as follows:

“To provide for a range of accommodation and other tourist related uses in the rural areas of the Shire in a manner that is complimentary and sensitive to the agricultural and environmental fabric of the municipality.”

The Shire of Chapman Valley ‘Rural Tourism Development’ Local Planning Policy defines a ‘bed & breakfast establishment’ as follows:

“means a dwelling, used by a resident of the dwelling, to provide accommodation for person away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast. A maximum of three (3) bedrooms with shared or ensuite ablutions are to be utilised for the purpose of providing short stay/holiday accommodation (maximum beds - 6).”

The policy also notes that:

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

The policy establishes general requirements for holiday accommodation based on specific uses and for bed & breakfasts lists the following:

Criteria	Standard
Public Road Access	Type 2 – 10m formed
Potable Water Supply	92,000L storage
Guest Ablutions	1 shared bathroom
Car Parking	1 car bay per room – gravel standard
Minimum lot size	Nil
Management	Within the same building

It is considered that the application meets with the policy requirements, noting that there is sufficient area for vehicle car parking manoeuvring on-site and the area is serviced by reticulated water and hydrants.

FINANCIAL IMPLICATIONS

- **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

- **Strategic Community Plan:**

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

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
	Develop short-term and overnight accommodation options across the Shire	Visitors stay longer in our community Short-term employees can reside in the Shire	Chapman Valley business community Chapman Valley farming community Shire of Chapman Valley

The Shire's Local Planning Strategy identifies the subject area as being located within 'Precinct 7 – South West' 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."

The Strategy states that the land use of 'Tourism (low to medium-key)' is considered appropriate for this precinct area and also identifies the following economic objective:

"7.2.2 Promote tourist related uses/development and encourage agricultural diversification in appropriate areas where there will be no detrimental impact to the surrounding land and existing uses."

CONSULTATION

The application was advertised to the 8 surrounding landowners from 1 May 2015 to 25 May 2015 and an advisory sign was also placed on the Redcliffe Concourse frontage for Lot 215 for this period. At the conclusion of advertising, 2 submissions had been received, both offering unconditional support for the proposed bed & breakfast.

The Shire's Environmental Health Officer has also viewed the application and noted that if the owner is preparing a cooked breakfast for the guests then they would need to register with the Shire under the *Food Act 2008*. However, if the owner provides an uncooked breakfast i.e. cereal, milk, fruit etc. for the guests then this would not incur such a requirement. The EHO also noted that if there is a facility to cook in the premises then a fire blanket and/or a fire extinguisher needs to be provided.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council grant formal planning approval for a bed and breakfast upon 53 (Lot 215) Redcliffe Concourse, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the attached approved plan dated 17 June 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 buildings or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 4 The employment of any person not resident on-site is not permitted.
- 5 The landowner is responsible to ensure that all parking of vehicles (including boats and trailers) associated with the bed & breakfast occurs within the property boundary and the street verge area is to be kept free of such vehicles.
- 6 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to an all-weather compacted gravel standard to the approval of the local government with all costs met by the applicant.
- 7 Should any cooked food be prepared on the premises, an application to register a kitchen is required to be lodged with, and approved by, the Shire in accordance with the *Food Act 2008*.
- 8 Any lighting device is to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists to the approval of the local government.
- 9 Signposting for the bed & breakfast is limited to one sign not exceeding 0.2m (i.e. 1.0m x 0.2m) on the property frontage with the height of the sign from ground level not exceeding 1.5m.

Advice Notes

- (a) With regard to conditions 1 & 2, the bed & breakfast is limited to 1 bedroom.
- (b) With regard to condition 3, the proponent is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.

- (c) With regard to condition 7, if the owner is preparing a cooked breakfast for the guests then they will need to register with the Shire under the *Food Act 2008*, however, if the owner is providing an uncooked breakfast i.e. cereal, milk, fruit etc. for guests then this would not incur such a requirement. It is also advised that if there is a facility to cook in the premises then a fire blanket and/or a fire extinguisher needs to be provided.
- (d) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Voting 8/0
CARRIED
Minute Reference 06/15-3

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED OUTBUILDING
PROPONENT:	K SCOTT
SITE:	29 (LOT 126) HESTER PLACE, WHITE PEAK
FILE REFERENCE:	A1722
PREVIOUS REFERENCE:	N/A
DATE:	9 JUNE 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application to construct an outbuilding upon 29 (Lot 126) Hester Place, White Peak. This report recommends conditional approval of the application.

COMMENT

Lot 126 is a cleared 2.4008ha rectangular shaped property located on the north side of Hester Place with a 108.38m frontage and 225.02m depth.

The property slopes downwards sharply from the 110m contour at the road frontage to an 85 contour at the rear/northern boundary, and as a result the residence upon the property is situated over 5m below the road level.

Figure 9.1.2(a) – Location Plan for 29 (Lot 126) Hester Place, White Peak



The applicant is seeking approval for a 163.8m² (15.9m x 10.855m) outbuilding with a 4.5m wall height, and 5.382m total height.

The outbuilding would be located 33m to the west of the existing residence, 40m back from the front property boundary and 5m from the nearest side (western) property boundary.

The outbuilding complies with the area and size provisions of the Shire’s Outbuildings Local Planning Policy but would not comply with the standard 22m maximum separation distance from the residence and has therefore been presented to Council for its consideration.

Figure 9.1.2(b) – Aerial Photograph of 29 (Lot 126) Hester Place, White Peak



A copy of the submitted site, elevation and floor plans have been included as **Attachment 9.1.2(a)** with this report for Council's information.

The proposed outbuilding is unable to be sited closer to the residence due to the existing built and landscaping improvements upon the property and the steeply sloping terrain.

The visual impact of the proposed outbuilding will be reduced due to its floor level being cut 500m-700m into the slope and also through being sited 10m-10.99m below the corresponding level of Hester Place.

Figure 9.1.2(c) – View of Lot 126 looking north from Hester Place



Figure 9.1.2(d) – View of Lot 126 looking north-east from Hester Place



STATUTORY ENVIRONMENT

29 (Lot 126) Hester Place, White Peak is zoned 'Rural Residential 1' under Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme'). The property abuts the Wokatherra Nature Reserve to the north which is zoned 'Conservation' and a 7.9968ha property zoned to allow for tourism related uses, to the east.

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."*

Part 4 of Schedule 11 of the Scheme notes the following for the 'Rural Residential 1' zone:

"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."

Section 5.8 of the Scheme states:

"5.8 Appearance of Land and Buildings

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

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

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

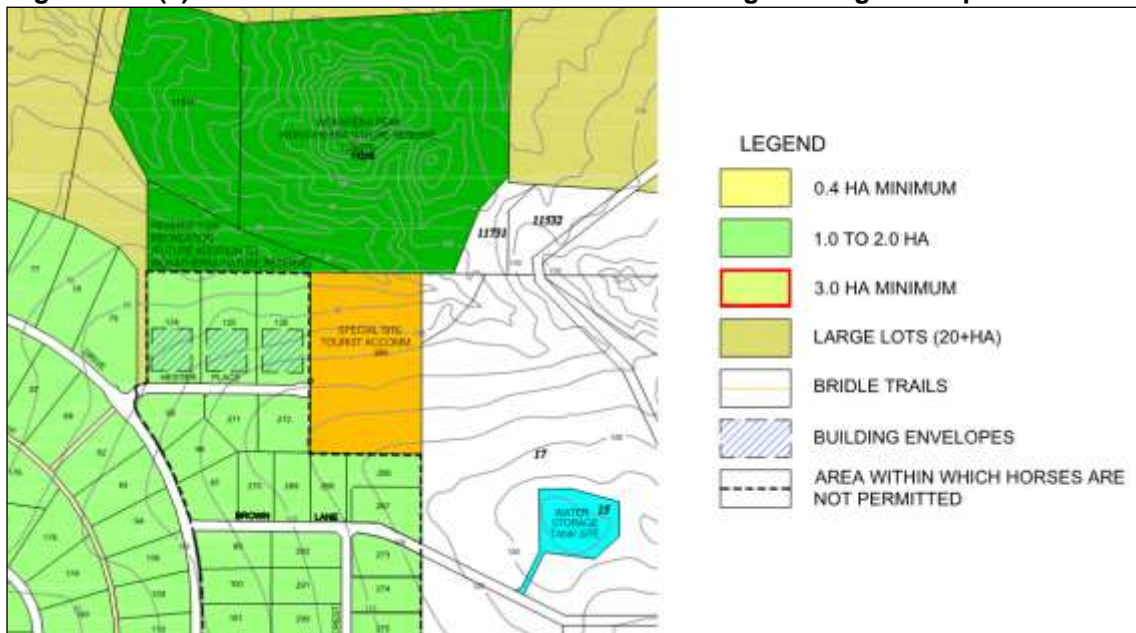
Schedule 11 of the Scheme requires for the 'Rural Residential 1' the following:

“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.

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.”

The Parkfalls Structure Plan, prepared to accompany the original rezoning of the estate, identified the 3 lots on the north side of Hester Place (including Lot 126) as containing building envelopes to account for their topography and their abutting the Wokatherra Nature Reserve. Council can approve the application under the terms of the Scheme as the proposed outbuilding would be located within the building envelope.

Figure 9.1.2(e) – Parkfalls Structure Plan extract illustrating building envelope for Lot 126



Council may also give consideration to the application under Section 5.5 of the Scheme:

“5.5 Variations to Site and Development Standards and 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 10.2 of the Scheme lists the following relevant matters to be considered by the local government in considering a 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;...*
- (za) any other planning consideration the local government considers relevant.”*

POLICY IMPLICATIONS

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

The proposed outbuilding upon 29 (Lot 126) Hester Place, White Peak complies with the area and height requirements of Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ which lists the maximum total aggregate area for Lot 126 as being 200m² and a maximum wall height of 4.5m and a maximum total height of 5.5m above natural ground level. The proposed outbuilding is 163.8m² in area, and would have a 4.5m wall height, and 5.382m total height that would be reduced by 500mm-700mm as measured from natural ground level due to the site for the outbuilding being subject to cut earthworks.

The outbuilding would be sited behind the setback line for the residence and would comply with the minimum side boundary setback distance of 5m.

Section 4.9 of the Outbuildings Local Planning Policy requires that outbuildings upon ‘Rural-Residential’ lots are to be setback in accordance with the Scheme, or if applicable located within a defined building envelope.

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 it’s involvement in the appeal process.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

- **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

Council may resolve to undertake consultation with surrounding landowners and give consideration to any received submissions prior to making its determination at a later meeting.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR WARR

That Council grant formal planning approval for an outbuilding upon 29 (Lot 126) Hester Place, White Peak subject to compliance with the following conditions:

- 1 Development shall be in accordance with the approved plans dated 17 June 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 is required to be externally clad in a colour complementary to the existing residence to the approval of the local government.
- 4 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and must NOT be used for habitation, commercial or industrial purposes.
- 5 Landscaping is required to be installed and maintained between the outbuilding and the road for the purpose of softening the visual impact of the structure upon the land to the approval of the local government.
- 6 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 7 All stormwater is to be disposed of on-site to the approval of the local government.
- 8 If the development/land use, the subject of this approval, is not substantially commenced within a period of two years after the date of determination, the approval shall lapse and be of no further effect.

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.

- (iii) Council notes that the Parkfalls Structure Plan identifies a building envelope upon Lot 126 Hester Place, White Peak, and that the proposed outbuilding is located within the building envelope, and as such the 30m separation distance from the existing residence is permitted under the 'Rural Residential 1' requirements of Schedule 11 of the Shire of Chapman Valley Local Planning Scheme No.2. Council further notes that this decision should not be viewed as a precedent for applications seeking a separation distance of greater than 22m for lots not containing a building envelope in the 'Rural Residential 1' zone.

**Voting 8/0
CARRIED
Minute Reference 06/15-4**



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CLADDING		
ITEM	PROFILE (mm)	FINI
ROOF	TRIMDEK 0.42 BMT	CI
WALLS	TRIMDEK 0.35 BMT	CI
CORNERS	-	CI
BARGE	-	CI
GUTTER	SHEERLINE	CI
DOWNPIPE	10675	C

0.35bmt=0.40ct, 0.42bmt=0.47ct, 0.48bmt=0.53ct

ACCESSORY SCHEDULE & L

QTY	MARK	DESCRIPTION
3	RD1	84D, Roll-A-Door R.D, Indust. "R", 3450, w/cls. Clear. Operable, C/B
1	RB-11	Premium Access Door, 50, C/B, L/B

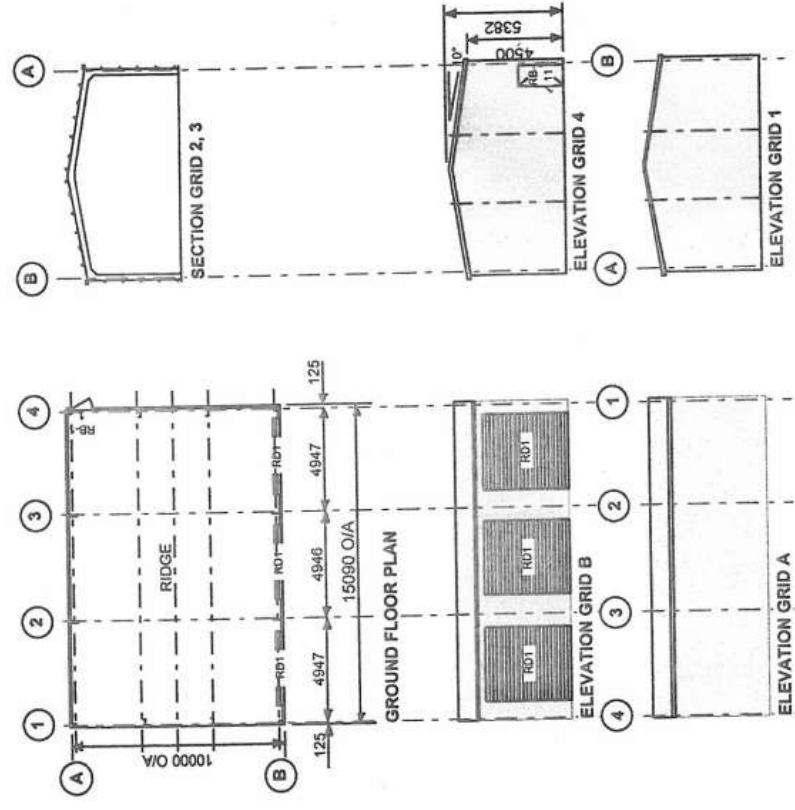
ARCHITECTURAL DRAWINGS ONLY, NOT FOR CONSTRUCTION

WIND DESIGN	
IMPORTANCE LEVEL	REGION
2	B

CLIENT
Kim Scott
SITE
Lot 126 Heister Place
GERALDTON WA 6530

BUILDING
BIG G
10000 SPAN x 4500 EAVE x 150

TITLE	
FLOOR PLAN & ELEVATION	DRAWING NUMBER
SCALE A4 SHEET 1:250	GRLD01-0735



Mr and Mrs Thompson left Chambers at 9.10am

Mrs Bell entered Chambers at 9.12am

AGENDA ITEM:	9.1.3
SUBJECT:	BULLER LOCAL STRUCTURE PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 3, 7-12, 15-17, 154, 156 & 1891 NORTH WEST COASTAL HIGHWAY, BULLER
FILE REFERENCE:	204.06.03
PREVIOUS REFERENCE:	6/11-8, 9/11-5 & 04/14-3 & 03/15-2
DATE:	9 JUNE 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The draft Buller Local Structure Plan has been advertised and is now returned to Council for its consideration of the issues raised during the advertising period.

This report recommends that the Buller Local Structure Plan be adopted by Council, subject to modifications, and forwarded to the Western Australian Planning Commission ('WAPC') seeking its final approval.

Figure 9.1.3(a) – Cadastral layout for the Buller Local Structure Plan area



COMMENT

Council resolved at its 18 March 2015 meeting:

“That Council receive the draft Buller ‘Development Zone’ Local Structure Plan (February 2015) and resolve to advertise the document for a period of 60 days and at the conclusion of the advertising period return the draft Buller ‘Development Zone’ Local Structure Plan and any received submissions to Council for its further consideration.”

21 submissions were received relating to the Buller Local Structure Plan, with 19 of the submissions offering either support or technical comment. 1 objection was received from a landowner concerning a proposed road alignment, and the Shire entered into further correspondence during the advertising period to suggest a modification to the structure plan that would address this issue of concern for the respondent. 1 objection was also received from a government agency outside of the advertising period, and it is recommended that this objection be dismissed.

A Schedule of Submissions has been prepared and included as **Attachment 9.1.3(a)** to this report, the Schedule identifies the respondents, summarises the matters raised, provides individual comment upon each of the matters raised, and a recommendation on how the Structure Plan might be modified in regard to each.

A Schedule of Modifications has been prepared and included as **Attachment 9.1.3(b)** to this report, the Schedule lists the recommended modifications to the Buller Local Structure Plan arising from the issues raised during the advertising period.

A copy of the received submissions has also been provided to Councillors as a **separate attachment** with the June 2015 Council Agenda to provide further background.

A complete copy of the advertised version of the Buller Local Structure Plan document was previously provided to Councillors as a separate attachment with the March 2015 Council Agenda.

Figure 9.1.3(b) – Aerial Photograph of Buller Local Structure Plan area



The Buller 'Development' zone is located approximately 8km north of the Geraldton CBD and covers an area of 197.21ha bordered by the North West Coastal Highway to the east, Drummond Cove Road to the south, the Indian Ocean to the west, and the Buller River to the north. The area presently consists of 13 lots owned by 11 landowners, and given the multiple ownership and narrow lot configurations the development of a structure plan without the Shire playing a leading role was considered unlikely to eventuate.

The Buller Local Structure Plan would ultimately allow for the creation of 540-650 lots with a total estimated resident population of 1,404-1,690 persons serviced by an internal subdivisional road network that would ultimately have connection onto the North West Coastal Highway at two locations, and one connection onto Drummond Cove Road. The structure plan area would be serviced by scheme water, underground power and fibre optic telecommunications, and the Local Water

Management Strategy provided as Appendix B to the structure plan document provides guidance in coordinating drainage across the structure plan area.

The Buller Local Structure Plan identifies a split coding of R5/R10 for the majority of the structure plan area which would generally allow for lots at an R5 density (2,000m² lots) but with an ability to permit lots at an R10 density (1,000m² lots) where land capability is demonstrated and providing there is an overall average density of 2,000m² and/or compliance with a current state government policy pertaining to on-site effluent disposal. This density pattern is the most appropriate given that the topography of the structure plan area is not conducive to a more 'urban' development pattern, and the prevalence of undeveloped higher density residential land elsewhere in the northern section of Geraldton. The lower residential density also recognises the structure plan's location at the northern-most extent of the Geraldton urban growth corridor, with the Oakajee Industrial Estate buffer precluding further residential expansion north of the Buller River. The Buller Local Structure Plan does identify some potential for a R10/R15 (666m²) split coding at the southern-most extent that would allow for a transition pattern of development from the already established Drummond Cove residential subdivision to the south, subject to connection to reticulated sewer.

STATUTORY ENVIRONMENT

The gazettal of the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme') on 20 November 2013 rezoned the Buller Local Structure Plan area from the 'General Farming' zone to the 'Development' zone with an overlying 'Development Contribution Area 1'.

Section 4.2.3 of the Scheme lists the objectives of the 'Development' zone as being to:

- “(a) Provide for the coordinated planning and development for urban, primarily residential, purposes of areas identified at the regional level as being required to meet future requirements for land for such purposes;*
- (b) Prevent the ad-hoc fragmentation of land or the development of land-uses that would be incompatible with the development of the land for urban purposes;*
- (c) Provide for appropriate transitional land-uses, or the development of land-uses that may be compatible with the future development of the land for urban purposes;*
- (d) Provide appropriate protection from incompatible development for existing land-uses;*
- (e) Protect the environmental and landscape values of the land, especially in the period prior to the coordinated development of the land for urban purposes.*
- (f) The Buller 'Development' zone is subject to the conditions as outlined in Schedule 10 – Environmental Conditions.”*

The Buller 'Development' zone aspect of the Scheme was made subject to Public Environmental Review by the Environmental Protection Authority ('EPA') at the conclusion of which the Shire and 7 of the 11 Buller landowners appealed against the 7 June 2011 recommendations of the EPA. The Minister of Environment made a determination in relation to the appeals with the release of Statement No.937 on 6 June 2013 that was required to be inserted into the Scheme under Schedule 10.

Schedule 10 of the Scheme requires that:

- “1 Development within the Buller “Development” zone in relation to the conservation areas shall be generally in accordance with concept 2A as outlined in the Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study.*
- 2 Any future structure plan shall identify future local scheme reserves for the purpose of conservation as outlined in concept 2A within the Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study.*
- 3 Any future structure plan shall identify R5-Low Density (minimum lot size 2000m²) residential areas as outlined in areas X and Y as depicted in Figure 1 of Minister for Environment Statement No.937 published on 6 June 2013.*
- 4 Any future structure plan shall identify the areas of Frankenia pauciflora community on Lots 7 and 9 these areas would be subject to detailed area plans as outlined in the Western Australian Planning Commission's Liveable Neighbourhoods policy to address public open space, vegetation protection, future fences, building envelopes and setback of any future lots.”*

The Constraints and Concepts Study was by its nature a broader planning document and the subsequent structure planning process has now provided the greater level of detail required to plan for this area. The structure plan has identified public open space for the majority of the previously identified conservation areas, where the remnant vegetation is located in significant stands. Where the vegetation is located in smaller pockets, upon steep topography, spread across multiple ownership and set amidst existing and approved developments the designation of these areas as public open space has proved to be an unsuitable mechanism and the use of detailed area planning and building envelopes upon larger lots has been utilised to ensure a more effective conservation outcome.

Detailed area plans for such areas can address not just conservation of remnant vegetation but also fire management, building envelope, invasive species management, and replanting. A concept example of a detailed area plan is provided as Figure 22 in the structure plan document to provide some guidance for future subdividers. This outcome also ensures that the structure plan pays heed to Section 4.9 of the Scheme (Non-Conforming Uses) and avoids the unwelcome scenario whereby areas of land currently used for development (including people's existing homes) are designated as entering into public ownership.

Section 5.22.6 of the Scheme lists the requirements pertaining to the preparation of structure plans and the draft Buller Local Structure Plan was prepared in accordance with these prior to being placed before Council for its consideration for advertising.

Section 5.22.9 of the Scheme now requires that Council, within 60 days of the close of advertising, consider the submissions received, and either:

- adopt the structure plan without modification; or
- adopt the structure plan with modification; or
- refuse to adopt the structure plan.

Section 5.22.10 of the Scheme then requires that the Shire, within 7 days of Council making its determination, advise the WAPC accordingly, and in the case of Council adopting the structure plan, seek the WAPC's endorsement of the structure plan to ensure that it is the basis for future subdivision and development assessment in the subject area.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The preparation of the Buller 'Development' zone Public Environmental Review document previously cost the Shire \$38,100 in the 2008/2009 financial year and \$5,000 in the 2009/2010 financial year. The preparation of the Level 2 Fauna Survey cost the Shire \$94,558.73 in the 2009/2010 financial year. The unmanned aerial vehicle flight over the Buller area to provide 1m contour data and high resolution aerial photography cost the Shire \$6,850 in the 2012/2013 financial year. The cost of preparing the rezoning document in Scheme No.2, and the advertising of Scheme No.2 and the Buller 'Development' zone Public Environmental Review document were also borne by the Shire.

Council resolved at its 17 August 2011 meeting to adopt the 2011/2012 Budget with this including an allocation of \$100,000 from the Land Development Reserve for the preparation of the Buller Local Structure Plan. With work being unable to progress upon the structure plan process until the Minister of Environment made determination upon the Buller 'Development' zone Public Environmental Review, this allocation was carried forward 3 times with the adoption of the 2012/2013, 2013/2014 and 2014/2015 budgets (Accounts 0163 and 7072).

The Shire made application for the Buller Local Structure Plan to be part funded through the Royalties for Regions (Northern Planning Program) Local Government Assistance Program, and on 16 October 2012 the Department of Planning advised that this application had been successful and the agreed grant funding equated to $\frac{2}{3}$ of the accepted quote cost (\$62,543.25 GST exclusive).

WAPC Statement of Planning Policy 3.6-Development Contributions for Infrastructure makes provision for the creation of legal agreements whereby landowners share the cost of common infrastructure (e.g. this can include water, sewer, power, road intersections, public open space, community and education facilities) associated with a structure plan, and Section 6.5 of the Scheme provides a mechanism for Council to apply such an arrangement. This aspect of cost sharing was explored as part of the structure plan preparation process but was not pursued as the uncertainty over the timeframe and pattern in which landowners may choose to pursue subdivision was considered to make such an

arrangement an impediment rather than a tool for subdivision. Section 6.5 of the Scheme could 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 this instance, given that the Wokarena Heights Structure Plan had not been subject to this requirement, and it was also felt that it was 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 rezoning and structure planning will then be responsible for the drainage, road construction and servicing costs as is standard for subdivisional works.

- **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 Buller area is the northern most extent of the urban growth corridor for the greater Geraldton area and offers proximity to the future employment hub of the Oakajee Industrial Estate. The Buller area is a relatively easy commute along the highway to the Geraldton CBD, and boasts desirable coastal and river access and ocean outlook. The future development role established for the Buller area as the population of the region increases necessitated commencement of the structure planning process.

The Buller 'Development' zone is identified in the Greater Geraldton Structure Plan (2011) prepared by the WAPC as being 'Future Urban' with Section 3.1.1 of the accompanying report noting that:

"An area of approximately 1700 ha is identified as 'future urban' in the Greater Geraldton Structure Plan 2011 to guide the direction of long-term urban expansion. The bulk of this area identified is located at Buller and around Cape Burney, which are at the extremities of the northern and southern coastal corridors respectively."

- **Strategic Community Plan/Corporate Business 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'.

CONSULTATION

The preparation of the Buller Local Structure Plan has been informed by discussions with state government agencies and service providers, a landowner workshop held on 25 July 2013 and subsequent discussions with landowners, with previous preliminary drafts of the Buller Local Structure Plan and related documents provided to landowners on 27 September 2013, 30 April 2014, 21 August 2014 and 18 February 2015.

Section 5.22.8 of the Scheme required that a minimum 21 day period of public consultation be undertaken prior to the matter being returned to Council for further consideration of the structure plan and any received submissions. A lengthier 64 day advertising period was conducted rather than the required 21 days to enable all parties a greater opportunity to review the content of the structure plan and make comment.

The Buller Local Structure Plan was advertised from 26 March 2015 until 29 May 2015 and included the following actions seeking comment:

- placement of a notice in the Mid West Times;
- placement of a notice in the Shire E-News;
- placement of a notice sign on the North West Coastal Highway frontage of the structure plan area;
- placement of a notice and a copy of the structure plan document on the Shire website;
- display of the structure plan document at the Shire office library;
- writing directly to the 11 landowners of the 13 lots within the Buller Local Structure Plan area;
- writing directly to the 32 landowners abutting the Buller Local Structure Plan area (this included landowners on the opposite side of the North West Coastal Highway and Drummond Cove Road);

- writing directly to the 24 following state government agencies, local government authority and community group; Alinta Energy, City of Greater Geraldton, Department of Aboriginal Affairs, Department of Agriculture and Food, Department of Education, Department of Environment Regulation, Department of Fire and Emergency Services, Department of Health, Department of Lands, Department of Mines and Petroleum, Department of Parks and Wildlife, Department of Planning, Department of Transport, Department of Water, Drummond Cove Progress Association, LandCorp, Main Roads WA, Mid West Ports Authority, State Heritage Office, Telstra, Tourism WA, Water Corporation, Western Power and Westnet Energy.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

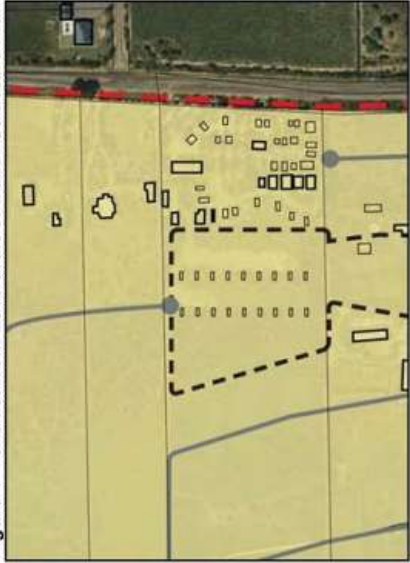
SECONDED: CR FORRESTER

That Council adopt the Buller Local Structure Plan, subject to the modifications as listed in the Schedule of Modifications included as Attachment 9.1.3(b), and write to the Western Australian Planning Commission seeking its final approval.


**Voting 8/0
CARRIED
Minute Reference 06/15-5**

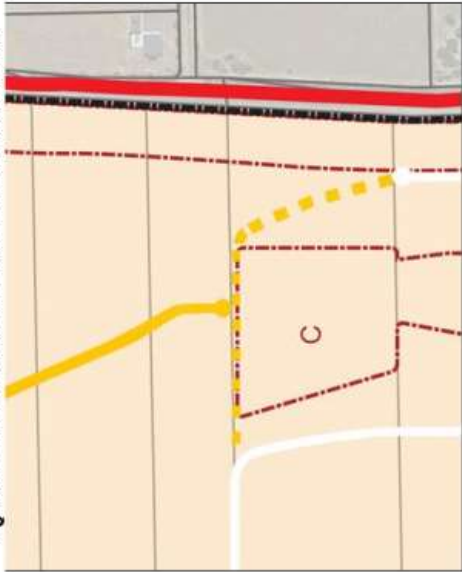
Buller Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
1 (30/3/15)	Western Power 363 Wellington St PERTH WA 6000	<i>Comment provided</i> Western Power will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where detailed investigations are needed to support accurate advice, Western Power will advise the Shire of additional information requirements within the advertising period.	No further comment was received from Western Power during the advertising period. Western Power are a standard referral agency of the WAPC and as such will have the opportunity to provide comment and request conditions as part of all future subdivision applications. It is standard practice at the subdivision stage for Western Power to require that any change to the existing power system, if required, is the responsibility of the subdivider. Section 3.7 – Power of the Buller Local Structure Plan document notes the following: "There are existing electrical connections into the study area, although the capacity of the electricity network in the region is limited. The need for any reinforcement works or infrastructure upgrades should be determined at the time of subdivision through a Western Power feasibility study."	Note submission.
2 (31/3/15)	ATCO Gas 81 Prinsep Rd JANDAKOT WA 6164	<i>No objection</i> ATCO Gas Australia has no current or proposed infrastructure in the vicinity of the area and have no further comments to make in regards to the proposal.	Section 3.7 – Gas of the Buller Local Structure Plan document notes the following: "There are no nearby reticulated gas mains to service the Study Area. Gas is supplied to Geraldton from the Dampier Bunbury Natural Gas Pipeline. The supply main to Geraldton follows the Walkaway Nangeety Road alignment into the Narnghulu Industrial Area before being reticulated throughout much of the Geraldton urban areas."	Note submission.
3 (1/4/15)	Department of Fire & Emergency Services 1 Vulcan Way GERALDTON WA 6530	<i>No objection</i> Please be advised DFES has no comment.	The DFES submission raises no issue with the approach to addressing fire management in Sections 5.4, 5.5 & 6.1 (Statutory Section) and Sections 1.3.4, 2.4 & 3.11 (Explanatory Section) of the Buller Local Structure Plan document.	Note submission.
4 (16/4/15)	Department of Mines & Petroleum 100 Plain St EAST PERTH WA 6004	<i>Comment provided</i> The Geological Survey of WA advised the Shire in January 2011 that the rezoning of this area to 'Development' had the potential to sterilise the Buller limesand resource. Limesand is a valuable resource used to neutralise soil acidity in the farmlands of the Geraldton-Chapman Valley region.	The Buller Local Structure Plan area is the urban growth corridor northwards from Geraldton, and it is recognised as such in all strategic and statutory planning documents prepared and endorsed by both the WAPC and the Shire. The limesand resource is not unique to the Buller River location and can be found at higher grade throughout the Mid West coastline. Prior to the rezoning the Buller limesand resource was already	Note submission.


Buller Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	
			Recommendation	
5 (21/4/15)	Department of Education 151 Royal Street EAST PERTH WA 6004	<p>Unfortunately the approval in December 2013 of the rezoning will make future utilisation of this resource problematic due to the introduction of many more residences close to the resource.</p> <p>We are working with the Department of Planning to ensure that there is appropriate recognition and protection of the remaining limesand resources elsewhere in the Shire. We respectfully request that this issue is taken into account early in future planning within the Shire.</p>	<p>within 500m of a zoning that allowed for sensitive land uses to be established (e.g. further residences and an extension of the existing caravan park) which limited a sand extraction operation's ability to comply with the recommended EPA guideline separation distance. On that basis the identified limestone resource was unlikely to be able to be extracted to its maximum theoretical potential due to existing sensitive land uses in the Buller area and uses permitted by the previous zoning.</p> <p>The operation was becoming increasingly isolated from agricultural areas due to the existing residential development to the south, the existing rural-residential development to the east, and the proposed industrial estate to the north of the Buller structure plan area.</p> <p>The limesand operation was previously only operated intermittently and has now ceased with Lot 1 now under state ownership through LandCorp's purchase of the property for the Oakajee Industrial Estate buffer. There is the potential for more appropriate quarry locations to become available further north in LandCorp's Oakajee Industrial Estate landholding.</p>	Note submission.
6 (24/4/15)	Telstra Locked Bag 2525 PERTH WA 6001	<p><i>Comment provided</i></p> <p>Based upon the estimated lot yield and the R-Code proposed for the structure plan area there is no requirement for the provision of a primary school. The anticipated student yield is expected to be accommodated in the future primary school located in Glenfield.</p> <p><i>No objection</i></p> <p>A network extension will be required for any development within the area concerned. The owner/developer will have to submit an application before construction is due to start to NBN Co. (for greater than 100 lots or living units in a 3 year period) or Telstra (less than 100 lots or living units). Developers are now responsible for telecommunications infrastructure i.e. conduits and pits, at present NBN or Telstra will provide the cable.</p> <p>The government announced that from 1</p>	<p>Section 3.6 – Educational Facilities of the Buller Local Structure Plan document notes the following: "No school facilities are required within the Buller Local Structure Plan area based on the low densities proposed. School sites have been planned in Drummond Cove and Glenfield that will service the development."</p> <p>The comments of Telstra are more applicable to the subdivision stage than the rezoning stage.</p> <p>Section 3.7 – Telecommunications of the Buller Local Structure Plan document notes the following: "All lots in the Buller Development Zone structure plan will be connected to Telstra by copper wire connection and the National Broadband Network (NBN). Corridors through local roads should be considered in the design and construction of each subdivision. Telecommunications infrastructure must be in accordance with appropriate guidelines of network providers. The installation of the Geraldton to Port Hedland fibre optic</p>	Note submission.

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
7 (5/5/15)	A Sloan & J Tonkin 1635 North West Coastal Highway BULLER WA 6532	<p>January 2011 NBN Co. Limited would be the wholesale provider of last resort in new developments within or adjacent to its long term fibre footprint and meet the cost of doing so; developers, and on their properties, property owners would be responsible for trenching and ducting. Telstra would not have infrastructure responsibilities but would be retail provider of last resort. Developers could use any fibre provider they want, providing they met NBN specifications and open access requirements.</p> <p>Objection Object to the proposed cul-de-sac road across Lot 11. We requested in 2013 to have the cul-de-sac moved 50m west away from our home, and it was agreed with the Shire that this would be acceptable. The Buller Structure Plan advertised in 2015 shows the cul-de-sac as being in a diagonal direction finishing at our southern boundary and inside the 50m zone previously agreed. After discussion with our southern landowner from the Drummond Cove Holiday Park it was agreed that our preferred position of the cul-de-sac road does not influence any plans he may have for his business in the future. We would like to see the cul-de-sac road returned to the previously agreed position which would place it 50 from our home and running in straight north/south direction.</p>	<p><i>cable is in progress along the North West Coastal Highway. This will allow the optimal connection point or multiple connection points to the National Broadband Network."</i></p> <p>The 2013 version of the Buller Structure Plan prepared by the Shire illustrated the road layout as shown in Figure 1 below.</p> <p>Figure 1 – extract from 2013 draft of Buller Structure Plan</p>  <p>The road across the respondent's Lot 11 was shown upon the 2013 plan as a cul-de-sac terminating at the southern boundary of Lot 11 in an alignment that was acceptable to the landowner. The road was located 100m from the residence upon Lot 11.</p>
			<p>Note submission and modify the Buller Local Structure Plan as illustrated in Figure 3 in the Shire Comment section for submission 7.</p>

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			<p>The road was deliberately not shown extending across Lot 3 (to the south of Lot 11) due to the constraint of the existing development at the Drummond Cove Holiday Park and the topography of the area, and it was felt that proposing a connection of the 2 cul-de-sac roads either side of Lot 3 might needlessly antagonise a landowner who had developed the holiday park from the outset and understandably had a level of pride, ownership and sensibility about its operation.</p> <p>The Department of Planning in its comment upon the draft plan in 2014 however advised that the proposed road layout was not supported based on Liveable Neighbourhood guidelines that cul-de-sac lengths should not exceed 120m and for bushfire hazard/increasing connectivity purposes.</p> <p>In the resulting discussion the Shire argued that whilst the current or subsequent landowner of Lot 3 may reach a decision that they do not consider the current land use/development layout to be the most preferred for the site, and could resolve to alter the type of short stay accommodation available, and/or the footprint of the short stay accommodation land use, and/or even explore permanent residential subdivision that would allow for consideration of a connecting road, it was not appropriate for the structure plan to make determination over this issue at this time, and it should instead recognise that ability exists for later modification to be made to the structure plan by any landowner in response to changing demand and land use patterns.</p> <p>The Shire also offered to facilitate a site visit by Department of Planning representatives to provide greater clarity on how the existing on-ground improvements, vegetation layout and topography of the structure plan area have informed the structure plan design and why it varies from what would be considered a Liveable Neighbourhoods ideal design on a flat, green-field site.</p> <p>After ongoing discussion a potential solution was offered by the Shire whereby it would only display upon the structure plan an indicative dotted line across Lot 3 and not a more definite</p>
			Recommendation

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			<p>line, so as to provide indication that there would be some ability for a road connection to be achieved, but only in the event that the landowner of Lot 3 should be in agreement to this at time of their considering subdivision.</p> <p>Section 3.4-Movement Network of the Buller Local Structure Plan document was also drafted to include the following text: <i>"The structure plan only identifies higher order roads and connection points consistent with WAPC guidelines (Figure 16). There is provision within Section 5.22 of the Scheme Text to allow for future modifications of the road layout that may be instigated by the relevant landowner, for example a potential north south connection through the existing tourism development on Lot 3."</i></p> <p>To achieve this potential connectivity the cul-de-sac road to the north of Lot 3 was realigned from its previous north-south alignment to a more diagonal south-easterly alignment as shown in Figure 2.</p> <p>Figure 2 – extract from 2015 draft of Buller Structure Plan</p>  <p>It is this new alignment that the landowner of Lot 11 is objecting to as it is now situated closer to their residence than the previous alignment. However, it should be noted that the new alignment is still 50m from the respondent's residence as per the previous discussions with the landowner. It should also be noted that a structure plan's role is to provide the framework only for the later subdivision by landowners, and in that sense the road would not occur without the landowner</p>
			Recommendation

Buller Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
			<p>choosing to create it, and the final alignment of the road can be in an amended position that is acceptable to the landowner(s).</p> <p>Nevertheless the Shire sought to provide greater comfort to the landowner of Lot 11 and address their concern, upon receiving their submission, by writing to the landowner of Lot 3 during the advertising period and seeking their comment upon a potential modification to the road alignment that would address the landowner of Lot 11's concern without negatively impacting upon Lot 3.</p> <p>The resulting discussion indicates that a modification to the Buller Local Structure Plan as shown in Figure 3 below would address the concern raised by the respondent.</p>	
		<p>We also do not agree with the reclaiming of the sand dune on the western boundary of our property to be used as public open space</p>	 <p>Figure 3 – modification to Buller Local Structure Plan</p>	<p>It is a statewide requirement of the WAPC that provision must be made for public open space in the residential subdivision of land to provide for passive and active recreation, and the</p>

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>if we should choose to subdivide in the future.</p>	<p>structure plan is required to display regard for this.</p> <p>The western portion of Lot 11 identified as future reserve on the structure plan is contained within the area identified by the Environmental Protection Authority and subsequently the Minister of Environment as being required to be created as reserve. It is noted that this western area is essentially a coastal dune, that offers limited development opportunity due to it being immediately east of a large exposed dune area. The western area of Lot 11 differs from the landform of the remainder of the property as illustrated in the below aerial photograph.</p> <p>Figure 4 – Aerial photograph & structure plan for Lot 11</p>  <p>The structure plan addresses an area that due to its size, multiple ownership, topography, fluctuating market demand, competing land elsewhere in Geraldton and location on the outer limit of the northern urban growth corridor, would be expected to subdivide and develop over a considerable period of time. It is reasonable to assume that the structure plan</p>
			<p>Recommendation</p>

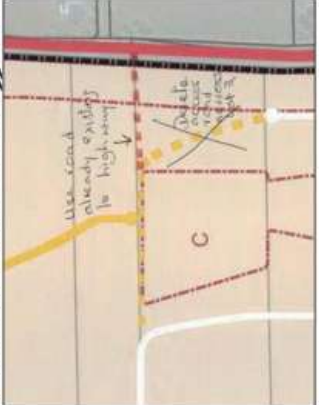
Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
8 (19/5/15)	A & D Bell 1633 North West Coastal Highway BULLER WA 6532	<p><i>Comment provided</i> Here is a suggestion to use the road already in existence instead of cutting through the caravan park.</p> <p>Below: Landowner of Lot 3's suggestion</p> 	<p>provides a general framework but will not represent the final form in which the area will ultimately be subdivided and developed. The structure plan mechanism has provision for landowners to undertake revisions to the structure plan during its lifespan, and these would be accompanied by a level of more detailed investigation that would typically accompany a subdivision application or development application.</p> <p>The landowner of Lot 3 was written to directly at the commencement of the advertising period for the Buller Local Structure Plan inviting comment.</p> <p>Upon receipt of a suggested road layout modification from the neighbouring landowner of Lot 11 (see Submission 7) that would have impacted upon the structure plan as it relates to Lot 3 the Shire wrote again to the landowner advising them of the suggested modification inviting comment.</p> <p>The Shire correspondence noted that a potential solution that might address the neighbouring landowner of Lot 11's concern but might also be acceptable to the landowner of Lot 3 was for the previous 2013 north-south cul-de-sac alignment to be shown across Lot 11 and then the indicative alignment to be shown running along the fire track that has been constructed along the northern boundary of Lot 3 before being shown as potentially running across Lot 3 to meet the other cul-de-sac road on its southern boundary.</p> <p>The Shire correspondence also emphasised, that the structure plan would show an indicative dotted line to demonstrate a potential connectivity solution across Lot 3 rather than a definite unbroken line to display sensitivity for the landowner of Lot 3 who, given that they have developed the caravan park from the outset would understandably have some level of pride, ownership and sensibility over a road being portrayed through their development. This solution would indicate some ability for a road connection to be achieved, but only in the event that the landowner of Lot 3 should be in agreement to this at time of their considering subdivision.</p>
			<p>Note submission and modify the Buller Local Structure Plan as illustrated in Figure 3 in the Shire Comment section for submission 7.</p>

Figure 16 - Movement Network of the Structure Plan document

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			<p>includes next to the dotted line across Lot 3 a text box stating <i>'potential north south connection with redevelopment of tourism site subject to development aspirations and timeframes of the owner'</i> to underline that such a potential connection could only be achieved in the event that the landowner of Lot 3 chose to subdivide.</p> <p>The landowner of Lot 3 discussed the potential modification arising from the submission from the landowner of Lot 11 with Shire staff and subsequently lodged their submission. The submission supported the suggested modification of the road connection point on the northern boundary of Lot 3 but also sought the creation of a subdivision road connection point onto the highway in the north-eastern corner of Lot 3, and the removal of the indicative road alignment across Lot 3.</p> <p>Shire staff responded to the landowner of Lot 3 advising that Main Roads WA had been very clear about restricting the number of connections onto the highway and after Shire and GHD representatives walked the length of the highway with Main Roads WA representatives the two intersection locations as shown on the structure plan had been agreed upon.</p> <p>The structure plan therefore would not be able to identify another road intersection in the location suggested by the landowner of Lot 3 for this reason, but also due to the insufficient offset distance from the Eliza Shaw Drive intersection on the opposite side of the highway.</p> <p>However, it was noted that the structure plan is being prepared under the current scenario of it fronting a highway alignment, and were the Geraldton Outer Bypass/Oakajee-Narngulu Infrastructure Corridor alignment to be constructed then Main Roads WA may well be open to review (and modification of the structure plan) on the issue of the number of intersections, and their locations, as the section of road fronting the structure plan area would not then be a significant heavy haulage route, and could even be further speed restricted.</p> <p>Section 2.8 – North West Coastal Highway of the Buller Local Structure Plan makes note to this effect as follows:</p>
			Recommendation

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			Recommendation	
9 (22/5/15)	Water Corporation 1 st Floor 45 Cathedral Ave GERALDTON WA 6530	<p><i>Comment provided</i> Water Corporation has no objections however it is subject to the following advice.</p> <p>The structure plan area is able to be serviced by both water and wastewater and is included in the water and wastewater planning boundaries.</p> <p>The report mentions that the wastewater treatment plant has limited capacity which is not the case. The advice previously provided was that the current temporary wastewater pump station that transfers wastewater to the wastewater treatment plant for the whole of this Glenfield/Drummond Cove area is at</p>	<p>"The eastern boundary of the Buller Development Zone abuts the North West Coastal Highway, a major regional road managed by Main Roads which provides a movement corridor for freight and regional traffic.</p> <p>North West Coastal Highway presents constraints with regard to limited access and presents noise impacts along the eastern boundary. However, development of the Buller Development Zone presents an important opportunity to rationalise current access points along the highway, and improve the safety of access to the highway.</p> <p>Main Roads is currently investigating and planning for the realignment of North West Coastal Highway to further inland to reduce the impact of freight movement on areas of Geraldton. The long term realignment of the highway will present important opportunities to provide for future additional access points, and links into adjacent development areas, than currently shown on the structure plan. This would be a trigger for a review of the structure plan."</p> <p>It is considered that the issues raised by the landowners of Lots 11 and 3 can be best addressed through a modification to the Buller Local Structure Plan as shown in Figure 3 of the Shire Comment to regarding Submission 7.</p> <p>The Water Corporation are a standard referral agency of the WAPC and as such will have the opportunity to provide comment and request conditions as part of all future subdivision applications. It is standard practice at the subdivision stage for the Water Corporation to require that any change to the existing reticulated water, and reticulated wastewater system, if required, is the responsibility of the subdivider.</p> <p>The structure plan addresses an area that due to its size, multiple ownership, topography, fluctuating market demand, competing land elsewhere in Geraldton etc. would be expected to subdivide and develop over a considerable period of time. The structure plan is also located at the very northern end of the greater Geraldton urban growth corridor and as such is at the end of the line for many urban services including</p>	Note submission and modify Section 3.7 – Water and Wastewater of the Buller Local Structure Plan document as indicated in the Shire Comment section for submission 9.

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		<p>capacity. However, currently a new wastewater pump station is in the process of being delivered by the developer of Glenfield Beach Estate to serve the next stage of development. This shall include grading out of the existing temporary wastewater pump station that is at capacity. Currently the developer has programmed the new wastewater pump station to be completed by mid-2016.</p> <p>The connection point for the new water reticulation mains shall be considered now the structure plan has reached this stage. Following the recent water planning review the ultimate planned water zone that this area is located in is known as the Brown Lane Tank pressure relief valve Water Zone.</p>	<p>wastewater, and the structure plan gives regard for this current reality.</p> <p>As such the structure plan provides a general framework for long term development of the area but will not represent the final form in which the area will ultimately be subdivided and developed. The structure plan mechanism has provision for landowners to undertake more minor revisions to the structure plan during its lifespan, and these would be accompanied by a level of more detailed investigation that would typically accompany a subdivision application or development application.</p> <p>The structure plan may also require more major review in the event of significant triggering events, with one of these referenced in the Shire comment upon the previous Submission 8 as being the potential review of the number of intersection/access points along the eastern boundary of the structure plan area were the Geraldton Outer Bypass to be constructed. Another trigger point should be considered to be the potential decommissioning of the Glenfield Beach wastewater treatment plant and the development of a wastewater treatment plant in the Oakajee Industrial Estate as identified in the structure plan for that area. Were this to occur then a sewer main would likely be installed along the eastern boundary of the Buller structure plan area and this would be an appropriate juncture to review lot sizes and servicing in the structure plan area. However, with no timeframe for this event to occur and it very much a long term proposition the Buller structure plan text has been prepared to address the current requirements.</p> <p>Based on the submission received from the Water Corporation it is recommended that Section 3.7 – Water of the Buller Local Structure Plan document be modified as indicated in red below:</p> <p><i>"Consultation has been undertaken with the Water Corporation with the following advice being provided.</i></p>
			Recommendation

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		<p>The Geraldton to Northampton pipeline should be included in the plans to ensure it is well considered and protected as it is the only means of providing water to Northampton. (map of Geraldton to Northampton pipeline provided with submission)</p>	<p>Planning Review The water connection points provided are conditional on the Geraldton northern water scheme having spare capacity to serve the areas. The existing infrastructure is able to serve the current development rate. Should this significantly increase capacity may be limited. Proposed projects to increase capacity for the north Geraldton area are programmed to be completed during 2016 (subject to the annual capital infrastructure prioritisation review). – Edward Road Transfer Pump Station - approximate location Galleon Drive/Edward Road intersection – Twelve kilometres of 600 diameter pressure main from Edward Road Pump Station to Nanson Road Tank on Chapman Valley Road.</p> <p>A planning review of these timeframes has commenced and is due to be completed by the end of 2014.</p> <p>Dedicated Northampton Water Transfer Main A water transfer main has been constructed to upgrade the water supply to Northampton. It is located in a 10 metre easement west of the North West Coastal Highway road reserve and is located within Lots 15, 16, 17 and 2632. The easement over Lots 15 and 16 are finalised, while the easements over Lots 17 and 2632 are in progress, and future subdivision will be required to display appropriate regard for this pipeline alignment.</p> <p>Future Oakajee Industrial Estate Distribution Main Various options to service the Oakajee site have been considered, including an additional water main in the easement located for the dedicated Northampton water transfer main.</p> <p>Buller Structure Plan Area The development area was included in the last Geraldton water scheme planning review 2007 to be served as residential R20. The development area is in the Brown Lane Tank (pressure relief valve) Water Zone extremely in the Nanson Road Tank water zone and projects are currently</p>	Recommendation

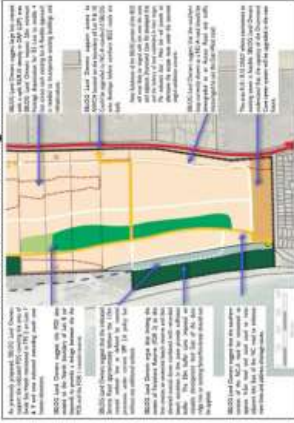
Buller Local Structure Plan - Schedule of Submissions			
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			<p>being completed to transfer the area into the Brown Lane Tank water zone that was constructed and commissioned in 2013.</p> <p>A review of the Geraldton water scheme planning has recently started and will consider the water zones and connection points for this area. They are likely to be from the existing 150 diameter reticulation on Drummond Cove Road and reticulation on the North West Coastal Highway where the proposed internal road for the development area intersects with the North West Coastal Highway."</p> <p>Based on the submission received from the Water Corporation it is recommended that Section 3.7 – Wastewater of the Buller Local Structure Plan document be modified as indicated in red below:</p> <p>"No reticulated wastewater scheme is generally proposed for the development area, with onsite treatment and disposal of effluent through aerobic treatment units on individual lots permitted by the proposed lot sizes and relevant Government wastewater policy.</p> <p>The structure plan proposes unsewered lots of R5 density (lots of 2,000m² or more), consistent with the Department of Health Draft Country Sewerage Policy (2003).</p> <p>To provide flexibility to achieve greater conservation outcomes and in response to Government wastewater policies as released, the structure plan provides a split coding that would enable lots less than 2,000m² in some locations where supported by land capability and state wastewater policy at the time of subdivision.</p> <p>Applications for lots less than 2,000m² will be referred to Department for Health for comment, and will have regard for the status of state policies at the time of subdivision and/or development application.</p> <p>Any densities greater than those proposed by the structure plan would require a reticulated wastewater service and would discharge into the Drummond Cove service main. A</p>
			Recommendation

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10 (25/5/15)	Department of Aboriginal Affairs 151 Royal Street EAST PERTH WA 6004	<p><i>Comment provided</i></p> <p>The structure plan intersects with one reported and registered Aboriginal heritage site (DAA 24415-Buller River) on the State Register of Aboriginal Sites.</p> <p>The river is associated with the Aboriginal Dreamtime narrative of the mythological serpent, the Beemarra.</p> <p>It is noted the northern area of the Buller Local Structure Plan adjacent to the Buller River is intended for a reserve/conservations area.</p> <p>There are no other mapped Aboriginal heritage places on the Department's database that intersect with the Buller Local Structure Plan area.</p> <p>A review of the Aboriginal heritage places within the surrounding area suggests that skeletal material likely relating to past Aboriginal burial practices has been located within the vicinity of the sand dune systems in the north western sections of the structure</p>	<p>preliminary review indicates the need for mains extension and upgrades. Water Corporation advise that the current temporary wastewater pump station that transfers wastewater to the Glenfield/Drummond Cove area is at capacity. However, currently a new wastewater pump station is in the process of being delivered by the developer of Glenfield Beach Estate to serve the next stage of development. This shall include grading out of the existing temporary wastewater pump station that is at capacity. Currently the developer has programmed the new wastewater pump station to be completed by mid-2016 there is currently limited capacity for treatment of additional waste water generated north of Geraldton North wastewater treatment ponds. A wastewater planning review would be required should more intensive development be considered across the Structure Plan Area."</p> <p>The Buller Structure Plan area does not include any registered Aboriginal heritage sites and is located in immediate proximity to one site at the Buller Rivermouth that was entered on the Register in 2007. Discussions prior to the planting of the Oakajee Sandalwood plantation confirmed that the provisions of the act apply to a 60m wide corridor centred upon the Buller River.</p> <p>The structure plan proposes that a foreshore reserve be created/widened along the Buller River at time of subdivision, it also proposes that sand dune systems that might contain skeletal remains be included within reserves at time of subdivision.</p> <p>Section 2.5 – Heritage of the Buller Local Structure Plan document notes the following: <i>"The northern boundary of the Buller development zone is near to and abuts several registered Indigenous sites, which are outside the structure plan area. The Buller River provides a focus point for several sites. Site 24415 (Buller River) is a mythological site associated with a natural feature, that follows the alignment of the Buller River, abutting the Buller Development Zone. The site has open access, and is not restricted. Site 15857 (Buller River Area) is located to the northwest of</i></p>
			<p>Note submission.</p> <p>(Separate to the issue of the Buller Structure Plan) That Council and LandCorp give consideration to the use of the name 'Beemarra' should the alignment of the vehicular access to the Buller Rivermouth (on the north side of Buller River) be formalised as a road reserve at some future time.</p>

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11 (11/5/15) (29/5/15)	City of Greater Geraldton Cathedral Ave GERALDTON WA 6530	<p><i>Comment provided</i> Concerns about the setback analysis: S1 - no modelling for this component</p> <p>S2 - query the validity of PP016 and the use of the -15m value. This may be a very small/minor accretion point and yet the setback based on this affects a long section of the coastline</p>	<p>S1 – the structure plan has adopted the conservative approach under State Coastal Planning Policy 2.6 which allows for a default value of 40m which is considered by the Department of Transport to be a worse case scenario on most sandy coasts in WA (a calculation using a higher amount of erosion would be questionable and open to challenge).</p> <p>A subsequent developer may elect to undertake explicit modelling of the S1 component in an effort to reduce this element; this can be undertaken by landowners at the time of subdivision if desired.</p> <p>The coastal setback has been calculated as per SPP2.6, however, it is recognised that this has been undertaken at a level appropriate for a Local Structure Plan and Section 2.6 of the Buller Local Structure Plan document does make some allowance for further detailed consideration, by subdividers at time of lodging a subdivision application with the WAPC, albeit with some element of conservatism as follows: <i>"if this is sought to be investigated further, for example to confirm or reduce the setback at subdivision, cross shore storm profile modelling would need to be undertaken (there is no guarantee that a reduction in the setback would be the result of this analysis)."</i></p> <p>S2 - The point PP016 is actually an average of 150m of coastline, this section is historically (according to the available aerial photography) an accreting coastline, so the use of the -15m value is considered valid.</p> <p>The setback distance of 115m is applied at point PP016 and a linear increase applied up to point PP014 at 140m, so a steadily increasing setback as moving north up the coast. Again, point PP014 is an average of 300m of coastline, so considered representative of a section of coast, not just a single point in plan.</p>	Note submission.

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			<p>PP003 PP005 PP006 PP008 PP012 PP014 PP016</p>	
		S3 - is valid	S3 - Noted, no further comment	

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		<p>S4 - has not been calculated as per requirements of SPP2.6.</p> <p>Setback - the setback line should be based on the worst outcome from S1+S2+S3 vs S4</p> <p>Given the recent experiences at Drummond Cove a setback value of 150-170m immediately north of Drummond Cove would be more appropriate, or even aligning with the 5m contour running along the rear of the limesand geological unit. This also applies to the proposed neighbourhood connector A road connecting to Drummond Cove Road.</p> <p>The City may request upgrading to Drummond Cove Road to cater for predicted traffic volumes. While the City is aware that this is a condition applicable to the subdivision stage of development this advice may assist the Shire in applying cost contribution conditions as per Section 7.1b of</p>	<p>S4 - The coastal setback as defined by SPP2.6 is the summation of S1 + S2 + S3 + 0.2m/yr for uncertainty, this defines the possible coastal erosion distance over the planning timeframe and dictates the line behind which any development should take place. The S4 value calculates the risk of the site to coastal inundation and is applicable when setting development floor levels and adaptation criteria but does not preclude infrastructure within the S4 area. The S4 value has not been calculated at this stage but should be undertaken prior to any development being considered.</p> <p>Setback - the setback line should be based on the worst outcome from S1+S2+S3 vs S4</p> <p>The coastal setback as defined by SPP2.6 is the summation of S1 + S2 + S3 + 0.2m/yr for uncertainty. The 0.2m/yr should be applied over a 100 year planning period which would increase the physical processes setback by 20m, however this uncertainty can be accommodated within the additional foreshore reserve provided by the structure plan.</p> <p>The Buller Local Structure Plan illustrates a proposed foreshore reserve width north of Drummond Cove Road that is greater than the existing foreshore reserve width south of Drummond Cove Road (i.e. 'behind' the existing built residential line in the Bayside Estate south of Drummond Cove Road).</p> <p>The Buller Local Structure Plan does not propose significant development within the foreshore reserve area, instead recommending conservation outcomes and development being limited to passive recreation e.g. managed walk trails linking the structure plan area to the beach.</p> <p>Figure 16 – Movement Plan Network of the Buller Local Structure Plan notes that: <i>"Final intersection location and design treatment to be confirmed at subdivision subject to requirements of City of Greater Geraldton."</i></p> <p>The City of Greater Geraldton will be a standard referral</p>

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12 (28/5/15)	J Liddon for M Thomas 1577 North West Coastal Highway BULLER WA 6532	<p>Part 1 of the Local Structure Plan.</p> <p><i>Support</i> South Buller Land Owners Group (SBLOG) are a group of landowners in the Buller Development Zone working together to achieve positive outcomes for the area. SBLOG members' respective lots are Lots 8, 7, 9, 10 & 1891.</p> <p>Conditionally support the document with some suggested changes detailed on the below diagram.</p> 	<p>agency of the WAPC at time of subdivision application being received for Lot 1891 and as such will have the opportunity to provide comment and request conditions. It is standard practice at the subdivision stage for local governments to request, and the WAPC to subsequently require, as a condition of subdivision approval, the upgrading of existing road infrastructure where a nexus can be demonstrated between additional traffic volume generated by the subdivision and the capacity of the existing road infrastructure to cater for this volume.</p> <p>The Shire will encourage developers should they make enquiry prior to lodgement of subdivision applications to consult with the City and MRWA to make allowance in their applications for meeting with the relevant parties' design, location and upgrade requirements.</p> <p>Comments in relation to the each of the 5 areas raised by the southern landowners group have been provided below.</p>	Note submission and modify Buller Local Structure Plan document as indicated in the Shire Comment section for submission 12.

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		<p>Public Open Space (POS - 1) SBLOG support the indicated POS covering the area of Swale "Sea Heath" (<i>Frankenia pauciflora</i>) mentioned in TPS 2 on Lots 7 & 9 and now indicated extending south over lowest elevations into Lot 10 and Lot 1891. SBLOG suggest that POS-1 also extend to the North boundary of Lot 8 (or beyond) to provide a linkage between POS-1 and the FOR-1 coastal reserve to the North.</p>	<p>Public Open Space (POS - 1) The southern landowners group, which includes the landowners of Lots 7 & 8, appear to be seeking a further expansion of the public open space area into Lots 7 & 8. This expansion may allow for an improved linkage to the foreshore reserve and an ability for an improved drainage role for the public open space.</p> <p>The public open space was not included in the advertised structure plan to offset the impact on developable land of additional foreshore reserve in Lots 10 and 1891, which was required by the Department of Planning in response to State Planning Policy 2.6 State Coastal Policy (see discussion on next submission point). The structure plan only identifies strategic open space, additional open space can be provided at the time of subdivision by the developer. If, at the time of subdivision, the developer of Lots 7 and 8 wish to extend the POS, they have the ability under the structure plan to do that.</p>
		<p>Coastal Processes Set Back and Coastal Reserve (FOR - 2) SBLOG suggest that the indicated Service Road approximately follows the 115m coastal setback line as defined by coastal processes under current SPP 2.6 policy but without any additional setback.</p> <p>SBLOG argue that limiting the extent of Foreshore Reserve (FOR-2) to this line creates an extensive beach reserve and that the elevated coastal dunes combined with recorded beach accretion in this zone will more than compensate for the indicated 50m buffer zone currently imposed on valuable development land east of the dune ridge line or existing fence/fire-break.</p> <p>As all long term residents understand, the stretch of beach adjacent SBLOG land is not attractive to swimmers and there is no shelter.</p>	<p>Coastal Processes Set Back and Coastal Reserve (FOR - 2) SPP2.6 requires additional foreshore reserve be provided in addition to the physical processes setback; this is a requirement of the WAPC, and is based on the assumption that development at the physical processes edge will result in no public beach and foreshore being provided following coastal erosion in the 100 year planning horizon.</p> <p>The coastal setback has been calculated as per SPP2.6, however, it is recognised that this has been undertaken at a level appropriate for a Local Structure Plan and Section 2.6 of the Buller Local Structure Plan document does make some allowance for further detailed consideration, by subdividers at time of lodging a subdivision application with the WAPC, albeit with some element of conservatism as follows: "If this is sought to be investigated further, for example to confirm or reduce the setback at subdivision, cross shore storm profile modelling would need to be undertaken (there is no guarantee that a reduction in the setback would be the result of this analysis)."</p>

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		<p>for boating or other marine recreational activities. Most families will prefer to use the sheltered beach at Drummond Cove or access the protected pools adjacent the mouth of the Buller River and further North. It is unlikely that this will change as the BDZ is subdivided and populated so pressure on beach reserves will be minimal.</p> <p>Detailed Area Plan (Conservation) SBLOG suggest large lots created with a split R5/R10 density in DAP areas on Lots 8, 7 & 9. SBLOG request 20m minimum frontage dispensation for R5 Lots to enable 4 lots across each existing lot. A flexible approach is needed to incorporate multiple existing buildings and approved infrastructure.</p>	<p>The Local Structure Plan provides a strategic framework for subdivision and is not a final, confirmed layout. The operation of the structure plan does not remove the opportunity for refined design outcomes by developers at the time of subdivision in and consultation with WAPC.</p> <p>Detailed Area Plan (Conservation) Detailed area plans prepared at the time of subdivision will consider any required changes to the deemed to comply provisions of the R-Codes. This includes consideration of minimum frontage requirements.</p> <p>These requirements can then be considered alongside other necessary design elements including bushfire management and vegetation protection.</p> <p>The ability to provide flexibility to landowners in their future subdivision design to enable improved outcomes that have regard for the topography, vegetation and fire management is encouraged.</p> <p>It is considered that Figure 22-Conceptual Example of Detailed Area Plan of the Buller Local Structure Plan document already provides for this. However, it is suggested that this could be further clarified by modifying the text upon Figure 22 as follows:</p> <p><i>"A range of lot sizes, layouts and frontages are encouraged across the development area generally in accordance with the R5/10 density code to ensure larger lots are delineated in areas identified as Vegetation Protection Areas and to facilitate smaller lots outside of Vegetation Protection areas."</i></p> <p>It is further suggested that to address the respondent's issue that Section 6.1.b.ii of the Buller Local Structure Plan be modified as follows:</p>
			Recommendation

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		<p>Movement Network</p> <p>SBLOG support access to NWCH located on the boundary of Lot 9 & 10. This road link could be upgraded to NC-A standard if SBLOG area develops before northern BDZ roads are built.</p> <p>Note: Subdivision of the SBLOG portion of the BDZ will most likely be staged, with lots near the coast and adjacent Drummond Cove Rd developed first and the balance of land subdivided in later stages. The indicated East - West link will provide an alternative fire escape route under this assumed staged subdivision scenario where northern roads are not in place to serve this function.</p> <p>SBLOG Land Owners suggest that the southern loop on Lot 1891 currently shown as a NC-A road should be downgraded to an Access Road and traffic encouraged to use the East-West NC - A road.</p>	<p>"A range of lot sizes, layouts and frontages to promote innovative conservation outcomes, for examples where it can be demonstrated that a positive biodiversity outcome can be achieved."</p> <p>Movement Network</p> <p>Submission proposing the western connection to function as the primary north south connector through the Buller Structure Plan area is agreed. In line with this comment, the eastern most connection through Lots 3, 11, 12, 15, 16 would also suitably function as a Neighbourhood Connector B, reflecting the reduced likelihood of that connection being realised with the operation of the caravan park.</p> <p>Recommended that Plan 1, Figure 16 and Appendix B LWMS Appendix A of the Buller Local Structure Plan be modified to designate the road in the south-eastern corner of the structure plan area and the eastern connecting road through Lots 3, 11, 12, 15, 16 as being Neighbourhood Connector B, as shown in Figure 6 to address the respondent's issue.</p>
			<p>Figure 6 – Modified Movement Plan Network</p>
			<p>Recommendation</p>

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		<p>There is some confusion in the BLSP document regarding road categories proposed by GHD.</p> <p>No "Access Road" category is shown on Plan 1 (page 2) or the Buller Structure Plan shown in Appendix A, yet this road type is described in Figure 8 in the Stormwater Management Strategy section (Section 6, page 25)</p>	<p>The structure plan only illustrates higher order road connections for the area; additional local access roads (particularly in the north of the structure plan area) would be planned and provided at the time of subdivision. Whilst these roads are not shown by the structure plan, the Local Water Management Strategy makes recommendations for such roads to include drainage swales. It is recommended that Section 6.2 of the Local Water Management Strategy be revised to read:</p> <p>"Road drainage <i>The road drainage system will comprise shallow roadside swales to infiltrate small events and convey larger events from the paved surface.</i></p> <p><i>Peak flows resulting from the 100 year ARI event may result in slight overtopping of the road side swales. Therefore habitable floors are required to be at least 300 mm above the 100 year ARI flood or storage level at all locations.</i></p> <p><i>The swales will be bunded at regular intervals to ensure that they do not concentrate the flows. Where kerbing is required at roundabouts and intersections, soakwells may be used in conjunction with kerb openings.</i></p> <p><i>Swales may be landscaped with appropriate native vegetation to ensure high nutrient control, low/no water usage and easy maintenance.</i></p> <p><i>Figure 8 provides typical sections of road reserves (including Neighbourhood Connectors shown within the structure plan, and Access Roads which will be identified at the time of subdivision) within the Buller structure plan area, showing the width conceptual location of the roadside swales. The width of swales should be determined through preparation of Urban Water Management Plans at the time of subdivision."</i></p> <p>It is also recommended that dimensions shown on Figure 8 of the Local Water Management Strategy be removed to avoid potential confusion with cross sections presented in the</p>
			Recommendation

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Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			Recommendation
		<p>SBLOG suggest that the southern section of the NC-A road be excavated to approx. 4-5m level and sand used to raise adjacent lots East of the NC road to enhance view lines and address drainage issues</p> <p>Zoning Generally The area R10 / R15 indicated on Lot 1891 is understood to be feasible only when connection to the existing Drummond Cove sewer network is approved. SBLOG understand that the capacity of the Drummond Cove sewer system will be upgraded in the near future.</p> <p>Conclusion The Buller Structure Plan process was initiated by SCV in 2000 as part of a new town planning scheme for the SCV - TPS 2. The process has been extraordinarily protracted and stressful for land owners. Over this protracted period several SBLOG landowners with well advanced development plans were effectively "put on hold" pending the TPS 2 process. SBLOG sincerely hope that the Buller Local Structure Plan can now proceed without further changes that negatively impact the future development potential of this area.</p>	<p>transport strategy of the structure plan.</p> <p>Levels of roads and lots are to be determined by the subdivider at the time of subdivision. No change is therefore required to be made to the structure plan and this can be considered a design issue for subdivision.</p> <p>Zoning Generally Further comment in relation to this issue is provided in the Shire Comment relevant to Submission 9 (Water Corporation). Based on the submission received from the Water Corporation it is recommended that Section 3.7 – Wastewater of the Buller Local Structure Plan document be modified as indicated in red below: "No reticulated wastewater scheme is generally proposed for the development area, with onsite treatment and disposal of effluent through aerobic treatment units on individual lots permitted by the proposed lot sizes and relevant Government wastewater policy." The structure plan proposes unsewered lots of R5 density (lots of 2,000m² or more), consistent with the Department of Health Draft Country Sewerage Policy (2003). To provide flexibility to achieve greater conservation outcomes and in response to Government wastewater policies as released, the structure plan provides a split coding that would enable lots less than 2,000m² in some locations where supported by land capability and state wastewater policy at the time of subdivision. Applications for lots less than 2,000m² will be referred to Department for Health for comment, and will have regard for the status of state policies at the time of subdivision and/or development application. Any densities greater than those proposed by the structure plan would require a reticulated wastewater service and would</p>

Buller Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
13 (28/5/15)	K Woodthorpe for C Miles-Cadman Lot 7 North West Coastal Highway BULLER WA 6532	As per Submission 12	discharge into the Drummond Cove service main. A preliminary review indicates the need for mains extension and upgrades. Water Corporation advise that the current temporary wastewater pump station that transfers wastewater to the wastewater treatment plant for the whole of this Glenfield/Drummond Cove area is at capacity. However, currently a new wastewater pump station is in the process of being delivered by the developer of Glenfield Beach Estate to serve the next stage of development. This shall include grading out of the existing temporary wastewater pump station that is at capacity. Currently the developer has programmed the new wastewater pump station to be completed by mid-2016. there is currently limited capacity for treatment of additional waste water generated north of Geraldton North wastewater treatment ponds. A wastewater planning review would be required should more intensive development be considered across the Structure Plan Area.	As per Submission 12
14 (28/5/15)	K Baldwin Lot 1891 North West Coastal Highway BULLER WA 6532	As per Submission 12	As per Submission 12	As per Submission 12
15 (28/5/15)	K Featherstone 1571 North West Coastal Highway BULLER WA 6532	As per Submission 12	As per Submission 12	As per Submission 12
16 (29/5/15)	N Stein 1599 North West Coastal Highway BULLER WA 6532	As per Submission 12	As per Submission 12	As per Submission 12
17	Department of	Comment provided	In response to the submission received from the Water	Note submission and modify

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
(29/5/15)	Health 227 Stubbs Tce SHENTON PARK WA 6008	<p>All development exceeding R5 density are required to connect to reticulated sewerage by the draft Country Sewerage Policy. Lots at R5 and lower density are required to demonstrate site suitability for effluent disposal.</p> <p>The proponent must ensure that onsite mosquito breeding is minimised through effective design and maintenance of water-holding infrastructure and constructed wetlands.</p> <p>The Chironomid midge and mosquito risk assessment guide for constructed water bodies (2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised.</p>	<p>Corporation (Submission 9) it is recommended that Section 3.7 – Wastewater of the Buller Local Structure Plan document be modified. It is not considered that the Department of Health submission (Submission 17) raises issues that require further modification to the document relating to wastewater.</p> <p>Section 3.5 – Disease vector management of Appendix B:Local Water Management Strategy of the Buller Local Structure Plan document addresses the issue of mosquito breeding as follows: <i>"To reduce health risks from mosquitoes, retention and detention treatments should be designed to ensure that between the months of November and May stationary stormwater is fully infiltrated in less than 72 hours. Detention and infiltration areas should be free of depressions and potholes to avoid immobile water. No permanent water bodies will be constructed on site."</i></p> <p>It is suggested that to address the Department of Health's concern that the following additional text could be inserted into Section 3.5 of Appendix B: <i>"The proponent must ensure that onsite mosquito breeding is minimised through effective design and maintenance of water-holding infrastructure. The 'Chironomid midge and mosquito risk assessment guide for constructed water bodies' (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised."</i></p> <p>It is noted that a standard condition of subdivision applied by the WAPC requires "the land being filled, stabilised, drained and/or graded as required to ensure that lots can accommodate their intended development; and stormwater is contained on-site, or appropriately treated and connected to the local drainage system."</p>

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			Recommendation
18 (28/5/15)	Tourism WA 2 Mill Street PERTH WA 6000	<p><i>Comment provided</i></p> <p>Shire is located along the North West Coastal Highway and is an important connection from Geraldton to the northern towns of Western Australia attracting many tourists particularly in the self-drive sector. This is a growing market and demand for facilities is continuing to increase around the state.</p> <p>In this context while Tourism WA generally supports the main purpose of the structure plan it does not support the zoning of residential over the existing Drummond Cove Holiday Park. The site has good exposure for visitors due to its highway location, direct access to the coast and is an important holiday destination within the Coral Coast region.</p> <p>In accordance with Planning Bulletin 49/2014 and 83/2013 existing tourism sites should be protected from residential development. Therefore it is suggested this site should be retained for tourism purposes and be zoned 'Special Use-Caravan Park' as part of the structure planning process.</p> <p>It is important to consider buffer zones surrounding the existing holiday park to help reduce land use conflicts with the surrounding residential sites. As the site currently has direct access to the ocean this process should also consider the value of retaining the whole of Lot 3 for tourism or conservation purposes to ensure this is maintained.</p>	<p>This condition can attract the accompanying WAPC advice note "the landowner/applicant is advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed."</p> <p>The Buller Local Structure Plan area contains one existing tourism site in the Drummond Cove Holiday Park (eastern end of Lot 3) and one approved, but yet to commence, tourism site in the Chapman Valley Beach Villas (western end of Lots 7, 8 & 9).</p> <p>The Buller Local Structure Plan does not prevent the development or ongoing operation of either tourism site.</p> <p>The Buller Local Structure Plan can be modified in the event of a major meritorious tourism venture being proposed, and the Shire Local Planning Scheme identifies that the following land uses that have tourism appeal can be considered within the 'Development' zone: camping ground, caravan park, hotel, lodging house/guest house, motel, park home park, restaurant, shop, short stay accommodation, tavern.</p> <p>Further the Buller Local Structure Plan also has the ability under the Development zoning for the development approval of more minor meritorious tourism ventures that may not be of sufficient scale to warrant amendment to the structure plan e.g. bed & breakfast.</p>
			Note submission.

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			Recommendation
19 (29/5/15)	State Heritage Office 491 Wellington St PERTH WA 6000	<p>It is also noted that the northern area of the structure plan has high amenity due to its proximity to the sand dune, Buller River and coast and may therefore have potential for additional tourism accommodation and product such as a caravan park or facilities to provide adventure tours. This could provide an additional product offering for tourists to the area and consideration should be given to this opportunity as part of this planning process.</p> <p><i>No objection</i> We will not be making any comment as it does not appear to impact upon any place of State heritage significance.</p>	
20 (5/6/15)	Department of Parks & Wildlife 201 Foreshore Drive GERALDTON WA 6530	<p><i>Objection</i> DPaW note that any vegetation in good or better condition is worthy of protection, and that the structure plan does not utilise the Northern Batavia Coast Flora and Vegetation Survey and the earlier Geraldton Regional Flora and Vegetation Survey, which have identified and mapped the vegetation of the region.</p> <p>DPaW identify that some vegetation in 'very good' condition is not included within reserves upon the structure plan. DPaW requests the flora survey report, which was not included in the Local Structure Plan, to comment on the suitability of the conservation areas proposed.</p> <p>DPaW does not support the approach of the proposed detailed area plans and potential conservation at later stages of the planning process, believing this should be undertaken at the structure plan level. DPaW suggests that the structure plan does not comply with</p>	<p>There are no sites listed within the Shire of Chapman Valley Heritage Inventory within the Buller Local Structure Plan area.</p> <p>The DPaW correspondence makes reference to the findings of regional level flora surveys without giving appropriate regard for the far more detailed and subsequent work that has underpinned the preparation of the Buller Local Structure Plan. Site specific flora survey, Level 2 fauna surveys and high resolution aerial imagery sourced from a specifically commissioned aerial drone flight have guided the Buller Local Structure Plan. The DPaW submission adheres to broad-scale regional level documents that have a role in setting general strategic direction but cannot be reasonably expected to be used as the basis for more detailed planning work. The level of site specific study that has been undertaken to inform the Buller Local Structure Plan has informed the subsequent planning process to ensure an outcome that represents the on-ground reality.</p> <p>The Buller Structure Plan has taken a practicable approach in its designation of conservation areas.</p> <p>Concept 2A shown in the Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study is a schematic comparison of land use only and therefore did not provide sufficient detail for the purpose of identifying conservation assets that are viable for protection</p>

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>Condition 2.2 of the Minister of Environment Statement: <i>"Any future structure plan shall identify local scheme reserves for the purposes of conservation as outlined in concept 2A within the Shire of Chapman Valley Buller Development Zone Opportunities, Constraints and Concepts Study"</i></p>	<p>solely through reservation. To more accurately respond to on-ground conservation assets, the structure plan was prepared utilising one metre contours, specifically commissioned extremely high resolution aerial drone photography and accurate plotting of pre-existing approvals and disturbed areas on the site.</p> <p>High resolution aerial photography demonstrates that the three conservation areas identified for protection through detailed area plans are significantly impacted by pre-existing clearing or existing approvals which would further disturb these areas. The level of pre-existing disturbance affects the longer term viability of these areas as publicly managed conservation reserves. It is acknowledged that local government resources cannot manage these fragmented areas as reserves for conservation, compared to the ability of private owners to perform regular maintenance, for example weed, fire and access management and achieve superior conservation outcomes in this instance.</p> <p>The Detailed Area Plans shown on the structure plan define and regulate development within the areas identified by Concept 2A whilst accounting for existing and approved development and are in accordance with the conservation outcomes of the Minister for Environment Statement No. 937.</p> <p>It is considered that the structure plan meets the intent of the Ministerial Condition through the designation of foreshore reserves for areas of larger remnant vegetation and utilises an alternative protection measure (detailed area plans) to address conservation areas that are compromised through fragmentation and degradation and outlines an improved mechanism to provide ongoing protection and management for these areas.</p> <p>The DPaW correspondence is incorrect in its assertion that the structure plan does not have regard for the Geraldton Regional Flora and Vegetation Survey and further, fails to acknowledge that the structure plan goes beyond the conservation measures outlined by the Minister Statement and designates</p>
			Recommendation

Buller Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
21	Main Roads WA Eastward Road GERALDTON WA 6530	<p><i>Comment provided</i> MRWA confirms agreement with the proposed new intersections points to the highway as shown in the structure plan.</p> <p>MRWA accepts that an equitable formal funding agreement for timing and funding of highway intersections would not be achievable, and will endeavour to work with the Shire and developers at the time of subdivision to achieve satisfactory upgrades. MRWA encourage proponents to contact the Shire and MRWA in advance of submitting applications.</p> <p>MRWA recognise that detailed area planning is required for the area abutting the highway to protect access and reduce impacts of amenity. MRWA will not support any additional accesses on to the highway from the site or the intensification of any existing accesses.</p>	<p>an area of public open space over the <i>Frankenia pauciflora</i> community which the Geraldton Regional Flora and Vegetation Survey identified as one of the rarest and most threatened plant communities in the region.</p> <p>Comments regarding support for proposed highway intersection points and a flexible approach to developer contributions for intersection construction are noted and supported.</p> <p>With regard to access points to the site, clause 6.1.c.i of the structure plan document-statutory section clearly prescribes that no residential access to North West Coastal Highway will be supported.</p> <p>MRWA's comment that no additional access to the highway will be supported is noted, however the construction of the Geraldton Outer Bypass/ONIC becomes a very significant factor given the very long-term nature of the Buller Structure Plan being realised (due to compelling residential land elsewhere in Geraldton, the relatively high cost of servicing on the northern extremity of the Geraldton urban area, and low expected regional growth).</p> <p>This will result in the removal of heavy vehicles from the eastern border of the structure plan area and it must also be considered likely that lowering the speed along this section of road will also become subject to some future review. These factors in isolation and certainly in tandem will result in later consideration of additional connection points. Therefore, it is appropriate for the structure plan to envisage future amendments to enable additional access points if the current regional transport situation changes.</p>

Buller Local Structure Plan - Schedule of Modifications

1. Modify Plan 1, Figure 16 and Appendix B LWMS Appendix A of the Buller Local Structure Plan, to relocate neighbourhood connector and (temporary) cul-de-sac on Lot 11, and add additional potential east-west connection along the existing constructed firebreak along the northern boundary of Lot 3, as shown below:



2. Modify Section 3.7 – Water of the Buller Local Structure Plan (Explanatory Section) as shown in red below:

"Consultation has been undertaken with the Water Corporation with the following advice being provided.

Planning Review

The water connection points provided are conditional on the Geraldton northern water scheme having spare capacity to serve the areas. The existing infrastructure is able to serve the current development rate. Should this significantly increase capacity may be limited. Proposed projects to increase capacity for the north Geraldton area are programmed to be completed during 2016 (subject to the annual capital infrastructure prioritisation review).

– Edward Road Transfer Pump Station - approximate location Galleon Drive/Edward Road intersection

– Twelve kilometres of 600 diameter pressure main from Edward Road Pump Station to Nanson Road Tank on Chapman Valley Road.

A planning review of these timeframes has commenced and is due to be completed by the end of 2014.

Dedicated Northampton Water Transfer Main

A water transfer main has been constructed to upgrade the water supply to Northampton. It is located in a 10 metre easement west of the North West Coastal Highway road reserve and is located within Lots 15, 16, 17 and 2632. The easement over Lots 15 and 16 are finalised, while the easements over Lots 17 and 2632 are in progress, and future subdivision will be required to display appropriate regard for this pipeline alignment.

Future Oakajee Industrial Estate Distribution Main

Various options to service the Oakajee site have been considered, including an additional water main in the easement located for the dedicated Northampton water transfer main.

Buller Structure Plan Area

The development area was included in the last Geraldton water scheme planning review 2007 to be served as residential R20. The development area is in the Brown Lane Tank (pressure relief valve) Water Zone ~~currently in the Nansen Road Tank water zone and projects are currently being completed to transfer the area into the Brown Lane Tank water zone that was constructed and commissioned in 2013.~~ A review of the Geraldton water scheme planning has recently started and will consider the water zones and connection points for this area. They are likely to be from the existing 150 diameter reticulation on Drummond Cove Road and reticulation on the North West Coastal Highway where the proposed internal road for the development area intersects with the North West Coastal Highway."

3. Modify Section 3.7 – Wastewater of the Buller Local Structure Plan (Explanatory Section) as shown in red below:

"No reticulated wastewater scheme is generally proposed for the development area, with onsite treatment and disposal of effluent through aerobic treatment units on individual lots permitted by the proposed lot sizes and relevant Government wastewater policy.

The structure plan proposes unsewered lots of R5 density (lots of 2,000m² or more), consistent with the Department of Health Draft Country Sewerage Policy (2003).

To provide flexibility to achieve greater conservation outcomes and in response to Government wastewater policies as released, the structure plan provides a split coding that would enable lots less than 2,000m² in some locations where supported by land capability and state wastewater policy at the time of subdivision.

Applications for lots less than 2,000m² will be referred to Department for Health for comment, and will have regard for the status of state policies at the time of subdivision and/or development application.

Any densities greater than those proposed by the structure plan would require a reticulated wastewater service and would discharge into the Drummond Cove service main. A preliminary review indicates the need for mains extension and upgrades. Water Corporation advise that the current temporary wastewater pump station that transfers wastewater to the wastewater treatment plant for the whole of this Glenfield/Drummond Cove area is at capacity. However, currently a new wastewater pump station is in the process of being delivered by the developer of Glenfield Beach Estate to serve the next stage of development. This shall include grading out of the existing temporary wastewater pump station that is at capacity. Currently the developer has programmed the new wastewater pump station to be completed by mid-2016 ~~there is currently limited capacity for treatment of additional waste water generated north of Geraldton North wastewater treatment ponds.~~ A wastewater planning review would be required should more intensive development be considered across the Structure Plan Area."

4. Modify the text upon Figure 22 as shown in red below:

"A range of lot sizes, layouts and frontages are encouraged across the development area ~~generally~~ in accordance with the R5/10 density code to ensure larger lots are delineated in areas identified as Vegetation Protection Areas and to facilitate smaller lots outside of Vegetation Protection areas."

5. Modify Section 6.1.b.ii of the Buller Local Structure Plan (Statutory Section) as shown in red below:

"A range of lot sizes, ~~layouts and frontages~~ to promote innovative conservation outcomes, for examples where it can be demonstrated that a positive biodiversity outcome can be achieved."

6. Modify Plan 1, Figure 16 and Appendix B LWMS Appendix A of the Buller Local Structure Plan to designate the road in the south-eastern corner of the structure plan area and the

eastern connecting road through Lots 3, 11, 12, 15, 16 as being Neighbourhood Connector B (as shown below):



7. Modify Section 6.2 of Appendix B - Local Water Management Strategy of the Buller Local Structure Plan as shown in red below:

"Road drainage

The road drainage system will comprise shallow roadside swales to infiltrate small events and convey larger events from the paved surface.

Peak flows resulting from the 100 year ARI event may result in slight overtopping of the road side swales. Therefore habitable floors are required to be at least 300 mm above the 100 year ARI flood or storage level at all locations.

The swales will be bunded at regular intervals to ensure that they do not concentrate the flows. Where kerbing is required at roundabouts and intersections, soakwells may be used in conjunction with kerb openings.

Swales may be landscaped with appropriate native vegetation to ensure high nutrient control, low/no water usage and easy maintenance.

Figure 8 provides typical sections of road reserves (including Neighbourhood Connectors shown within the structure plan, and Access Roads which will be identified at the time of subdivision) within the Buller structure plan area, showing the ~~width and~~ conceptual location of the roadside swales. The width of swales should be determined through preparation of Urban Water Management Plans at the time of subdivision.

8. Modify Figure 8 of Appendix B - Local Water Management Strategy of the Buller Local Structure Plan to remove dimensions on cross sections.

9. Modify Section 3.5 of Appendix B - Local Water Management Strategy of the Buller Local Structure Plan to include the following text:

"The proponent must ensure that onsite mosquito breeding is minimised through effective design and maintenance of water-holding infrastructure.

The 'Chironomid midge and mosquito risk assessment guide for constructed water bodies' (Midge Research Group, 2011) should be referred to during the early stages of planning to ensure that the potential for on-site mosquito breeding is minimised."

AGENDA ITEM:	9.1.4
SUBJECT:	EXTRACTIVE INDUSTRY (GRAVEL, SAND & IRONSTONE)
PROPONENT:	P & S WARD
SITE:	169 (LOT 12) URCH ROAD, YETNA
FILE REFERENCE:	A997
PREVIOUS REFERENCE:	05/12-2 & 05/13-3
DATE:	8 JUNE 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

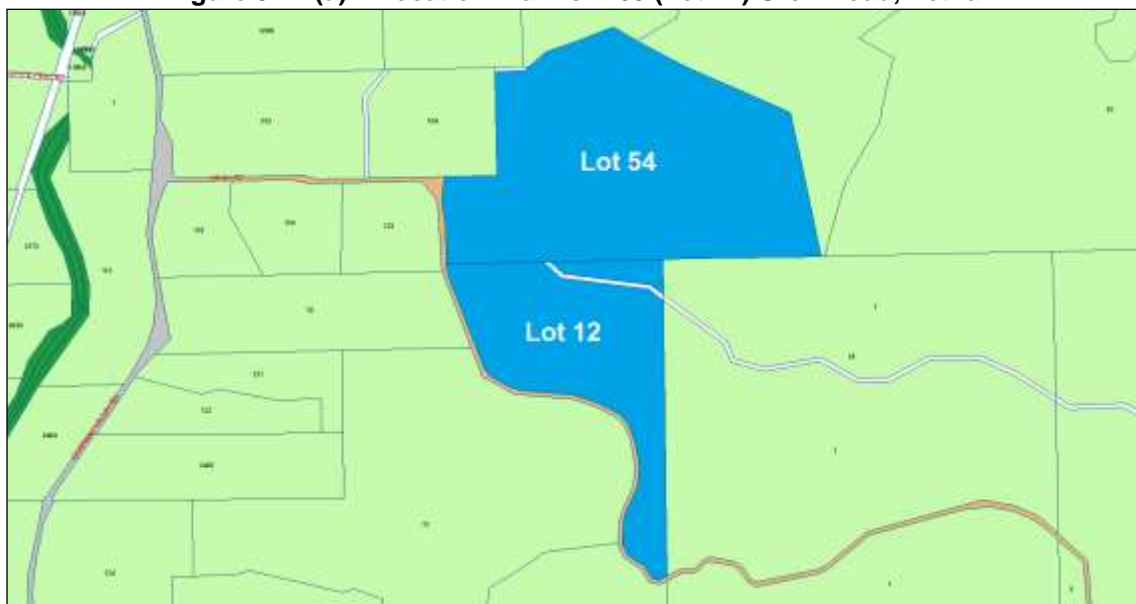
BACKGROUND

Council approved an application to operate an extractive industry (gravel and sand) upon 169 (Lot 12) Urch Road, Yetna at its 16 May 2012 and 15 May 2013 meetings. The applicant is now seeking an extension and amendment to the application to enable the extraction of ironstone in the vicinity of the previously approved gravel and sand quarry sites upon Lot 12. This report recommends conditional approval for the extension and amendment to the application.

COMMENT

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

Figure 9.1.4(a) – Location Plan for 169 (Lot 12) Urch Road, Yetna



The applicant originally proposed to extract 2,000m³ of yellow sand per annum from Lot 54 and 2,000m³ of gravel per annum from Lot 12. Council gave conditional approval for the extraction of sand and gravel from Lot 12 only, at its 16 May 2012 meeting, following an advertising period and amendment to the proposed development by the applicant. The Council approval was valid for a period of 12 months (until 16 May 2013) after which time the application was required to be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.

During the 12 month period of approval the Shire received 3 complaints relating to the development upon Lot 12 Urch Road as follows:

- 22 October 2012 Phone complaint regarding movement of trucks along Urch Road prior to 7:00am received, Shire wrote to landowner of Lot 12 who advised that they were away and that their contractor had advised they had commenced at 6:45am, landowner of Lot 12 undertook to ensure this would not occur again.

- | | |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 March 2013 | Written complaint received concerning dust generated by vehicles travelling along Urch Road. |
| 7 March 2013 | Written complaint received concerning dust generated by vehicles travelling along Urch Road. |
| 13 March 2013 | Landowner presented log of vehicle movements along Urch Road for the period of 10 August 2013 till 25 February 2013, log indicated a maximum number of vehicle movements in a day of 14 (15 August 2013). Landowner also provided details of their pre-existing medical conditions. |

The written complaints received on 1 March 2013 and 7 March 2013 relating to dust arising from the movement of trucks associated with extractive industries on Urch Road were presented to Councillors at the 20 March 2013 Forum Session. Urch Road was also included on the 26 March 2013 Road Inspection to enable Councillors to view the subject area.

The complaints concerning dust from vehicles travelling along Urch Road related both to the extractive industry upon Lot 13 Urch Road (Quadrio) that was approved on 28 April 2011, following advertising, for a period of 5 years (expiry date 28 April 2016), and the extractive industry upon Lot 12 Urch Road (Ward) that was approved on 16 May 2012, following advertising, for a period of 12 months (expiry date 16 May 2013).

Whilst trucks movements associated with extractive industry operations upon Lot 12 may have been contributing to the issue of dust along Urch Road it was considered that it could not be reasonably stated that they were entirely responsible. Urch Road is utilised by a range of sized vehicles associated with farming activity and the road, similar to many roads throughout the Shire, is in an unsealed condition and will as a result give rise to some dust when travelled along in certain conditions.

The extractive industry upon Lot 12 was approved subject to dust mitigation measures but these are more commonly associated with the extractive industry site itself, although specific reference was made to procedures being introduced to minimise dust associated with truck movements but these would typically relate to actions such as wetting down of the access road and the covering of loads, rather than dust generated from travelling a public road, from which dust is generated by any travelling vehicle.

Given the receipt of complaints in relation to the development upon Lot 12 the Shire wrote to the 8 landowners between the Chapman Valley Road intersection and the Urch Road extractive industry site on 15 April 2013 inviting comment upon the operation of the development in the preceding 12 months. 1 objection was received and this matter was returned to the 15 May 2013 Council meeting for its consideration. The report presented to Council noted that a review of the conditions granting approval for 12 months indicated that the applicant has made significant effort to comply with the conditions of approval, including the relocation of the access point, installation of traffic signs, installation of screening landscaping, and other actions not specifically required by Council including instructing drivers to drive slowly past the complainant's frontage.

Council resolved at its 15 May 2013 meeting as follows:

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

Conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.*
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.*
- 3 The approval is valid for a period of 2 years (until 16 May 2015) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.*

- 4 *The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.*
- 5 *The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.*
- 6 *The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.*
- 7 *Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.*
- 8 *The activities upon Lot 12 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.*
- 9 *Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.*
- 10 *Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.*
- 11 *Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant.*
- 12 *No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.*
- 13 *No blasting of material is permitted as part of extraction operations.*
- 14 *The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:*
 - *Monday to Saturday – 7:00am to 6:00pm;*
 - *Sundays and Public Holidays - no operations.*
- 15 *The development must comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act 1986 in respect to noise emissions and should noise or dust monitoring be required in relation to the extractive operations as they take place upon Lot 12, all costs shall be met by the applicant.*
- 16 *The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.*
- 17 *Post closure requirements shall become applicable upon the earlier of the following events:*
 - *acknowledgement by the landowner that extractive activities are completed;*
 - or
 - *the approval period for the development having expired.*

Notes:

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

Figure 9.1.4(b) – Aerial photograph of 169 (Lot 12) Urch Road, Yetna



The applicant has now written to the Shire seeking an extension of their approval, and an amendment also to allow for the opening of a 2ha ironstone deposit approximately 300m north-east of the existing extractive (gravel and sand) operations.

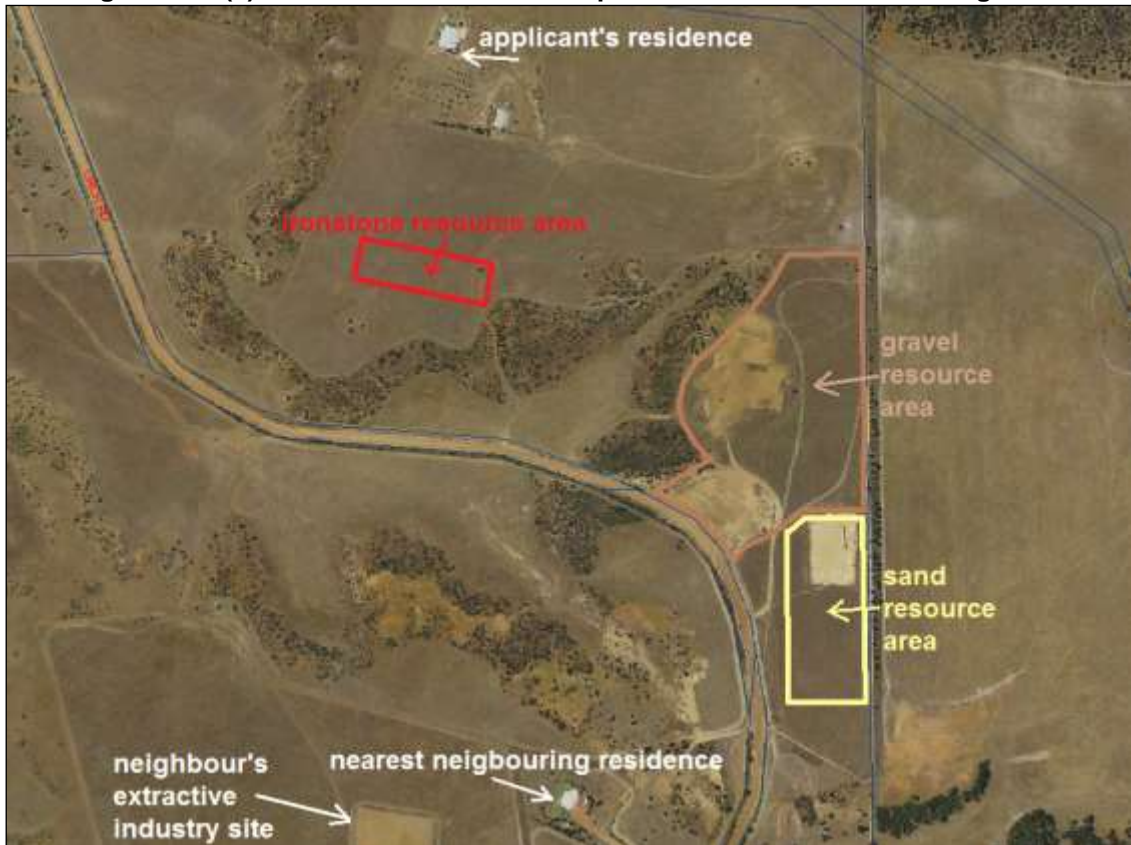
A copy of the amended plan received from the applicant and their supporting correspondence has been included as **Attachment 9.1.4(a)** for Council's information.

The existing and proposed additional extractive industry areas required no clearing of native vegetation and involve the removal of approximately 500mm of top soil, prior to extraction, to be replaced after each pit has expired to enable farming to be resumed. The on-site operation involves extraction to a depth of 3m for the sand quarry and 1.5m for the gravel quarry (in both instances this being additional to the 500mm removed top soil).

The on-site operations require the use of a loader, bulldozer, 6 wheel trucks, water truck and semi-tipper, and a grizzly bar screen.

The original application proposed that vehicle movements would not exceed 10 truckloads per day and the hours of operation would be 7am to 6pm Monday to Saturday over a resource life of 10 years.

Figure 9.1.4(c) – Location of ironstone deposit in relation to surrounding residences



The sand quarry upon Lot 12 is located 300m north-east of the nearest third party residence (upon Lot 13 Urch Road). The 'Guidance for the assessment of environmental factors – separation distances between industrial and sensitive land uses' (2005) prescribes a buffer distance of 300-500m for sand extraction dependant upon the size of the operation. However, it was considered that the direction of the prevailing winds would mitigate potential dust emissions. In summer the winds are generally from a south to south-easterly direction in the mornings with a strengthening south-southwesterly sea breeze in the afternoon. It is noted that winds can come from a north-easterly direction but this is generally confined to winter mornings when dust emissions would be less likely due to higher moisture content. North-easterly winds are generally confined to winter mornings and winter afternoons tend to produce variable winds that can be from any direction but with a westerly predominance. Council imposed a condition at its 16 May 2012 and 15 May 2013 meetings that operational activity be ceased when winds are from a north-easterly direction to address this issue.

The gravel quarry is located 330m north-east of the nearest third party residence. The EPA Guidelines do not prescribe a buffer distance for extractive industries such as gravel that do not require blasting, instead deeming that buffer distances should be set on a case by case basis.

The proposed ironstone quarry would be setback approximately 150m from Urch Road and be located approximately 600m from the nearest third party residence. The EPA Guidelines do not prescribe a buffer distance for hard rock extractive industries that do not require blasting, instead deeming that buffer distances should be set on a case by case basis.

It is noted that the closest residence to the extractive industry has not lodged complaint concerning the operations, and that they also operate a gravel extraction industry upon their own property. It is further noted that the received complaints concern dust emissions generated by vehicles travelling along an unsealed road, and do not concern dust emissions either from the extractive industry site or from the loads being carried.

Figure 9.1.4(d) – View of existing sand extraction area upon Lot 12 from Urch Road



Figure 9.1.4(e) - View of existing gravel extraction area upon Lot 12 from Urch Road



Figure 9.1.4(f) - View of proposed ironstone extraction area upon Lot 12 from Urch Road



Figure 9.1.4(g) – View of extractive industry vehicle travelling along Urch Road



STATUTORY ENVIRONMENT

169 (Lot 12) Urch Road, Yetna is zoned 'Rural' under the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme').

Section 4.2.6 of the Scheme lists the objective for the 'Rural' zone as being:

- (a) Provide for a variety of agricultural/rural activities;*
- (b) Provide for other land-uses compatible with the predominant use of the land;*
- (c) Prevent the establishment of land-uses more appropriately undertaken in commercial and/or industrial areas;*
- (d) Provide appropriate protection from incompatible development for existing land-uses; and*
- (e) Protect the environmental and landscape values of the land."*

The Zoning Table of the Scheme specifies 'Industry-Extractive' as an 'A' use within the 'Rural' zone, this being a use that is not permitted unless the local government has exercised its discretion by granting planning approval after advertising.

Schedule 1 of the Scheme defines 'Industry-Extractive' as follows:

"means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone, or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which those materials are extracted, but does not include industry-mining."

The proposed development falls within the interpretation and was considered by Council at its 16 May 2012 meeting subject to conditions, following completion of the necessary advertising, and again by Council at its 15 May 2013 meeting following completion of advertising.

The original approval was subject to a 12 month period of approval, and the subsequent approval was subject to a 2 year period of approval. Section 10.5.2 of the Scheme addresses the extension of a term of planning approval as follows:

"10.5 Term of Planning Approval

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

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

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

Section 8.3 of the Scheme addresses the amending of a planning approval as follows:

"8.3 Amending or Revoking a Planning Approval

The Local Government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval."

Lot 12 also falls within the 'Special Control Area 2 – Moresby Range Landscape Protection Area' zoning of the Scheme. Section 6.3 of the Scheme notes that:

"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 proposed ironstone extraction site would be in an elevated and reasonably prominent location as viewed from Urch Road when travelling west, albeit for only an approximately 400m long section.

POLICY IMPLICATIONS

Shire of Chapman Valley Local Planning Policy 'Extractive Industry' sets the following requirements for the establishment and operation of extractive industries:

- “(a) Extractive industry will only be approved where Council is satisfied that the proposal will not result in unacceptable environmental impacts as a result of noise, dust, light spill, odour, visual intrusion or contamination.*
- (b) An extractive industry proposed within the Moresby Range as defined by the Moresby Ranges Management Strategy shall be assessed with regard for that development and the Moresby Range Management Plan.*
- (c) Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.*
- (d) Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.*
- (e) Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy.*
- (f) Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.*
- (g) The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1000 metres from the closest neighbouring residence upon which the Council may entertain extended operating times:*
 - Monday to Saturday – 7:00am to 6:00pm*
 - Sundays and Public Holidays - no operations*
- (h) The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis.*

- (i) *For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.”*

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

FINANCIAL IMPLICATIONS

- **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 western portion of Lot 12 is within Planning Precinct No.3 – Chapman Valley as contained in the Shire of Chapman Valley Local Planning Strategy (2008). The eastern portion of Lot 12 falls within Precinct No.2 – East Chapman under the Strategy.

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

The Strategy lists the following economic objectives for both Precincts:

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

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

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

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

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

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

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

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

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

comment. In addition, any mining proposal in the study area received by DMP should be referred to the WAPC for consideration so the objectives and recommendations of the strategy are addressed.”

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

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

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 adopted by Council at its 19 June 2013 meeting lists utilising the land available in the area for a range of new businesses as an economic objective. The Strategic Community Plan also lists an environmental strategy of ensuring we adequately protect and manage the land across the Shire, including weed eradication, mining developments and fire management services.

CONSULTATION

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

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

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

The objections to the proposed development largely concerned the issue of dust emissions from the sand quarry site in its originally proposed location upon Lot 54 with some additional objection to truck movements along Urch Road.

Council subsequently approved the commencement of sand and gravel extraction upon the applicant's Lot 12, and not upon their Lot 54, for a period of 12 months.

On 15 April 2013 the Shire wrote to the 8 landowners between the Chapman Valley Road intersection and the Urch Road extractive industry site inviting comment upon the operation of the extractive industry in the preceding 12 months. 1 objection was received during this second advertising period, with the source of complaint being in relation to dust emissions from trucks travelling along Urch Road at a location 1.5km from the extractive industry site. The complaint was in relation to truck movements from trucks associated with the operations upon Lot 12, and also from a neighbouring extractive industry operation upon Lot 13. It is noted that the complainant has since sold their property.

Council may wish to readvertise the application prior to considering the application for an extension and amendment of its previous approval.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR WARR

That Council extend and amend formal planning consent for the operation of an extractive industry (gravel, sand and ironstone) upon 169 (Lot 12) Urch Road, Yetna subject to compliance with the following:

Conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 17 June 2015 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The approval is valid for a period of 5 years (until 17 June 2020) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 4 The development must access Urch Road at vehicle crossover/access-points that are required to be located, constructed and maintained to the approval of the local government, with all costs met by the applicant.
- 5 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the local government, with all costs met by the applicant.
- 6 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- 7 Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the local government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.
- 8 The activities upon Lot 12 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.
- 9 Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.
- 10 Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.
- 11 Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the local government with all costs met by the applicant.
- 12 No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.
- 13 No blasting of material is permitted as part of extraction operations.
- 14 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:
 - Monday to Saturday – 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- 15 The development must comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act 1986* in respect to noise emissions and should noise or dust

monitoring be required in relation to the extractive operations as they take place upon Lot 12, all costs shall be met by the applicant.

- 16 The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.
- 17 Post closure requirements shall become applicable upon the earlier of the following events:
- acknowledgement by the landowner that extractive activities are completed; or
 - the approval period for the development having expired.

Notes:

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

Voting 8/0
CARRIED
Minute Reference 06/15-6

PM & SJ WARD
169 Urch Road
YETNA WA 6530

15 May 2015

Simon Lancaster
Town Planner
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

Dear Simon

Extension to Gravel Pit

Further to our telephone conversation on 11 May 2015. I wish to apply for an extension to our gravel pit permit on Lot 12 Urch Road, Yetna. The reason for this request being because I deep ripped an area of approximately 2 hectares of stony ground. This turned up a quantity of ironstone which is sought after for crushing into garden gravel because of its unique colouration.

If this request is granted, the material will be separated by means of a loader and bar screen (grizzly) and the crushed rock removed from Lot 12 in exchange for the remaining soil being rehabilitated by the recipient of the rock.

Please find attached a map identifying the above mentioned area.

Thanking you in anticipation of a favourable reply.

Yours sincerely



Peter M Ward



Cr Wood and Cr Maluish declared an impartiality interest in this item as members of the Parkfalls Residents Association.

AGENDA ITEM:	9.1.5
SUBJECT:	BILL HEMSLEY PARK
PROPONENT:	BILL HEMSLEY PARK MANAGEMENT COMMITTEE
SITE:	RESERVE 49641 ELIZA SHAW DRIVE, WHITE PEAK
FILE REFERENCE:	R49641
PREVIOUS REFERENCE:	02/14-10, 02/14-11, 02/14-12, 02/14-13, 06/14-6, 08/14-5 & 11/14-7, 12/14-19-21, 02/15-13, 03/15-4 & 03/15-5
DATE:	8 JUNE 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

A meeting of the Bill Hemsley Park Management Committee was held on 14 May 2015 to finalise the Bill Hemsley Park Concept Plan for advertising. This report recommends that Council receive the unconfirmed minutes from the Management Committee meeting and commence advertising of the draft Bill Hemsley Park Concept Plan.

COMMENT

The seventh Bill Hemsley Park Management Committee meeting was held on 14 May 2015 and the unconfirmed minutes from the meeting are included as **Attachment 9.1.5(a)**.

The Management Committee have been refining the concept plan with the appointed consultant through a series of meetings, and with regard for a range of issues including meeting the expected recreational demands of the community, providing a park that has regard for its semi-rural setting and the ongoing maintenance costs to the Shire, and protecting the views of surrounding residents.

A copy of the draft Bill Hemsley Concept Plan that is the outcome of these meetings is included as **Attachment 9.1.5(b)** and has also been provided to Councillors as a **separate attachment** to enable viewing at an improved resolution.

Council previously resolved at its 18 March 2015 meeting to note the Management Committee's continuing work on the draft Bill Hemsley Park Concept Plan and that the plan will be returned to Council at a future meeting for its consideration and subsequent advertising to all landowners in the Parkfalls Estate inviting comment.

STATUTORY ENVIRONMENT

Reserve 49641 Eliza Shaw Drive, White Peak is zoned 'Parks & Recreation' under Shire of Chapman Valley Local Planning Scheme No.2.

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

The Management Committee Agreement provides for the ongoing management of Bill Hemsley Park and the process by which recommendations to Council on the expenditure of the trust funds must be made.

Part 3 of the agreement states:

"3 *Decisions not binding on Shire*

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

Part 4 of the Management Agreement states:

“4.1 Use of Trust Payment

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

4.2 Acknowledgement

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

POLICY IMPLICATIONS

Section 5.70 of the Shire of Chapman Valley Policy Manual 2014/2015 notes that in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Financial Management Regulations 1996*, monthly reporting will be provided for trust accounts.

FINANCIAL IMPLICATIONS

The 2014/2015 Shire budget included an allocation of \$15,000 within Account 2642 as seed capital for the Bill Hemsley Park project.

The 2014/2015 budget also listed within Account 2834 an expenditure allocation of \$272,727 to be drawn from Trust Account 18 in the event that the Management Committee recommended an expenditure allocation and this is subsequently endorsed by Council (as per Section 4.2 of the Management Committee Agreement).

The developer made payment of \$300,000 (GST inclusive) to the Shire on 3 March 2014 and this amount was deposited in a specifically created trust account for the purpose of expenditure upon Bill Hemsley Park. Trust Account 18 contains \$283,484.85 (GST ex) as of 11 May 2015. The Shire may consider supplementing this amount through future budgetary allocation and pursuit of external funding sources.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) received by Council at its 18 September 2013 meeting identifies this as a major project to be determined by the Management Committee. The Strategy also identifies that the project can only proceed until all funding and a contract price is secured. With the payment of the developer contribution of \$300,000 (GST inclusive) on 3 March 2014 a key funding contribution was secured, and this can be increased through Council budgetary allocation, pursuit of grants/external funding and community financial and in-kind contribution.

STRATEGIC IMPLICATIONS

The development of Bill Hemsley Park as a recreation and community node will capitalise on the Parkfalls Estate's radial network of bridle paths and roads that should lead to utilisation of the site as it would be relatively easy to access for the community it will serve.

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 adopted by Council at its 19 June 2013 meeting lists developing community facilities to provide gathering places as a Community Strategy to achieve the outcome of stronger, inclusive communities across the Shire.

CONSULTATION

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

Council resolved at the 20 August 2014 meeting the following:

- “2 *Accept the revised concept plan included as Attachment 1 in the Unconfirmed Minutes of the 25 July 2014 Bill Hemsley Park Management Committee meeting (which includes all the preferences listed in the community survey, and a meeting room and public toilets to cater for expected demand).”*
- “5 *A Draft Concept Plan produced by the drafting company will be sent out to all individual landowners in the Parkfalls Estate seeking their feedback on this draft plan or any other design for the park. Council will consider all feedback prior to finally endorsing the concept plan.”*

The Management Committee recommended at its 14 May 2015 meeting that, should Council be satisfied with the concept plan, the advertising period be run for a period of 21 days and that the consultation include direct mail-out to all landowners in the Parkfalls Estate, placement of the concept plan on the Shire website, notice in the Shire E-News, placement of a sign on-site, and a notice on the Parkfalls Estate noticeboard.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 14 May 2015.
- 2 Advertise the draft Bill Hemsley Park Concept Plan provided as **Attachment 9.1.5(b)** for a period of 21 days inviting comment and that the consultation period include the following actions:
 - direct mail-out of the concept plan to all landowners in the Parkfalls Estate;
 - placement of the concept plan on the Shire website;
 - placement of a notice in the Shire E-News;
 - placement of a sign on-site; &
 - placement of a notice on the Parkfalls Estate noticeboard.
- 3 At the conclusion of the advertising period require that all received submissions be presented to a meeting of the Bill Hemsley Park Management Committee for its consideration.
- 4 That the recommendations of the Bill Hemsley Park Management Committee arising from the issues raised by the received submissions be presented to Council for its further consideration relating to the Bill Hemsley Park Concept Plan.

COUNCIL RESOLUTION (1)

MOVED: CR FARRELL

SECONDED: CR FORRESTER

- 1 Receive the minutes of the Bill Hemsley Park Management Committee;
- 2 Request the Committee to develop three concept plan options to be presented to Council for consideration prior to going out to public for consultation and comment;
- 3 Only one vote per property in the Parkfalls Estate to be considered by Council as part of the consultation process.

**Voting 2/6
LOST**

Minute Reference 06/15-7

80

Due to Council Resolution (1) being lost the Foreshadowed Motion became the Substantive Motion.

FORESHADOWED MOTION

COUNCIL RESOLUTION (2)

MOVED: CR WARR

SECONDED: CR FARRELL

That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 14 May 2015.
- 2 Advertise the draft Bill Hemsley Park Concept Plan provided as **Attachment 9.1.5(b)** for a period of 21 days inviting comment and that the consultation period include the following actions:
 - a) direct mail-out of the concept plan to all landowners in the Parkfalls Estate with a covering letter that details the process to date and into the future;
 - b) placement of the concept plan on the Shire website;
 - c) placement of a notice in the Shire E-News;
 - d) placement of a sign on-site; &
 - e) placement of a notice on the Parkfalls Estate noticeboard.
 - f) and additionally a Survey to be part of the process
- 3 At the conclusion of the advertising period require that all received submissions be presented to a meeting of the Bill Hemsley Park Management Committee for its consideration.
- 4 That the recommendations of the Bill Hemsley Park Management Committee arising from the issues raised by the received submissions be presented to Council for its further consideration relating to the Bill Hemsley Park Concept Plan.
- 5 Only one vote per property in the Parkfalls Estate to be considered by Council as part of the consultation process

AMENDMENT TO THE MOTION

MOVED: CR MALUISH

SECONDED: CR ROYCE

That the additional survey item (f) be removed.

Voting 4/4
CARRIED BY PRESIDENTS CASTING VOTE
Minute Reference 06/15-8

Voting For – Cr Maluish, Cr Wood, Cr Collingwood and Cr Royce
Voting Against – Cr Farrell, Cr Forrester, Cr Warr and Cr Humphrey

The Amendment being carried then became the Substantive Motion ie.

That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 14 May 2015.
- 2 Advertise the draft Bill Hemsley Park Concept Plan provided as **Attachment 9.1.5(b)** for a period of 21 days inviting comment and that the consultation period include the following actions:
 - a) direct mail-out of the concept plan to all landowners in the Parkfalls Estate with a covering letter that details the process to date and into the future;
 - b) placement of the concept plan on the Shire website;
 - c) placement of a notice in the Shire E-News;
 - d) placement of a sign on-site; &

e) placement of a notice on the Parkfalls Estate noticeboard.

- 3 At the conclusion of the advertising period require that all received submissions be presented to a meeting of the Bill Hemsley Park Management Committee for its consideration.
- 4 That the recommendations of the Bill Hemsley Park Management Committee arising from the issues raised by the received submissions be presented to Council for its further consideration relating to the Bill Hemsley Park Concept Plan.
- 5 Only one vote per property in the Parkfalls Estate to be considered by Council as part of the consultation process

Voting 8/0
CARRIED UNANIMOUSLY
Minute Reference 06/15-9



BILL HEMSLEY PARK MANAGEMENT COMMITTEE MEETING

VENUE: Shire of Chapman Valley Chambers
3270 Chapman Valley Road, Nabawa
DATE: Wednesday 14 May 2015
TIME: 2:00pm – 3:30 pm

UNCONFIRMED MINUTES

Order of Business

1 Welcome by the Chair – Councillor Trevor Royce

The Chairman opened the meeting of the Bill Hemsley Park Management Committee at 2:00pm.

2 Record of Attendance

Committee Members:

Trevor Royce (Chairman & Councillor - Shire of Chapman Valley)
Veronica Wood (Councillor - Shire of Chapman Valley)
Tom Davies (Parkfalls Residents Association)
Ian Maluish (Parkfalls Residents Association)

Observer:

Maurice Battilana (Chief Executive Officer - Shire of Chapman Valley)
Simon Lancaster (Minute Taker - Shire of Chapman Valley)

3 Apologies

Ian Wheatland (Developer)
Peter Sukiennik (Developer)

Bill Hemsley Park Management Committee Meeting Unconfirmed Minutes – 14/5/15 - Page 1 of 9



4 Disclosure of Interest

Nil

5 Confirmation of Previous Meeting Minutes – 22 April 2015

Management Committee Resolution:

"That the minutes of the previous meeting held on 22 April 2015 be confirmed as a true and accurate record."

Moved: Veronica Wood Seconded: Tom Davies
Voting 4/0
CARRIED

6 Items for discussion

6.1 Bill Hemsley Park Concept Plan

The Management Committee discussed the concept (site) plan at the Management Committee meeting with three minor text modifications to the legend agreed upon.

Management Committee Resolution:

*"That the Management Committee endorse the draft Bill Hemsley Park concept (site) plan as included as **Attachment 1** subject to the 'Amphitheatre' being renamed 'Terraced Area' and the 'Horse Trails' being renamed 'Stabilised earth Horse Trails/Strategic Fire Break' and 'Botanic/Floristic Park' being renamed 'Botanic Park.'"*

Moved: Ian Maluish Seconded: Veronica Wood
Voting: 4/0
CARRIED

The Management Committee discussed the supporting pages to the concept plan with a number of modifications agreed upon to be undertaken by the consultant.

Discussion and agreement that the finalised series of plans, upon receipt from the consultant, should be circulated by the Shire to the Management Committee members by email and in the event that the Committee members are satisfied with the plans that they be presented to the June meeting of Council, and advertised for public comment.



Management Committee Resolution:

"That the Management Committee request the consultant to undertake the following modifications to the concept plan 'consultation booklet' for the purposes of advertising the draft as follows, and the compiled updated set of plans be returned to the Management Committee members for out-of-session endorsement (or at a Committee meeting if required) for its further consideration:

- Cover Page – modify 'draft for consultation date';
- Contents Page – insert site sections and building elevation pages into contents, also re-order contents so that site plan ('concept design') page is immediately after the contents page;
- Site Plan/Concept Design Page – update as per 14 May 2015 Management Committee resolution;
- Size & Scale Analysis Page – remove;
- Concept Plan Evolution Page – remove;
- Zoning Diagram Page – remove;
- Access and Movement Page – remove;
- Site Sections Page – insert into advertising booklet as per elevations page previously circulated to Management Committee members on 17 April 2015 (**Attachment 2**) (the location of the building in the elevation must be modified to the new location as agreed on-site by the Management Committee on 22 April 2015, 40m south-east of the previous location shown on the February draft);
- Building Page – insert a page containing a representation of the meeting room and gazebo floor plan (**Attachment 3**), and a concept elevation sketch based on this design and the Nanson Arbour style of building, this page would include notification noting that the floor and elevation plans are concepts only;
- Nature Play Page – remove;
- Planting Selections Page – remove;
- Materials Palette Page – remove."

Moved: Tom Davies

Seconded: Ian Maluish
Voting 4/0
CARRIED

7 General Discussion

A draft advertising letter and submission form was tabled at the meeting for general discussion. Discussion that the advertising letter and submission form should accompany a colour A3 version of the concept plan 'consultation booklet'. Discussion that the consultation period should be run for a period of 21 days.



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Chapman Valley
Love the Rural Life



Management Committee Resolution:

*"That the draft advertising letter and submission form (with the advertising period to be 21 days) as included as **Attachment 4** be endorsed by the Management Committee, and the advertising period should include direct mail-out to all landowners in the Parkfalls Estate, placement of the concept plan on the Shire website, notice in the Shire E-News, placement of a sign on-site, and a notice on the Parkfalls Estate noticeboard"*

Moved: Veronica Wood Seconded: Ian Maluish
Voting 4/0
CARRIED

8 Next Meeting

To be advised.

9 Close

The meeting was declared closed by the Chairman at 3:30pm.



ATTACHMENT 1



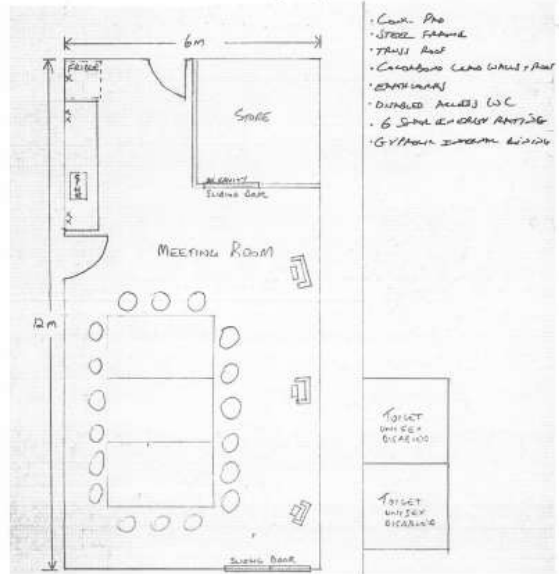
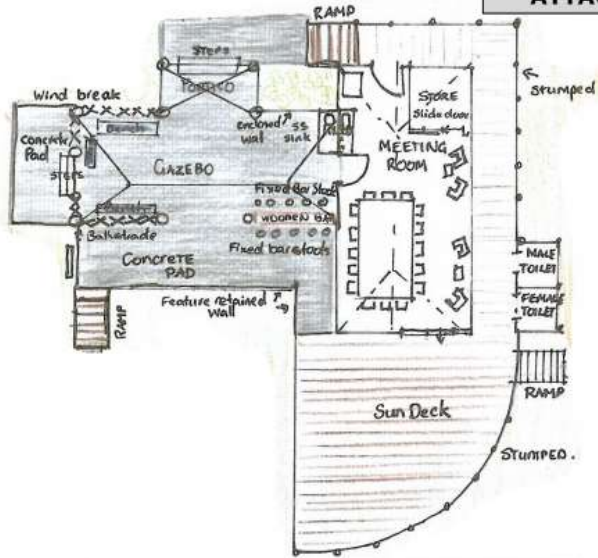
- LEGEND**
1. Existing site paths - low groundcover
 2. Main Drive
 3. Main Drive
 4. Main Drive
 5. Main Drive
 6. Main Drive
 7. Main Drive
 8. Main Drive
 9. Main Drive
 10. Main Drive
 11. Main Drive
 12. Main Drive
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 19. Main Drive
 20. Main Drive
 21. Main Drive
 22. Main Drive
 23. Main Drive
 24. Main Drive
 25. Main Drive
 26. Main Drive
 27. Main Drive
 28. Main Drive

DATE 05.05.2015 DWD NO 607 REV 0 SCALE 1:2000
 www.chapman.vic.gov.au | Phone 08 9328 0000 | Fax 08 9328 0000
 www.parks.vic.gov.au | Phone 08 9328 1779 | Fax 08 9328 1779

CONCEPT DESIGN - DRAFT FOR CONSULTATION
 BILL HEMSLEY PARK CONCEPT DESIGN



ATTACHMENT 3





Shire of
Chapman Valley
Love the Rural Life



ATTACHMENT 4



Shire of
Chapman Valley
Love the Rural Life

Our Ref: R49641
Enquiries: Simon Lancaster

DRAFT

..... 2015

.....

.....

Dear Sir / Madam

BILL HEMSLEY PARK CONCEPT PLAN

The Shire of Chapman Valley writes to advise you that a draft concept plan for the Bill Hemsley Park has been prepared and we are seeking your comments to assist in providing a park that meets the community's requirements.

The received comments will be presented to the Bill Hemsley Park Management Committee, which comprises of representatives from Council, the Parkfalls Residents Association, and the developers of the Parkfalls Estate. The community feedback will assist the Committee in its further discussions on the concept plan.

The findings of the Committee, along with the received comments, will then be presented to a meeting of the Shire Council for its consideration.

Please find attached with this correspondence the draft Bill Hemsley Park Concept Plan.

Should you wish to provide comment on the concept plan please find also attached with this correspondence a Submission Form.

Submissions must be received prior to 4:00pm 2015 and can be forwarded to the Shire office by mail to PO Box 1, Nabawa WA 6532, by fax on (08) 9920 5155, or emailed to reception@chapmanvalley.wa.gov.au.

Thank you for your time in reviewing the attached plans and should you have any queries please do not hesitate to contact Simon Lancaster at the Shire office on (08) 9920 5011.

Yours faithfully,

Maurice Battilana
CHIEF EXECUTIVE OFFICER

Enclosure



PO Box 1 Nabawa WA 6532 | Lot 7 Chapman Valley Road Nabawa WA | Ph: (08) 9920 5011 | Fax: (08) 9920 5155 | www.chapmanvalley.wa.gov.au

Bill Hemsley Park Management Committee Meeting Unconfirmed Minutes – 14/5/15 - Page 8 of 9



PG 3. CONCEPT DESIGN
PG 4. SITE SECTIONS
PG 5. COMMUNITY BUILDING

CONTENTS - DRAFT FOR CONSULTATION

BILL HEMSLEY PARK CONCEPT DESIGN

DATE 08.06.2015 DWG NO N/A REV F SCALE NTS

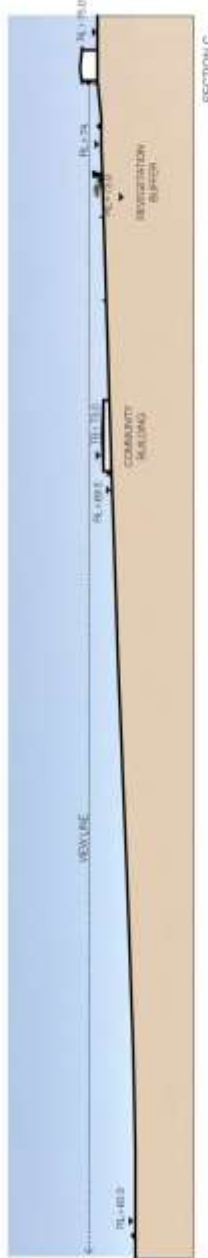
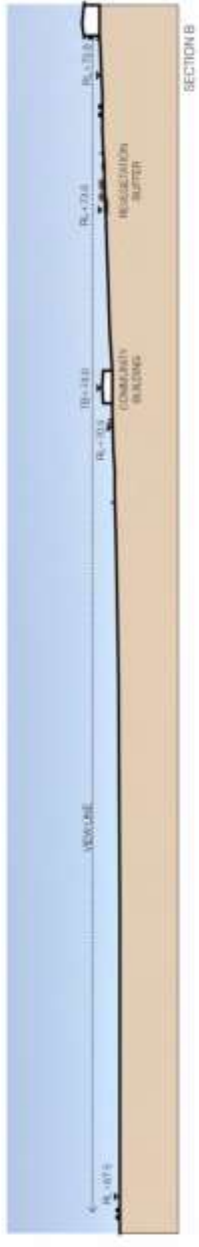
Level 1, 55 St Georges Ter,
Perth, WA 6000 Australia

Tel +618 9346 0500
www.urbis.com.au

Urbis Pty Ltd ABN 50 105 256 288
Australia Asia Middle East







NOTES

- COMMUNITY BUILDING POSITION
- PROVIDED THE BUFFER PLANTING ON THE EASTERN SIDE OF THE PARK IS 4.5M. UNBID.
 STRICTED VIEWS OF THE OCEAN CAN BE ACHIEVED FROM THE GROUND FLOOR OF ALL
 HOUSES.
 THE TOP HEIGHT OF THE COMMUNITY BUILDING WILL NOT AFFECTED IMPACT RESIDENTS
 VIEWS FROM THEIR GROUND FLOOR.

SITE SECTIONS - DRAFT FOR CONSULTATION
 BILL HEMSLEY PARK CONCEPT DESIGN



DATE: 08.06.2014 DWG NO: 803 REV: P SCALE: 1:2000 @ A3
 Layer 1: 01 Billingson Inc. Tel: +61 8 9388 6900 Website: www.urbis.com.au | Layers Pty Ltd (481) 102 255 288
 Perth, WA 6000 Australia Fax: +61 8 9388 1779 www.urbis.com.au | Australia Perth, WA 6000

The meeting was adjourned at 10.15am

The meeting re-commenced at 10.20am

AGENDA ITEM:	9.1.6
SUBJECT:	NACC MEMORANDUM OF UNDERSTANDING
PROPONENT:	NACC & SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	207.11
PREVIOUS REFERENCE:	N/A
DATE:	9 JUNE 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of a draft Memorandum of Understanding ('MoU') from the Northern Agricultural Catchments Council ('NACC'). This report recommends support for the MoU.

COMMENT

The Shire CEO and Manager of Planning met with NACC staff at their offices on 5 May 2015. The purpose of the meeting was to meet the new NACC CEO, Richard McLellan, and to establish if NACC can provide technical expertise for the delivery of Natural Resource Management ('NRM') projects and provide advice on current NRM issues in the Shire of Chapman Valley.

NACC and the Shire have developed a working relationship since 2006 that included up to 1.5 full time equivalent NRM Officer ('NRMO') positions and project delivery funds as part of the Upper Chapman Catchment project. With the subregional contracts ending in August 2013 there is currently no NRMO position based at the Shire and NACC is currently contracted by the Shire to deliver three State NRM projects due to finish in June 2015.

The meeting provided an opportunity for the Shire to reaffirm its commitment to NRM and working with NACC, and discussion included the possibility of NACC again housing a NRMO at the Shire (potentially one day per week) and undertaking NRMO work within the Shire that aligns with NACC's outcomes.

The meeting also identified that further invasive species management (particularly boxthorn removal) and managing off-road vehicles along the coast (with potentially a site in the foreshore reserve by the windmill north of Coronation Beach Road being identified as a priority) as projects that might be considered worthwhile undertaking in 2015/2016.

Figure 9.1.6(a) – area north of Coronation Beach requiring improved management



As an outcome of the meeting NACC have drafted an MoU for Council's consideration and a copy has been included as **Attachment 9.1.6(a)**.

NACC have also drafted a NRMO position feasibility paper and a copy has been included as **Attachment 9.1.6(b)** with this report for Council's information.

STATUTORY ENVIRONMENT

NACC was formed in 2002 and is one of 56 regional not-for-profit NRM organisations working to manage, restore and protect the natural environment by addressing national environmental priorities at the regional level.

NACC's primary source of funding has been through the Caring for our Country/National Landcare regional delivery program with additional funding from federal, state and local government sources. Along with many other similar organisations, and indeed levels of government, NACC has recently seen significant reductions in its base-level funding and funding for specific programs.

NACC seeks to deliver activities and programs in combination with community groups, business and industry, non-government organisations, and all levels of government to conserve and enhance natural assets and advance sustainable outcomes in the region.

POLICY IMPLICATIONS

Council Policy 10.60 – Landcare states the following:

Objective

To set a broad framework to ensure a consistent approach and clear direction for the identification, management and enhancement of natural areas within the Shire of Chapman Valley.

Scope

This applies to the Shire of Chapman Valley and its ratepayers involved in the operations and management of natural areas within the Shire.

This policy applies to all land within the Shire including land under the control or management of the Shire, land leased to or vested in the Shire for any purpose and private holdings.

Policy Principles

The Shire will plan for and assist with implementation of strategies aimed at the protection of biodiversity by:

- 1 Encouraging ratepayers to actively manage bushland areas on private property by protecting and/or enhancing current environmental biodiversity.*
- 2 Sourcing grants to support projects aimed at managing protecting and enhancing bushland.*
- 3 Assisting ratepayers in the planning and implementation of projects for the management of bushland including invasive species management.*
- 4 Encouraging industry and development groups operating within the Shire to utilise environmental offsets and contribute to broadscale conservation outcomes.*

Other relevant policies/key documents

Groundwater Management

State Declared Weeds and Weeds of National Significance

Roles and Responsibilities

The CEO is responsible for implementing this policy with the support of staff as deemed fit."

FINANCIAL IMPLICATIONS

It would appear that the relationship between the Shire and NACC will transition into one whereby NACC will approach the Shire with projects that Council can then consider as to its merits, and should they be aligned with the Shire's priorities then it would make financial contribution to the project (along with other relevant parties e.g. LandCorp, Mid West Ports Authority, private landowners etc.) that would enable NACC to leverage the funds through grants and deliver the project. NACC's involvement would include activities such as grant application preparation; technical expertise; sourcing, management and payment of contractors; project management; grant acquittal etc.

Shire staff advised NACC at the recent meeting that were NACC able to provide details on the level of cash contribution they were seeking for 2015/2016 NRM projects by late May these could be included within the draft 2015/2015 budget to be presented to Council for its consideration. A very preliminary figure of a \$15,000-\$20,000 Shire contribution for invasive species management for the area between the Moresby Range and the coast was discussed along with \$5,000 for fencing, track closure and establishment of a kitesurfing rigging area at the 'Windmill' location north of Coronation Beach. There

was also discussion over the leveraging benefits of NACC seeking cash contributions from LandCorp and the Mid West Ports Authority, as significant coastal land managers, for State NRM projects along the coastal strip.

In addition to any project-specific allocations Council may consider in its preparation of the 2015/2016 budget, the Shire also has the following NRM related accounts:

- NRM Reserve Account 6581 holds \$36,574.94 for expenditure on future NRM projects (portion of this will be required to complete the Declared Species Group project currently underway); &
- Trust Account T237 holds \$80,830.82 for expenditure on the Dolby Creek reserve as guided by the Dolby Creek Management Plan.

It is appropriate that the Shire make resources available for NRM works upon land under its management (e.g. road reserves, river and coastal reserves, former gravel reserves), and to make budgetary allowance for obtaining environmental technical advice on an as-required basis. However, the Shire's role in the management of grant funds (particularly where the funds are to be expended upon privately owned land) must be linked to grant applications as endorsed by Council where it considers the projects to have a wider NRM significance.

With the recent review by both the Federal and State Governments of their allocation of funding to community and environmental projects, and the Department of Agriculture & Food revising their funding criteria to require landowners to form new regional groupings to be eligible for funding, it is apparent that the NRM sector will be subject to changing circumstances and the Shire will be required to review its involvement to ensure that it can adapt to these changes.

It is increasingly common for state government to introduce legislation in areas such as the environment, heritage, animal control, compliance and health without adequately resourcing their administration and expecting that local government will accept responsibility for their implementation and ensure compliance with their requirements. It is vital that local governments maintain their ability to meet their core responsibilities and not assume responsibilities and burdens that other tiers of government are seeking to reallocate, particularly when such actions are done without appropriate levels of funding.

- **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 Council entering into an MoU with NACC would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

The Shire has displayed regional leadership in its financial and in-kind commitment to natural resource management for many years now. Through its partnerships with State and Federal agencies, Aboriginal claimant groups, and more than 150 private landholders the Shire has helped achieve in the last 5 years the following on-ground works:

- 38km of rabbit proof fencing to protect threatened flora;
- rabbit, pig and fox baiting across 32,000ha of conservation reserves and private land;
- 85ha of weed control;
- planting over 130,000 plants;
- 10ha of direct seeding;
- 90km of stock fencing to protect more than 1,800ha of high conservation value bushland;
- 15km of surface water management;
- seed collection to establish a seed bank for use in direct seeding projects; and
- invasive species management including removal of 4,500 African boxthorns out of the dune system.

- **Strategic Community Plan:**

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

Objective	Strategy	Outcome	Partners
Sustainability and protection of our farm land is important to the future of the area:	Provide support to increase innovative farming practices in the area	Our land will be more productive now and into the future	Community organisations Farming community Federal government State government
	Ensure we adequately protect and manage the land across the Shire, including weed eradication, mining developments and fire management services	Protection of our land to maintain and increase productivity	Farming community Shire of Chapman Valley Community organisations Industry Federal government State government

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

It is suggested that Council may now consider it worthwhile to invite the new NACC CEO to meet with Councillors at a future Council meeting day and provide an overview on NACC's future directions.

RISK ASSESSMENT

Not applicable.

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That Council sign the Memorandum of Understanding with the Northern Agricultural Catchments Council and invite the NACC CEO to meet with Councillors at a future meeting of Council.

**Voting 8/0
CARRIED
Minute Reference 06/15-**



MEMORANDUM OF UNDERSTANDING

BETWEEN

NORTHERN AGRICULTURAL CATCHMENTS COUNCIL
(ABN 15 441 877 135)
(NACC)

AND

SHIRE OF CHAPMAN VALLEY
(ABN xx xxx xxx xxx)
(SCV)

IN RELATION TO

NATURAL RESOURCE MANAGEMENT OFFICER SUPPORT TO DELIVER NRM
ON-GROUND WORKS IN THE SHIRE OF CHAPMAN VALLEY AND ADJOINING
LOCAL AREAS

1. PARTIES TO THE MEMORANDUM OF UNDERSTANDING

NORTHERN AGRICULTURAL CATCHMENTS COUNCIL INCORPORATED

(ABN 15 441 877 135) of, PO Box 7168, Geraldton WA 6531

and

SHIRE OF CHAPMAN VALLEY

(ABN xx xxx xxx xxx), of [insert address]

The Northern Agricultural Catchments Council (NACC) is one of 56 Natural Resource Management (NRM) regional bodies across Australia. Its purpose is to support people and groups to support the natural environment.

The NACC contact person for this project will be:

Name: Sarah Jeffery,

Position: Team Leader for NACC's Natural Resource Management Officers (NRMOs)

Contact: 08 9938 0110 | 0419 364 965 | sarah.jeffery@nacc.com.au

The Contact Person for SCV in relation to this agreement will be:

Name: [insert name]

Position: [insert position]

Contact Number: [insert contact details]

2. DEFINITIONS

2.1 In this agreement, unless the contrary intention appears:

'Agreement' means this Memorandum of Understanding document.

'NACC' refers to Northern Agricultural Catchments Council

'SCV' refers to Shire of Chapman Valley (also referred to as the 'Delivery Organisation')

'NRMO' refers to Natural Resource Management Officer

'NAR' and 'the Region' refer to the Northern Agricultural Region, the boundaries within which NACC staff must operate. NAR boundary can be viewed at www.nacc.com.au

3 BACKGROUND

This agreement has been developed as a result of discussions between NACC and the Shire of Chapman Valley in May 2015 to assist the Shire of Chapman Valley in delivering NRM outcomes in their local area.

Prior to June 30 2013, NACC had contracted the SCV for delivery of on-ground works within the Shires of Chapman Valley, Northampton and part of the City of Greater Geraldton (agricultural area above the Geraldton-Mount Magnet Rd). As a result of reduced funding and restricted investment targets in the 2013-2018 Caring for Our Country program (currently called the National Landcare Program – NLP), NACC was no longer able to outsource its on-ground delivery. Although the Council is still committed to delivering NRM outcomes within the Shire, there is no dedicated NRM / environmental officer that has the capacity to fulfil that role.

NACC has agreed to provide staffing support up to 2.5 days per week until the 1 September 2015 – and to pursue and source community grants from the Australian and WA Governments to undertake NRM work within the NAR boundary within the Shires of Chapman Valley, Northampton and parts of the City of Greater Geraldton.

4 GUIDING PRINCIPLES

- 4.1 This Memorandum of Understanding recognises the common objectives that NACC and the SCV have with regard to sustainable natural resource management in the region..
- 4.2 The Memorandum of Understanding is designed to ensure that both parties have a clear understanding of the intent of the MOU.
- 4.3 Specified personnel: Unless otherwise informed in writing, the person provided by NACC for NRMO support is Marieke Jansen.

5. INTERPRETATION

This Memorandum of Understanding describes the obligations/responsibilities of each party.

NACC:

NACC undertakes to provide NRMO support for 2.5 days per week for a period of 12 months for the purposes of:

- Sign-up/Sign-off any Land Manager Agreements as part of NACC Biodiversity projects.
- Assist in delivering milestones in the NACC Sustainable Farming and Coastal and Marine programs.
- Attend any stakeholder meetings relevant to the NRMO working area (e.g., Chapman Valley LCDC, Yuna Farm Improvement Group, NAG) to promote NACC projects and outcomes.

- Secure funding from the Australian and WA Governments to undertake NRM work within the SCV, Northampton and CGG region.
- Work with the community in communicating environmental issues and outcomes, e.g., via shires, farming groups and schools; and utilising case studies, media releases, etc.

Shire of Chapman Valley

The Shire of Chapman Valley is required to provide:

- **Office space:** The NRMO requires an office space which may be an individual self-contained office or part of an open plan office. If the office is open plan, access to a meeting room is desirable.
- **Office furniture:** A desk and chair suitable for extended use. The desk must have sufficient room to act as an office work surface including room for a laptop/PC.
- **Telecommunications:** A dedicated landline for the NRMO to carry out liaison and communication with community groups and land managers.
- **IT:** Access to a printer/photocopier on a LAN or WAN. A laptop computer will be provided by NACC, but LAN is necessary to access the NACC network and software.

6. COMMENCEMENT AND TERM

6.1 The Agreement commences on the **X June 2015** and terminates on the 1 September 2015 (on account of impending maternity leave for Marieke Jansen). It is expected that Marieke Jansen will return to work in April 2016. For the period between September 2015 and April 2016, an alternative NACC NRMO will be appointed to assist SCV for the period of at least 1 day a week.

6.2 The terms of this Memorandum of Understanding may be extended beyond the initial period by agreement by both parties. This agreement must be in writing.

7. RELATIONSHIP BETWEEN THE PARTIES

Both parties remain independent entities operating in their own right. The relationship will be one of cooperative mutual support. A high level of integrity and mutual regard shall govern the relationship. The agreement is binding only on the basis of this integrity and mutual respect and does not represent a legally binding commitment.

It is expected that any operational issues that arise as a result of this partnership will be resolved between a representative of NACC and a representative of the SCV.

8. INSURANCE AND INDEMNITY

8.1. Insurance

The Delivery Organisation must maintain sufficient insurance, including but not limited to worker's compensation insurance, Directors' and Officers' liability, personal accident insurance for volunteers and public liability insurance to cover its potential liability in conducting activities under this Agreement, and must whenever required by NACC produce a certificate of currency in relation thereto.

8.2 Indemnity

The Delivery Organisation indemnifies NACC from and against any loss, including legal costs, incurred by NACC or its officers, employees and agents arising from any claim, suit, demand, action or proceeding against NACC or its officers, employees and agents where such loss or liability was caused by:

- (a) any act or omission by the Delivery Organisation (including any of its Personnel) in connection with this Agreement;
- (b) any breach by the Delivery Organisation (including any of its Personnel) of its obligations or warranties under this Agreement;
- (c) any unauthorised use or disclosure by the Delivery Organisation (including its Personnel) of Confidential Information held or controlled in connection with this Agreement; and
- (d) any wilful or negligent or unlawful act or omission of the Delivery Organisation arising out of or in connection with the Project or the Delivery Organisation's obligations under this Agreement.

9. INTELLECTUAL PROPERTY

The ownership of any Intellectual Property developed or created as a result of this Agreement belongs to the organisation responsible for creating it, or jointly as appropriate.

10.VARIATION TO THE MEMORANDUM OF UNDERSTANDING

Either party may request a review of the Memorandum of Understanding, and or any of its Sections. Amendments shall be in writing and agreed to by the CEO of NACC and CEO of SCV.

11. DISPUTE MECHANISM

11.1 Any disputes arising as a result of the implementation of this Agreement shall be set down in writing and submitted to the other party to this agreement. Within seven (7) days of receipt of such notice, the parties shall meet to consider the matter and will at this meeting:

11.1.1 Review and resolve the matter if it is within its delegated authority and/or

11.1.2 Resolve that the matter requires further investigation and instigate it and/or

11.1.3 Recommend action to the management of both parties where necessary.

11.2 The parties should review such resolution or recommendations within 7 days of the initial meeting.

11.3 In the event that the parties are unable to resolve the matter, or the matter is outside its delegated authority, and the managements of both parties cannot agree, the matter will be referred to a mutually acceptable independent arbitrator.

12. SIGNATURES

Richard McLellan
CEO
Northern Agricultural Catchments Council

Maurice Battilana
CEO
Shire of Chapman Valley

Date ___ / ___ / ___

Date ___ / ___ / ___

Shire of Chapman Valley NRMO position – feasibility document

This document is presented as a feasibility paper and provides the basis for a Memorandum of Understanding (MOU) to be signed by the Shire of Chapman Valley and the Northern Agricultural Catchments Council before commencement of a Local NRM Officer at the Shire office in Nabawa.

Background

Prior to June 30 2013, NACC had contracted the SCV for delivery of on-ground works within the Shires of Chapman Valley, Northampton and part of the City of Greater Geraldton (agricultural area above the Geraldton-Mount Magnet Rd). As a result of reduced funding and restricted investment targets in the 2013-2018 Caring for Our Country program (Currently National Landcare Program – NLP), NACC was no longer able to outsource its on-ground delivery. Although the Council has still been committed to deliver NRM outcomes within their Shire, there has been no dedicated NRM / environmental officer that had the capacity to fulfil that role.

Proposal

To fill this gap, NACC is proposing to base a NRMO within the Shire of Chapman Valley. The position will be for up to 2.5 days per/week (with occasional days operating from the NACC office in Geraldton – to attend meetings, training and or other duties).

This position is a NACC position, but based in Nabawa, servicing the areas of Northampton, Chapman Valley and part of the City of Greater Geraldton. NACC employee Marieke Jansen lives in the local area (between Northampton and Nabawa), and has been based at the Shire's office during a previous NRMO role. In meetings with the Shire, it has become clear that the two organisations have common NRM objectives – including SCV priorities such as Invasive Species Management and off-road vehicle access. (It is assumed that this would be similar in the Shire of Northampton and CGG).

Advantages of the proposed collaborative arrangement:

- Local presence in the region and better understanding of local issues;
- Dedicated support for Shire landcare and other community initiatives/groups;
- Leveraging NRM outcomes through landholder efforts and local community projects (and vice versa), e.g., addressing NACC targets (as articulated in NARvis –NACC's online strategic plan) through community grant applications;
- Dedicated person within the Shire to seek funding for NRM in the region;
- Easy access for local community to liaise with NRMO (and vice versa);
- Reduced traveling times for staff;
- Ensuring better synergy between NACC, LGA and community groups working together for environmental stewardship;
- Maintaining closer working relationships between all parties.

Key issues to consider:

- Clear communication and direction between project coordinator and NRMOs is very important.
- Shire specific duties should not be taken up by NRMO, but can be delivered if they have a direct contribution in delivering NACC NRM Strategic Plan outcomes.

Key roles:

The key responsibilities of the NRMO are outlined in the officer's individual work plan and job description. Other duties can be as per direction from NACC's CEO or Project Coordinators.

Main duties of the NACC/SCV NRMO are:

- Sign-up/Sign-off on any Land Manager Agreements as part of NACC Biodiversity projects.
- Assist in delivering milestones in the NACC Sustainable Farming, and Coastal and Marine programs.
- Attend stakeholder meetings relevant to the NRMO working area (e.g., Chapman Valley LCDC, Yuna Farm Improvement Group, NAG), to promote NACC projects and outcomes.
- Seek and secure funding from the Australian and WA Governments to undertake NRM work within the SCV, Northampton and CGG region.
- Work with the community in communicating environmental issues and outcomes, e.g., Shire of Northampton, farming groups and schools; via case studies, media releases etc.

Requirements:

For this position to be hosted by the Shire, the following is required:

- **Office space:** The NRMO requires an office space which may be an individual self-contained office or part of an open plan office. If the office is open plan, access to a meeting room is desirable.
- **Office furniture:** A desk and chair suitable for extended use. The desk must have sufficient room to act as an office work surface including room for a laptop/PC.
- **Telecommunications:** A dedicated landline for the NRMO to carry out liaison and communication with community groups and land managers. A mobile phone compatible with NACC apps and 'Photomon'.
- **IT:** Access to a printer/photocopier on a LAN or WAN. A laptop computer will be provided by NACC, but LAN is necessary to access the NACC network and software.

Maternity leave – *Marieke Jansen will be on Maternity Leave from 1 September 2015 to 1 April 2016. NACC NRMO Heather Legge will serve as the main point of contact during this period, and will travel to SCV as required on a regular basis (up to a maximum of 1 day per week).*

9.2 Finance June 2015

Contents

9.2 AGENDA ITEMS

9.2.1 Financial Reports for May 2015

9.2.2 2015-2016 Draft Fees and Charges

9.2.3 Corporate Business Plan

Mrs Raymond and Mrs Williams entered Chambers at 10.31am

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR MAY 2015
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	17 JUNE 2015
AUTHOR:	KRISTY WILLIAMS & DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for May 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 April 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

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

That Council receives the financial report supplied under separate attachment for the month of May 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

**Voting 8/0
CARRIED
Minute Reference 06/15-10**

AGENDA ITEM:	9.2.2
SUBJECT:	2015/16 DRAFT FEES & CHARGES
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	306
PREVIOUS REFERENCE:	N/A
DATE:	17 JUNE 2015
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

As part of the function of local government and its operations, each year the Council is required, under Section 6.2 of the Local Government Act 1995, to formally adopt its annual financial year budget, to enable the administration to carry out the defined services and programs and to raise revenue through rates and fees and charges. As part of the preparation for the compilation of the 2015/16 Annual Budget the Draft Proposed Schedule of Fees and Charges for 2015/16 is attached for review and approval to list in the 2015/16 Draft Budget.

COMMENT

Proposed changes to the attached Draft Fees & Charges have been based on cost recovery or benchmarking with similar local governments and appropriate percentage increases. These percentage based increases have been determined either from Local Government Cost Index forecasting or known cost percentage increases from contractors. Fees and charges associated with Planning and Building have been increased or remain unchanged as per relevant legislation available to date; however some changes may occur after budget adoption. The table below is an extract from the Local Government Economic Briefing statement released May 2015.

Table 9 LGCI forecasts for 2015-16 and 2016-17

	2014-15 Estimated Actual (%)	2015-16 Forecast (%)	2016-17 Forecast (%)
Wages and Salaries ¹	2.2	2.8	3.0
Road and Bridge Construction ²	0.2	0.3	1.9
Non-residential Building ²	0.0	3.0	3.2
Consumer Prices ¹	2.0	2.2	2.5
Machinery and Equipment ³	0.2	1.6	0.9
Electricity and Street Lighting ⁴	-0.8	5.7	10.6
Local Government Costs	1.0	2.2	2.7

Source: 1. Based on WA State Treasury forecasts
2. WALGA estimated forecast
3. Based on WT Partnership's March 2015 'Review of Australian Construction Market Conditions'
4. Based on the State Government's projected tariff increases from the 2015-16 Budget

STATUTORY ENVIRONMENT

Section 6.16 is the primary piece of legislation under the Local Government Act 1995 that requires fees and charges to be reviewed and adopted as part of the budget process.

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.
** Absolute majority required.*
- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods;
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96;
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

6.19. Local government to give notice of fees and charges

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

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

POLICY IMPLICATIONS

Shire of Chapman Valley 2015/16 Draft Budget

FINANCIAL IMPLICATIONS

Shire of Chapman Valley - Schedule of Fees and Charges.

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

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

All senior staff has reviewed the attached Draft 2015/16 Schedule of Fees & Charges.

RISK ASSESSMENT

The associated risk would be the failure to comply with Local Government Financial Regulations.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WARR

SECONDED: CR FARRELL

The Fees and Charges as presented to Council are adopted and included into the 2015/2016 Budget in accordance with the requirements of the Local Government Act, 1995 with the following amendments;

- Bonds to be at CEO discretion
- Hall hire with Liquor licence bond to be increased to \$700

**Voting 8/0
CARRIED
Minute Reference 06/15-11**

Cr Warr left Chambers at 11.28am and re-entered at 11.30am

Mr Battilana and Mrs Raymond left Chambers at 11.45am and re-entered at 11.47am

Cr Wood left Chambers at 11.51am and re-entered at 11.54am

AGENDA ITEM:	9.2.3
SUBJECT:	CORPORATE BUSINESS PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	313.04
PREVIOUS REFERENCE:	NIL
DATE:	18 JUNE 2014
AUTHOR:	KRISTY WILLIAMS - ACCOUNTANT

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Section 5.56(1) and (2) of the Local Government Act requires that each local government is 'to plan for the future of the district' by developing plans in accordance with the regulations. Section 19DA of the *Local Government (Administration) Regulations 1996* specifies the requirements of a Corporate Business Plan and the need to review the plan each year. Council adopted their first Corporate Business Plan on the 19th June 2013. This plan was then reviewed and updated on the 18th June 2014.

COMMENT

The Corporate Business Plan sets out Council's priorities over the next 4 years integrating the community aspirations into the operations of the local government. The Corporate Business Plan has been reviewed and updated. Operating expenses and revenue are based on a projected percentage increase of historical data. The percentage increases are detailed in the plan in Appendix A page 3. All capital expenditure is based on Roadworks, Capital Building and Plant Replacement Programs considered by Council at their ordinary meeting held in April 2015.

As the Corporate Business Plan is required to be reviewed annually Council are required to adopt the plan provided. If further amendments are requested the plan would need to be adopted subject to those amendments. The Plan is then to be forwarded to the Department of Local Government and notice is to be given to the public that the plan has been modified.

STATUTORY ENVIRONMENT

The process by which a local government shall prepare and review a Corporate Business Plan is prescribed within Section 19DA of the *Local Government (Administration) Regulations 1996*.

"19DA *Corporate business plans, requirements for (Act Section 5.56)*

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*

- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
Absolute majority required.
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Ideally, the first of the Corporate Business Plan should be "sliced off" to form the 2015/2016 annual budget however Council still retain the discretion to vary the projects forming the annual budget.

- Long Term Financial Plan (LTFP)
The Long Term Financial Plan was adopted in June 2013. Projects from the plan flow through into the Corporate Business Plan. Timing of projects vary depending on financial constraints.

STRATEGIC IMPLICATIONS

Nil

- Strategic Community Plan/Corporate Business Plan
The Corporate Business Plan 2016-19 reflects the objectives of the existing Strategic Community Plan.

CONSULTATION

Nil

RISK ASSESSMENT

Nil

VOTING REQUIREMENTS

Absolute majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR FARRELL

That Council adopts the Shire of Chapman Valley Corporate Business Plan 2016 to 2019, forward the document to the Department of Local Government and advertise the plan to the public.

**Voting 8/0
CARRIED
Minute Reference 06/15-12**

The meeting adjourned at 11.53am for lunch

Mrs Raymond and Mrs Williams left Chambers at 11.53am and did not return to the meeting.

The meeting recommenced at 1.05pm

9.3 Chief Executive Officer June 2015

Contents

9.3 AGENDA ITEMS

- 9.3.1 Local Government Elected Members Allowances
- 9.3.2 Roadside Vegetation Policy
- 9.3.3 Chapman Valley Agricultural Management Licence
- 9.3.4 Policy Manual Review

AGENDA ITEM:	9.3.1
SUBJECT:	LOCAL GOVERNMENT ELECTED MEMBERS ALLOWANCES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	401.04
PREVIOUS REFERENCE:	NA
DATE:	17th JUNE 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The *Western Australian Salaries and Allowances Tribunal (WASAT)* were scheduled to release their determination in late June 2015 of the review of the Local Government elected member allowances under the Salaries and Allowances Act, 1975, Pursuant to Section 7(B).

At the time of writing this Report the WASAT determination for 2015/2016 had not been received; however, it is available by the Council meeting date a copy will be provided to Councillors on the meeting day.

COMMENT

Council Meeting Attendance Fees:

The 2014/2015 Council Meeting Attendance Fees were set at the maximum amounts of:

- ~ President \$477 per meeting;
- ~ Councillors \$232 " "

Below is the range set by the WASAT with their 14/15 determination was:

	Minimum	Maximum
Shire President	\$88	\$477
Councillor	\$88	\$232

Committee Meeting Attendance Fees:

The 2014/2015 Council Meeting Attendance Fees were set at the maximum amounts of:

- ~ President \$113 per meeting;
- ~ Councillors \$113 " "

Below is the range set by the WASAT with their 14/15 determination was:

	Minimum	Maximum
Shire President	\$44	\$116
Councillor	\$44	\$116

Annual Attendance fees in lieu of Council meeting fees above

Council has opted for the meeting attendance fees instead of the Annual Attendance Fee in lieu of these payments per meeting. However, for Council information, below is the 14/15 range set by the WASAT:

	Minimum	Maximum
Shire President	\$3,500	\$19,055
Councillor	\$3,500	\$9,270

Annual President and Deputy President Allowances

The 2014/2015 President and Deputy President Allowances were set at amounts of:

- ~ President \$12,500 per annum; &
- ~ Deputy President \$ 3,125 per annum (i.e. 25% of President Allowance)

Below is the range set by the WASAT with their 14/15 determination was:

	Minimum	Maximum
Shire President	\$500	\$19,570 (based on 0.2% of operating revenue as a maximum)
Dep. Shire Pres (25%)	\$125	\$4,892

Based on the maximum President Allowance being \$19,570 or 0.2% of the previous years operating revenue (i.e. 13/14 Op. Revenue was \$3,213,089) whichever the lesser amount, the maximum to be paid in 14/15 is as follows:

- Presidents Allowance - $\$3,213,089 \times 0.2\% = \$6,426.18$; and
- Deputy President Allowance - $25\% \text{ of President Allowance} = \$1,606.54$

Information and Communication Technology (ICT) Annual allowance for expenses (s5.99A(b) reg 32(1))

The 2014/2015 ICT annual allowance was set at the following amount:

- ~ All **Councillors** \$1,000 per annum;

Below is the range set by the WASAT with their 14/15 determination was:

	Minimum	Maximum
All Councillors	\$500	\$3,500

STATUTORY ENVIRONMENT

Local Government Act 1995
Salaries and Allowances Act 1975

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No significant financial implications as funds are budgeted annually to cover these costs.

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

Nil affect on the LTFP

STRATEGIC IMPLICATIONS

It is important Elected Members are remunerated for their contribution to local government, though I personally believe the fees are too low.

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

No affect on integrated planning for the Shire.

CONSULTATION

I have discussed the President & Deputy President Allowance with the finance staff and it appears there was an inflated Operating Revenue figure in 2012/2103 due to asset revaluations during this year, which has increase the maximum President & Deputy President Allowance in the 2013/2014 and the Budget figure in 2104/2105. This has now been addressed.

RISK ASSESSMENT

No risk associated with this Agenda item.

FINANCIAL IMPLICATIONS

The 2015/2016 Draft Budget allocations will be set as per the Staff Recommendation; however, these can be altered either at this meeting or the meeting when Council considers adopting the 2015/2016 Budget.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR WOOD

SECONDED: CR MALUISH

That Council approves the following Elected Members allowances for the 2015/16 Budget:

- i. Council and Committee Meeting Fees per meeting for the President & Councillors to be set at the maximum amount legislated by the *Western Australian Salaries and Allowances Tribunal* in their 2015 determination;
- ii. President's Annual Allowance – To be set at the maximum amount as legislated by the *Western Australian Salaries and Allowances Tribunal* in their 2015 determination; and
- iii. Deputy Annual Presidents Allowance - Set at 25% of the President Allowance.

**Voting 8/0
CARRIED
Minute Reference 06/15-13**

AGENDA ITEM:	9.3.2
SUBJECT:	ROADSIDE VEGETATION POLICY
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WESTERN REGIONS OF SHIRE
FILE REFERENCE:	411.01
PREVIOUS REFERENCE:	MINUTE REFERENCE 12/13-16
DATE:	17th JUNE 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the May 2015 OCM, at the time Council was reviewing its Policies, there was some confusion on the content of the existing Roadside Vegetation Policy (Current Policy No. 15.160/Proposed Policy No. IP-005).

The staff recommended in regards to the review of this specific policy was for no changes to be made to the content of the current Policy, other than to convert this into the new Policy Format.

The following was resolved at the December 2013 OCM:

MOVED: CR WARR *SECONDED: CR FARRELL*

1 *Council amends the title of Policy from "15.160.3 - Tree Planting" to "15.160.3 - Tree Planting (Other than those referred to in 15.160.4)"*

2 *Council replaces existing Policy 15.160.4 Tree Planting – Parkfalls Estate to:*

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

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

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

*Voting 4/3
CARRIED*

Minute Reference 12/13-15

The Amendment became the Substantive Motion and was put...

Voting 4/3 122

(Note: Reason for Deviation from Staff Recommendation – Council wanted to expand the area under point (d)(i)).

COMMENT

I was mentioned at the May 2015 OCM there was some concerns the current Policy had some ambiguous content, which needed clarity and maybe amendment. My understanding of the ambiguities was as follows:

- Tree Planting
 2. Trees must not be planted under power lines or over Communication cables.
 3. No trees are to be planted within 9 metres of the outside of the road pavement.
- Planting of Vegetation by Developers within the Shire of Chapman Valley
 - (a) The vegetation must not be planted under any power lines or over communication cables.

There may be other issues Elected Members have with the current Policy. However; I can only recall these being raised at the May 2015 OCM.

In regards to the item in both sections of the Policy referring to “...trees (or vegetation) must not be planted under power lines or over Communication cables..” I believe this has not been stringently adhered at the time land is developed (e.g. Parkfalls Estate) which may have created a situation where some vegetation may have been planted over communication cables. However, I have not heard of any issues being reported on the communications being affected by this vegetation (if it has occurred that is). I do not believe this has occurred in the Estate by private landowners planting on road reserves within the Estate and the Policy does allow private landowners to do this anyway.

The other issue with this is natural vegetation growth on road reserves (e.g. wattle trees) which are not planted yet are not removed or controlled when this type of vegetation growth does occur.

Perhaps the answer to this is to simply remove the words “communication cables” as I am not sure why this particular service has been stipulated and not water, gas, or any other services, which could also have been included in the policy.

The issue of planting under power lines needs to be retained as there is an obligation on the local government authority to control planted vegetation under power lines, which can be costly and must be avoided.

In regards to the condition stated under Item 3 & 4 of the Tree Planting section of the Policy I am sure the intention was for condition to be relevant to road reserves only and not private/public land adjoining the road reserve.

Item 1 under the same section of this Policy states:

“No tree planting will be permitted on twenty metre wide road reserves”

I believe Items 3 & 4 would be relevant to road reserves, which are greater than the 20 meter width to ensure no vegetation planted on such road reserves can only occur at a safe distance from the road pavement to protect the pavement by not allowing vegetation encroachment into the table drains/back-cuts. Perhaps these conditions could be reworded to make the intent clearer i.e.

Item 3

“On road reserves greater than twenty metres no vegetation is to be planted within 9 metres of the outside of the road pavement. This condition is relevant to the road reserve only and not private/public land adjacent to the road reserve”

Item 4

“On road reserves greater than twenty metres no vegetation must not be planted with five meters of the top of the back cut of the table drain. This condition is relevant to the road reserve only and not private/public land adjacent to the road reserve”.

It would also be appropriate to move these conditions to Item 2 &3 so these conditions are stated immediately after the condition of no planting on 20m road reserves (i.e. Item 1).

STATUTORY ENVIRONMENT

Not applicable

POLICY IMPLICATIONS

Below is a copy of the existing Policy (in the new format):

POLICY NO	IP-005
POLICY	ROADSIDE VEGETATION POLICY – ROAD CONSTRUCTION
RESPONSIBLE DIRECTORATE	WORKS & SERVICES
PREVIOUS POLICY No.	15.160
LEGISLATION	ENVIRONMENTAL PROTECTION (CLEARING OF NATIVE VEGETATION) REGULATIONS 2004 AND COUNCIL'S ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW)
RELEVANT DELEGATIONS	

OBJECTIVES:

To set Policy on vegetation activities within the road reserves under the control of the Shire.

POLICY STATEMENT/S:

(This Policy must be read in conjunction with the requirements of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and Council's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law)

Trees and scrub shall be removed as necessary for cuts, fills and general drainage works. However, every care shall be taken to preserve trees and scrub wherever possible.

Roadworks

1. Trees and scrub shall be removed and kept clear to the top of the back cut of the table drain.
2. Some selective clearing may be done on the inside of curves of restricted radii to improve visibility.
3. Heavy weed growths on road shoulders may be slashed or treated with chemicals.
4. Fire hazards resulting from heavy weed growths on natural treeless areas and where no wildflowers grow may be slashed if adjacent to cropped areas upon notification of Council.
5. Townsite streets and footpaths may be treated with chemicals.
6. Roadside vegetation clearance during road works is to avoid pushing vegetation against fences.
7. Any clearing on road reserves must be in accordance with the requirements of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004

General

1. Reinstatement of trees with introduced varieties may be considered for rural areas damaged during construction.
2. In townsite areas trees shall be planted on opposite side of the roadway to existing power lines. Trees growing to a maximum height of 4-5 metres are to be planted wherever possible.
3. Chemicals shall be used on declared pest plants.
- 4(a) If a landowner is having problems with native vegetation growing through their fence they are permitted to prune a branch or limb causing the problem. All other vegetation clearance on a reserve is to be in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and Council's Local Laws.
- 4(b) The Chapman Valley Shire Council agree to make available, free of charge, Council plant

and operator during normal working hours to any landowner who wishes to either clear a fence line or rip land in preparation for revegetation under the following conditions: -

- (i) The road is considered by Council to be of such a narrow width that any future roadwork enhancements will result in the clearance of a majority of vegetation from this road reserve.
 - (ii) That the landowner is prepared to set his fence back a recommended minimum of 20 metres from the roads centre and revegetate this section of land; or
If the fence is to remain where it is, the landowner is prepared to revegetate a corridor inside his fence line of a recommended minimum of 20 metres from the roads centre.
 - (iii) Such work will be carried out at Councils convenience and where practicable be incorporated into the roadwork's program for this location or when plant is within close proximity to the location in question.
 - (iv) Such work will be carried out within Council budgeting constraints for road works during that particular financial year.
 - (v) All land will remain in the ownership of the original landowner when a fence set-back procedure is undertaken unless otherwise negotiated by Council and the Landowner where there will be no change to existing land title.
The original boundary fence line is to be delineated to ensure it can easily be identified where Council and landowner responsibilities are.
- 4(c) The landholder shall not be entitled to remove any trees or scrub from the road reserve under either of these options.
5. Maintenance of the road reserve trees or scrub shall be the responsibility of the Council.
 6. Landowners clearing vegetation in accordance with this policy, Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and Council's Local Laws are to ensure all vegetation is pushed onto their adjacent private property and not left on the reserve.

Tree Planting

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

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

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

Planting of Vegetation by Developers within the Shire of Chapman Valley

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

- (a) The vegetation must not be planted under any power lines or over communication cables;
- (b) The vegetation must to be maintained by the developer for at least two years from the planting, which includes the attendance of watering and pruning (if required);
- (c) The vegetation is not to be planted in locations that will potentially interfere with line of sight from road intersection or driveway, with determination of this matter delegated to the Chief Executive Officer;
- (g) The Shire will not replace any vegetation on verges, medium strips, etc. after the two (2) year developer maintenance period other than in the following areas;

- iii. Council adopted Streetscape Plans, Development Plans, etc.;
 - iv. Town Sites of Nanson, Nabawa & Yuna.
- (h) Local residents and landowners are encouraged to maintain their own verges under the condition they are aware of the necessary safety and liability issues associated with the practice of activities on thoroughfares and public places.
- (f) Vegetation planted on road reserves become Council property and may be removed at any time at Councils discretion if the vegetation become a hazard or interfere with future road works.

ADDITIONAL EXPLANATORY NOTES:

ADOPTED/REVIEWED (OTHER THAN ANNUAL REVIEW OF ALL POLICIES):

Adopted – Council Resolution:	10/01-9
Reviewed – Council Resolution:	12/13-14

FINANCIAL IMPLICATIONS

No financial implications envisaged with the current policy content or recommended amendments.

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

No affect on the LTFP

STRATEGIC IMPLICATIONS

It is imperative Council’s Policies and Management Procedures are unambiguous and reviewed regularly to ensure they are current and relevant.

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

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	Develop Council appropriate policies that enable good: governance, development, services and growth
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CONSULTATION

This Policy has been presented to both Council Forums and OCMs over the past two years.

RISK ASSESSMENT

It is important Council Policies are practicable and enforceable to minimise risk. The basis of this particular Policy is to minimise both risk and resource allocation, yet recognise the need to allow planting on some road reserves in a controlled manner (e.g. road reserve greater than 20m, developed Estates).

VOTING REQUIREMENTS

Simple majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR FORRESTER

Council endorses the content of the existing Roadside Vegetation Policy with the following amendments:

1. Under the *Tree Planting* and *Planting of Vegetation by Developers within the Shire of Chapman Valley* sections remove reference to “communication cables”;
2. Reword Item 3 under the *Tree Planting* section to read:

“On road reserves greater than twenty metres no vegetation is to be planted within 9 metres of the outside of the road pavement. This condition is relevant to the road reserve only and not private/public land adjacent to the road reserve”.
3. Reword Item 4 under the *Tree Planting* section to read:

“On road reserves greater than twenty metres no vegetation must be planted within five metres of the top of the back cut of the table drain. This condition is relevant to the road reserve only and not private/public land adjacent to the road reserve”.
4. Renumber Items 3 and 4 under the *Tree Planting* section to Items 2 and 3 and adjust other number(s) accordingly.

**Voting 8/0
CARRIED
Minute Reference 06/15-14**

AGENDA ITEM:	9.3.3
SUBJECT:	MANAGEMENT LICENCE – NANSON SHOWGROUNDS
PROPONENT:	CHAPMAN VALLEY AGRICULTURAL SOCIETY
SITE:	NANSON SHOWGROUNDS (RESERVE 7953)
FILE REFERENCE:	803.06 & R7953
PREVIOUS REFERENCE:	MINUTE REFERENCE 04/15-20
DATE:	17th JUNE 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the April 2015 OCM Council resolved the following:

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

That Council forward the “Management Licence for the use of portions of Nanson Showground’s” to the Chapman Valley Agricultural Society and delegate to the Chief Executive Officer authority to finalise the Licence and implement the conditions to be effective from the 1st July 2015.

Voting 7/0

CARRIED

Minute Reference 04/15-20

Though there is delegated authority incorporated within the resolution for the CEO to finalise the Licence I felt the requested variation are significant enough for this to be brought back to Council for determination.

COMMENT

Marshall Gould, President, Chapman Valley Agricultural Society (CVAS) has contact and met with me to discuss items the CVAS are still concerned with.

The main area of concern was the Licence Fee (See Schedule Item 5) which was link to Outgoings. Outgoings are described in the Licence as being:

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

The electricity outgoing is considered unfair by the CVAS as they basically only use the facilities for the annual Show, yet cover all electricity consumption costs. The feeling of the CVAS is this is an unfair basis upon which the Licence Fee should be calculated.

After discussion with the Building Surveyor it appears the CVAS does have a valid point as a majority of the electricity consumption usage appears to be for the pumps servicing the public toilets and the Western Riding Club facilities.

The attached revised Management Licence has amended the Item 5 of the Schedule for the Licence Fee as follows:

Last Draft – Presented to the April OCM	New Draft – Presented to the June OCM
An amount set by the Shire to cover annual outgoings (see Clause 1 Definitions – Outgoings) payable annually in advance with the first payment due on the Commencement Date.	An annual fee set at a commencement amount of \$400 to be review annually at the time Council considers its Draft Budget for the forthcoming year.

In light of the outgoings being the full responsibility of the Shire I have also discussed the issue of hiring or subletting the facilities would be undertaken by the Shire not CVAS. Therefore I have amended Clause 4.13 of the Licence as follows:

Last Draft – Presented to the April OCM	New Draft – Presented to the June OCM
(1) The Association <u>may</u> assign or sublet the Licensed Area.	(1) The Association <u>shall not</u> assign or sublet the Licensed Area.
(2) The Association <u>may</u> hire the Licensed Area.	(2) The Association <u>shall not</u> hire the Licensed Area.

The final change made to the draft Licence presented at the April 2015 OCM is the request from the CVAS to include a Clause reflecting Council consideration towards the costs to run the annual Chapman Agricultural Show. Rather than set a specific amount I am recommending the new Clause be worded as follows:

5.5 Annual Contribution to Chapman Valley Agriculture Show

The Shire agrees to consider a contribution to the Association towards operating costs of the Chapman Valley Agriculture Show as part of the Shire’s annual budget consideration process.

I believe this new clause should be seriously considered by Council as the Show is the major event within the Shire each year and should be supported as much as possible.

STATUTORY ENVIRONMENT

The Management Licence will be a legally binding document, which both parties will be required to adhere to.

The Management Licence will also cover the Shire’s legal obligation under the Local Government Act for the disposition of property, which includes lease, licence and sale of property under the control/ownership of the local government authority.

POLICY IMPLICATIONS

Council has a number of Policies/Procedures which deal with specific conditions associated with the use of properties under the control/ownership of the Shire. It is anticipated the development of Management Licences will incorporate some of these Policies/Procedures and remove these from policy.

FINANCIAL IMPLICATIONS

I do not see the recommended Management Licence being a significant financial burden on Council.

Council currently charges the CVAS an fee of \$300 (GST Excl) for the use of the Reserve and facilities.

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

The LTFP will not be affected by the Draft Management Licence.

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

4.6 No alterations Capital Upgrades and/or Replacement

- (1) *The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.*
- (2) *Any alteration, capital upgrades/replacements or installation effected by the Association will be at the sole cost of the Association. (see Clause 5.4 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).*
- (3) *The Association agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Association's cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Association on demand and recoverable in a Court of competent jurisdiction.*

STRATEGIC IMPLICATIONS

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

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

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

CONSULTATION

The establishment of a Management Licence for the Nanson Showground's has been through a lengthy consultation period over a number of years with members of the CVAS, Elected Members and Shire Staff.

In addition there has been significant consultation with Council's legal advisors (McLeod's Barristers & Solicitors) to develop a Management Licence Template to use as a basis for establishing other Licences with users of other Shire controlled/owned facilities.

RISK ASSESSMENT

Ineffective Management of facilities/Venues

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

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

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

Council endorses the amended "Management Licence for the use of portions of Nanson Showground's" at Reserve 7953 as presented and authorise the Chief Executive Officer to finalise the Licence and implement the conditions to be effective from the first July 2015.

**Voting 8/0
CARRIED
Minute Reference 06/15-15**

Management Licence for use of portions of Nanson Showgrounds

Shire of Chapman Valley

Chapman Valley Agricultural Society
Incorporated



McLEODS

Barristers & Solicitors

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

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

Email: mcleods@mcleods.com.au

Ref: TF:CHAP 33687.1

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Details

Parties

Shire of Chapman Valley

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

Chapman Valley Agricultural Society Incorporated

of PO Box 394, Geraldton, Western Australia, 6531
(Registration Number 136 143 256)
(Association)

Background

- A The Shire is the management body of the Reserve, known as Nanson Showgrounds (Reserve).
- B The Shire has agreed to grant to the Association a licence to use that part of the Reserve, described in **Item 1** of the schedule (Licensed Area), together with any additional rights that are specified in this Licence.
- C In addition, the Shire and the Association have agreed to form the Management Committee, with other users of the Reserve, to deal with the day to day management of the Reserve.
- D The Shire and the Association enter into this agreement to set out the terms and conditions of their agreement.

Agreed terms

1. Definitions

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

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

Association means the Association or club to which this licence is granted;

CEO means the Chief Executive Officer of the Shire;

Commencement Date means the date that the Licence commences;

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

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

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

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

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

Management Committee means the management committee established pursuant to **clause 6** of this Agreement;

Minister for Lands means the Minister for Lands in her or his capacity as the body corporate continued under section 7 of the *Land Administration Act 1997*;

Other Amenities means any part of the Reserve or its surrounds that the Association is permitted to use in conjunction with the other users of the Reserve, as specified in **Item 1 4** of the Schedule;

Outgoings means

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

Reserve means Reserve 7953;

Schedule means the schedule to this Licence;

Shire means the Shire of Chapman Valley and its employees and agents; and any other local government authority of the district which may at any time in the future replace the Shire of Chapman Valley

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

2. Licence condition upon Minister for Lands' consent

This Licence is subject to and conditional on the approval of the Minister for Lands under the *Land Administration Act 1997*.

3. Grant of Licence

3.1 Licence of Licensed Areas

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

3.2 Use of Other Amenities

The Licence includes the right to use the Other Amenities.

3.3 Agreed Hours

- (1) The Association is to use the Licensed Area and the Other Amenities only on days and during the Agreed Hours.
- (2) The Association must advise the Shire in writing of their preferred hours for the following calendar year by 1 December in each year of the Term for use of the Licensed Area, Other Amenities and the Reserve.

3.4 Common Use Areas

All areas not listed as Licensed Areas or Other Amenities are to be considered common use areas available to all user.

4. Association's Obligations

4.1 Licence Fee for Licensed Areas

- (1) The Association must pay annually in advance the Licence Fee for the Licensed Area.
- (2) Unless otherwise agreed by the Shire, the Licence Fee will be reviewed on the dates specified in **Item 7** of the Schedule by CPI. A rent review based on CPI may (at the Shire's discretion) increase the amount of Rent payable during the immediately preceding period by the percentage of any increase in CPI having regard to the quarterly CPI published immediately prior to the later of the Commencement Date or the last Rent Review Date as the case may be and the quarterly CPI published immediately prior to the relevant Rent Review Date. If there is a decrease in CPI having regard to the relevant CPI publications the Rent payable from the relevant Rent Review Date will be the same as the Rent payable during the immediately preceding period.
- (3) If any GST is payable on the Licence Fee or any other supply made as a result of this Licence, the Association must pay that GST.

4.2 Fees for Other Amenities

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

4.3 Permitted Purpose of Licensed Area

- (1) The Association agrees to ensure that the use of the Licensed Area and the Reserve is at all times consistent with the Permitted Purpose.

- (2) The Association agrees that it must not permit the Licensed Area or Reserve to be used as a residence or sleeping place, unless otherwise approved by the Shire.

4.4 Condition of Reserve and Licensed Area

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

4.5 Compliance with Legislation

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

4.6 No alterations Capital Upgrades and/or Replacement

- (1) The Shire is not obliged to make any alterations to the Licensed Area or Other Amenities or install any fixtures or fittings that are additional to those installed at the Commencement Date.
- (2) Any alteration, capital upgrades/replacements or installation effected by the Association will be at the sole cost of the Association. (see Clause 5.4 for financial assistance). All alterations must fully comply with all building codes, planning and other relevant legislation (e.g. building permits, planning approvals, demolition licences).
- (3) The Association agrees that if it effects any alteration or installation in a manner that does not meet the Shire's standards, the Shire may, at the Association's cost, take any action the Shire considers necessary to remove or rectify the alteration or installation, and the cost of doing so will be a liquidated debt payable by the Association on demand and recoverable in a Court of competent jurisdiction.

4.7 Security of Licensed Area and its contents

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

4.8 Indemnity

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

4.9 Insurance

- (1) The Association must take out and maintain for the Term, a public liability insurance policy with an insurer approved by the Shire.

- (2) The insurance policy identified in paragraph (1) above must cover both the Shire and the Association for any public liability claim that arises out of, or is connected in any way with, the Association's use of the Licensed Area, Other Amenities or the Reserve generally.
- (3) The amount of the cover given by the insurance policy identified in paragraph (1) above must be a minimum of \$10,000,000 for any one claim or such greater amount as the Shire may reasonably require from time to time.
- (4) The Association must not do anything in the Licensed Area, Other Amenities or the Reserve generally that may affect any insurance taken out by the Shire, or render any such insurance void.

4.10 Entry and Inspection

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

4.11 Outgoings

- (1) The Shire will be responsible to pay all Outgoings for the Reserve provided that the Licence Fee and other fees collected from other users of the Reserve exceed the Outgoings incurred by the Shire for the Reserve.
- (2) In the event the Licence Fee and other fees collected from other users of the Reserve does not exceed the Outgoings incurred by the Shire, the Shire will be entitled to invoice and recover any shortfall amount from users of the Reserve, including the Association.
- (3) In respect of the recovery of any costs pursuant to paragraph (2) above, the parties agree as follows:
 - (a) the Shire will seek to recover such costs from user groups of the Reserve (including the Association) on the basis of an appropriate apportionment determined by the Shire acting reasonably;
 - (b) where an outgoing is incurred due to a user group's specific use of the Reserve, the Shire will seek (where appropriate) for that user group to pay that outgoing; and
 - (c) the Association must pay any invoice issued by the Shire pursuant to paragraph (2) within 28 days of receipt.

4.12 Maintenance and Cleaning

- (1) The Association agrees during the Term to maintain, replace, repair, clean and keep the Licensed Area clean and in Good Repair.
- (2) The Association must keep the Licensed Area clean, tidy and free from rubbish.
- (3) The Association in common with other users of the Reserve must keep the Other Amenities clean, tidy and free from rubbish.
- (4) The Association must leave the Licensed Area and Other Amenities at the end of each period of use in the condition those areas were in at the beginning of the period of use.

- (5) The Shire will take all reasonable steps to ensure that any third party leaves the Licensed Area and Other Amenities at the end of each period of use in the condition those areas were in at the beginning of the period of use.

4.13 Subletting, Assignment or Hire

- (1) The Association **shall not** assign or sublet the Licensed Area.
- (2) The Association **shall not** hire the Licensed Area.

4.14 Association's equipment and possessions

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

5. Shire's Obligations

5.1 Building Insurance to be Effected by Shire

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

5.2 Shire responsible for Other Amenities

- (1) The Shire will maintain the Reserve (excluding the Licensed Area) and the Other Amenities in accordance with the Shire's maintenance standards.
- (2) Maintenance for the purposes of paragraph (1) above covers:
 - (a) all structural maintenance;
 - (b) general building repairs; and
 - (c) the ongoing repair and replacement of fixtures and fittings.
- (3) The standard of the maintenance and the frequency of the repairs and replacements identified in paragraph (2) above will be dependent on the Shire's general building maintenance program and budgetary considerations and may vary from time to time.

5.3 Shire responsible for Outgoings

Subject to **clause 4.11**, the Shire agrees to be responsible for the Outgoings for the Reserve.

5.4 Consider request for financial assistance

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

5.5 Annual Contribution to Chapman Valley Agriculture Show

The Shire agrees to consider a contribution to the Association towards operating costs of the Chapman Valley Agriculture Show as part of the Shire's annual budget consideration process.

6. Management Committee

6.1 Establishment

The parties must establish a Management Committee to advise and assist the Shire in the management of the Reserve.

6.2 Role of Committee

The parties acknowledge and agree that the role of the Management Committee is to make recommendations to the Shire in respect of the:

- (a) day-to-day management of the Reserve;
- (b) development of the Reserve;
- (c) the use of the Reserve, including the grant of leases, licences and management agreements over parts of the Reserve; and
- (d) rules and regulations in relation hire of the Licensed Area, the Reserve and the Other Amenities.

6.3 Representatives

- (1) The parties agree that the Management Committee will be comprised of the following representatives:
 - (a) two councillors of the Shire, appointed by the Council of the Shire;
 - (b) two representatives from the Association appointed annually by the Association at its annual general meeting;
 - (c) two representatives of the Greenough Western Riding Club Inc appointed annually by the Greenough Western Riding Club Inc at its annual general meeting; and
 - (d) any other representative(s) from user groups appointed pursuant to **clause 6.4**.
- (2) A Party may change its nominated Committee Member by written notice to the other Parties.
- (3) The Chairperson of the Management Committee meetings will be one of the Shire's representatives.
- (4) The CEO (or a senior Shire officer as his or her proxy in the event they are unable to attend) will attend the meeting and perform the function of minute taker and advisor to the meeting.

6.4 Additional user groups

- (1) The parties acknowledge and agree that the Management Committee may from time to time by written notice to the other parties, appoint additional community groups to be a member of the Management Committee.
- (2) Upon a community group being appointed by the Management Committee pursuant to paragraph (1), that community group will be entitled to nominate up to two Committee Members.

6.5 Voting

Each Committee Member will have one vote.

6.6 Timing of Meeting

- (1) Meetings of the Management Committee must be held at least once every six months, unless otherwise agreed by the Management Committee.
- (2) The Chairperson in consultation with the CEO will schedule and call meetings of the Management Committee.

6.7 Attendance

Each Party must use all reasonable endeavours to ensure that its Committee Member attends all meetings of the Management Committee.

6.8 Chairperson's obligations

The Chairperson is responsible for:

- (a) ensuring that minutes of all meetings of the Management Committee are kept;
- (b) arranging and co-ordinating minutes of the meetings;
- (c) providing notice of meetings to Committee Members; and
- (d) ensuring that reports are provided to the Shire after each meeting.

6.9 Notice of meetings

A notice of meeting of the Management Committee:

- (a) must be given to each Committee Member of the parties at least 5 Business Days prior to the meeting;
- (b) must describe the business to be conducted at the meeting; and
- (c) In the case of an emergency (as determined by the Chairperson) the Chairperson may call an urgent meeting with prior notice being less than stipulated in clause 6.9(a).

6.10 Reporting

The Management Committee must report any decisions made by it to the Shire.

6.11 Decisions not binding on Shire

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

7. Default

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

8. Dispute Resolution

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

9. Acknowledgements

The Association acknowledges and agrees that:

- (a) it only has use of the Reserve, the Licensed Area and Other Amenities during the Agreed Hours and that other users of the Reserve may be permitted to use the Reserve (including the Licensed Areas and Other Amenities) at other times;
- (b) the Association must book in advance its use of the Licensed Area, Reserve and Other Amenities through the Shire's booking system;

AGENDA ITEM:	9.3.4
SUBJECT:	REVIEW OF COUNCIL POLICIES & PROCEDURES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	N/A
PREVIOUS REFERENCE:	MINUTE REFERENCE 05/15- 23 & 5/14-14
DATE:	17th JUNE 2015
AUTHOR:	MAURICE BATTILANA

DISCLOSURE OF INTEREST

Nil

BACKGROUND

To allow Council to review and consider changes to the Shire Policy Manual

At the May 2015 OCM the following was resolved:

MOVED: CR FORRESTER

SECONDED: CR WOOD

That Council endorses the amendments to the Policy Manual as presented with the following amendments:

- *Bring Policy IP-005 back to Council for further consideration*
- *Update fire notice*
- *Amend typographical errors (e.g. “z” to “s”)*
- ***Determine if CP-022 is included as a “Procedure”***

Voting 7/0

CARRIED

Minute Reference 05/15- 23

COMMENT

In regards to section of Minute Reference 05/15-23 regarding *“Determine if CP-022 is included as a Procedure”* I can inform after reviewing the documents I consider this particular item should be changed from a *“Corporate Policy”* to a *“Corporate Management Procedure”* as this is where it is more suited. The Staff Recommendation below advocates this adjustment; bearing in mind the content of the current item does not need amendment, just moving to a more appropriate area.

As stated in a Memorandum sent to Councillors on the 11th March 2015, over the past few months I have been revising the format of the Shire’s Policy and Procedures Manual and attached to the Memo was a copy of the following reformatted documents:

- Revised Policies;
- Revised Procedures;
- “To be Deleted” Items; and
- “Move to Delegation Register” Items

All Councillors should already have a copy of the Existing Policy & Procedures Manual. However, if you require another copy please contact Karen McKay.

I have separated *Policies* and *Management Procedures* to ensure Council has two documents based upon:

- Policies – Those legally required under legislation and reviewed annually by Council; and
- Management Procedures – Upon which the CEO is to operate the organisation and are reviewed on an as needs basis.

These two documents are again separated into the following areas:

- Emergency Management;
- Infrastructure; and

- Corporate

There is further separation below this level into the *Responsible Directorate* for each off the sub-sections.

It will be noted the index has not been included at this stage as it was not considered appropriate to compile the Index until the documents had been finalised. The intention is to provide indexes to reflect:

- Numerical order; and
- Responsible Directorate order

for each section within the document.

Throughout the *Revised Procedures* document you will note the tracked changes, which indicate the recommended amendments to the Existing Policy & Procedures Manual.

The intention is to commence the review process at the May 2015 Ordinary Council Meetings and to continue this process over as many OCM's as necessary to complete the review and adopt the new format.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 9.59

General policies and regulations have no specific review timeframe provided it is carried out at least once in a calendar year.

POLICY IMPLICATIONS

All of the Shire of Chapman Valley Policy & Procedures Manual.

FINANCIAL IMPLICATIONS

No significant affect on financial operations of the Shire.

Long Term Financial Plan (LTF):

No significant affect on LTFP of the Shire.

STRATEGIC IMPLICATIONS

It is important Councillors and staff are fully conversant with Polices and Management Procedures of the organisations in the first instance and that these be clearly accessible to the Community to ensure all ambiguity is removed in regards to how the Shire operates.

It is also important Councillors and staff review the Policies and at least annual to ensure these are current and relevant.

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

Objective	Strategy	Actions
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	Develop Council appropriate policies that enable good: governance, development, services and growth

CONSULTATION

The draft Policies and Management Procedures were sent out to all Elected Members and Senior Staff early March 2015 in the newly proposed format and with tracked changes to provide adequate time for everyone to review the documents in readiness to commence discussions and determination at the May 2015 OCM.

RISK ASSESSMENT

There is a high risk associated with the organisation's Policies and Management Procedures being antiquated and not current as this will lead to poor operations and possible areas of non-compliance with legislation.

VOTING REQUIREMENTS

Simple Majority

Note: Council may simply endorse Policies & Management Procedures up to a particular point and bring the balance of items not covered at this meeting back to a future meeting to continue the review process.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR MALUISH

That standing orders be suspended

**Voting 8/0
CARRIED
Minute Reference 06/15-16**

Open discussion was undertaken on this item.

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR MALUISH

That standing orders be reinstated

**Voting 8/0
CARRIED
Minute Reference 06/15-17**

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

1. Council relocate Policy CP-022 Loan Fund – Self Supporting Loans to be included as a Management Procedure with reference to this Procedure being added to CMP-064 Financial Assistance and renumbering other Management Procedures accordingly;
2. That Council endorses the amendments to the Policies & Management Procedures as presented including:
 - a) Deletion of Policies
3.40, 3.70, 4.110, 5.10, 5.20, 5.30, 5.110, 5.140, 8.10, 9.30, 9.50, 9.70, 9.90, 9.160, 10.10, 10.20, 10.40, 12.20, 14.20, 14.30, 14.180, 14.230, 14.270, 15.20, 15.60, 15.80, 15.130
 - b) Relocating Policy 5.130 to the Delegation Register

**Voting 8/0
CARRIED
Minute Reference 06/15-18**

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

Nil

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

13.1 Hudson Resources – Contribution Deed

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

Council closes the meeting to the public for the following Agenda Items in accordance with the *Local Government Act, 1995* – Item 13.1 per Section 5.23(2)(c) as a contract entered into, or which may be entered into by the local government and which relates to a matter to be discussed at the meeting.

Voting 8/0

CARRIED

Minute Reference 06/15-19

AGENDA ITEM:	13.1
SUBJECT:	HUDSON RESOURCES – CONTRIBUTION DEED
PROPONENT:	HUDSON RESOURCES
SITE:	DARTMOOR & DARTMOOR LAKE NERRAMYNE ROADS
FILE REFERENCE:	1001.920/1001.310/AG04
PREVIOUS REFERENCE:	MINUTE REFERENCE 05/15-21
DATE:	17th JUNE 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

Council advice Hudson Resources they accept their for amendments to the Contribution Deed as follows:

- a) A set rate \$1.70 per tonne exported from the mine site, increased by CPI each year of the Deed (as per the current Deed). This rate will be increase by the Perth CPI annually;
- b) Amend Clause 5 in regards to contributions towards seal extension to read:

“If the Shire decides to upgrade any of the roads forming part of the Deed to a sealed standard the Company is to contribute an amount 10% or \$20,000, whichever is the maximum as a one-off only contribution throughout the term of the Deed;”

- c) A new Clause is included, which will require Hudson Resources to advise the Shire of tonnages back-hauled to mine. These tonnage amounts will be added to the tonnes exported from the mines for calculation of the annual contribution to be made by Hudson Resources. This will be basically an honour system as there is not real method to accurately measure these tonnage;

- d) Hudson Resources will draft the new Contribution Deed to reflect these amendments at no cost to Council.

**Voting 8/0
CARRIED
Minute Reference 06/15-20**

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR FORRESTER

That Council reopen to the meeting to the public.

**Voting 8/0
CARRIED
Minute Reference 06/15-21**

14.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 2.09pm.