



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 18 March 2015
at the Council Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

MARCH 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, stylized circular flourish.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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6.0 DISCLOSURE OF INTEREST

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

Section 5.60A:

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

Section 5.60B:

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

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

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

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

Regulation 34C (Impartiality):

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

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ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

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

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 Anthony Farrell	North East Ward
Cr Kirrilee Warr	North East Ward
Cr Trevor Royce	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 10.08am to 10.29am and 10.59am to 11.15am)
Mrs Larissa Taylor	Accounts Payable Officer

c. Visitors

Name	
Jane Barndon	Item 9.2.3 Chapman Valley Harvest Ball to 10.29am
Renaye Stokes	Item 9.2.3 Chapman Valley Harvest Ball (from 10.08am to 10.29am)
Anne Bell	Drummond Cove Holiday Park (from 9.04am to 11.21am)

3.2 Apologies

Name	
Cr Pauline Forrester	North East Ward
Mrs Kristy Williams	Accountant

3.3 Approved Leave of Absence

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

Nil

6.0 DISCLOSURE OF INTEREST

Cr Maluish and Cr Wood declared an impartiality interest in Item 9.1.3 Bill Hemsley Park Management Committee - and Cr Warr declared a financial interest in Item 9.1.6 – Extension to Lease Nanson Showground

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 18 February 2015

COUNCIL RESOLUTION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

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

Voting 7/0

CARRIED

Minute Reference 03/15-1

9.0 OFFICERS REPORTS

9.1

Manager of Planning

March 2015

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AGENDA ITEM:	9.1.1
SUBJECT:	BULLER LOCAL STRUCTURE PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 3, 7-12, 15-17, 154, 156 & 1891 NWC HWY, BULLER
FILE REFERENCE:	204.06.03
PREVIOUS REFERENCE:	6/11-8, 9/11-5 & 04/14-3
DATE:	5 MARCH 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The draft Buller 'Development Zone' Local Structure Plan has been returned to Council for its further consideration. This report recommends that the Buller structure plan be advertised.

COMMENT

Council received the draft Buller structure plan at its 16 April 2014 meeting and resolved as follows:

"That Council:

- 1 Receive the draft Buller 'Development Zone' Structure Plan (April 2014).*
- 2 Forward the draft Buller 'Development Zone' Structure Plan (April 2014) to the Western Australian Planning Commission seeking its comment and advice.*
- 3 Delegate to the Chief Executive Officer to undertake minor modifications to the draft Buller 'Development Zone' Structure Plan that are not considered to affect or amend the intent of the Structure Plan as may be received in the comment and advice from the Western Australian Planning Commission prior to advertising being commenced.*
- 4 Where the comment and advice of the Western Australian Planning Commission are considered by the Chief Executive Officer to affect or amend the intent of the Buller 'Development Zone' Structure Plan return the matter to a further meeting of Council for its consideration of these comments and advice.*
- 5 Upon completion of the abovementioned actions (as required) advertise the draft Buller 'Development Zone' Structure Plan for a period of 42 days by placing a notice in a local newspaper, displaying notice on-site, displaying notice on the Shire website, writing directly to all landowners within and surrounding the structure plan area, and writing directly to all relevant government agencies, and at the conclusion of the advertising period return the draft Buller 'Development Zone' Structure Plan and any received submissions to Council for its further consideration."*

The Department of Planning responded on 14 July 2014 with comments on the draft Buller structure plan and a copy of this correspondence was provided to Councillors at the 20 August 2014 Forum Session. A table prepared by Shire staff was also presented to Councillors at the 20 August 2014 Forum Session detailing the Department of Planning's comments in one column, providing Shire comments in relation to these in another column, and potential actions to address the raised issues in a third column.

Following the 20 August 2014 Forum Session a copy of the Department of Planning correspondence was provided to all Buller landowners, along with the table of prepared Shire comments. The Shire correspondence to the Buller landowners emphasised that the table was a draft document only intended to assist in further discussion with the Department of Planning and did not therefore represent a final position for any party in relation to the progression of the structure plan.

This action enabled all Buller landowners to be updated upon the progress of the structure plan, the Department of Planning's comments upon the draft structure plan, and provide opportunity for Buller landowners to raise queries or comments with the Shire and/or Department of Planning prior to the matter

being more formally considered at future meeting of Council, and subsequent to that, presented to the Western Australian Planning Commission ('WAPC').

It is considered that the Department of Planning's comments, and subsequent modifications to the Buller structure plan to address these comments, were relatively significant and therefore as per Part 4 of Council's 16 April 2014 resolution this matter is now returned to Council for its further consideration.

A complete copy of the updated Buller Local Structure Plan document has been provided to Councillors as a **separate attachment** to this agenda.

Updates in relation to the progress of the Buller structure plan have also previously been provided in the August, September and November 2013 and February 2014 Staff Information Reports and the item is also listed in the monthly status report presented to Council.

Figure 9.1.1(a) – Cadastral layout for the 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, 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 configuration the development of a structure plan without the Shire playing a leading role was considered unlikely to eventuate.

The Buller 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 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 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.

Figure 9.1.1(b) – Aerial Photograph of Buller Local Structure Plan area



The updates to the Buller structure plan document since last reviewed by Council are generally concerning the issues of foreshore reserve and public open space (Part 2 Explanatory Section–Sections 2.6 & 3.2) to further address State Planning Policy 2.6-Coastal Planning Policy; Movement Network (Part 2 Explanatory Section–Section 3.4) to provide additional forecast traffic volumes, intersection analysis and relocation of the proposed northern highway intersection; and Bushfire Management to further address draft State Planning Policy 3.7-Bushfire Risk Management Policy Framework (Part 2 Explanatory Section–Section 2.4).

STATUTORY ENVIRONMENT

The gazettal of the Shire of Chapman Valley Local Planning Scheme No.2 ('the Scheme') on 20 November 2013 rezoned the Buller 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."*

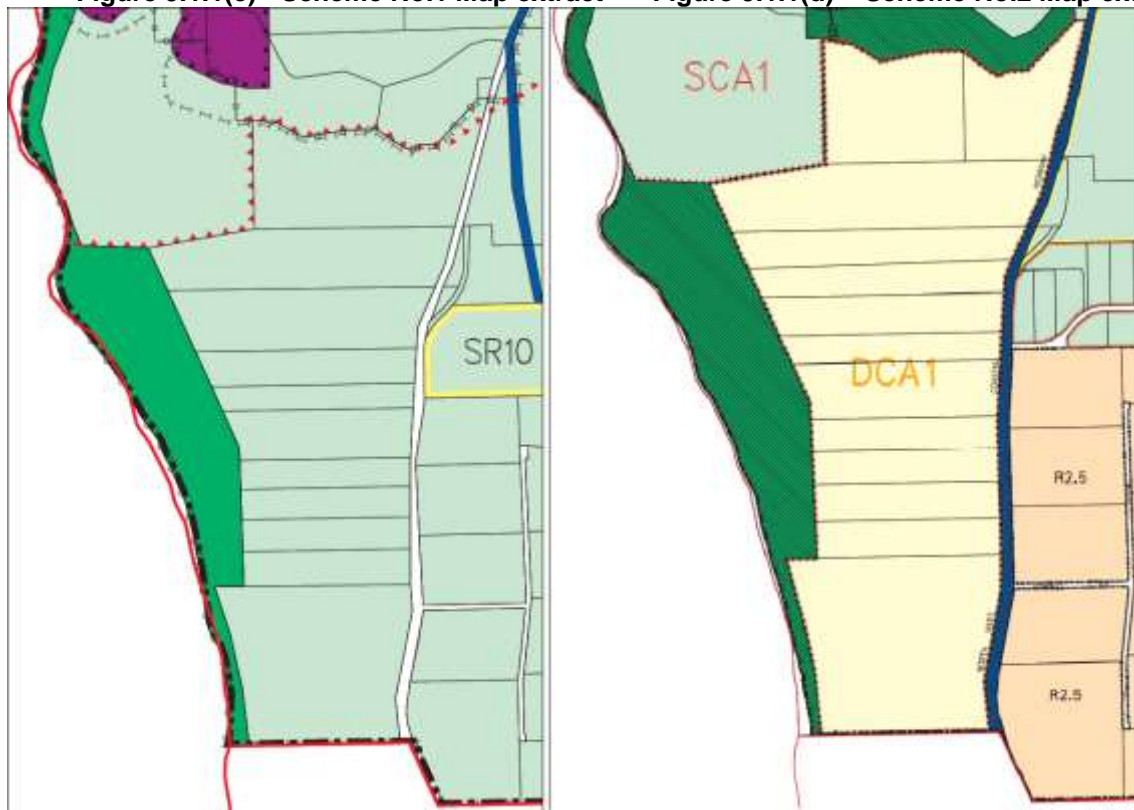
The Constraints and Concepts Study was by its nature a broader planning document and the subsequent structure planning process has now provided the greater level of detail required to plan for this area. The structure plan has identified public open space for the majority of the previously identified 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, and a concept example of a detailed area plan is provided as Figure 22 in the structure plan document to guide 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 structure plan has been prepared in accordance with these and is now placed before Council for its consideration. Section 5.22.8 of the Scheme requires 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. It is suggested that a 60 day advertising period be conducted rather than the required 21 day period to enable all parties a greater opportunity to review the content of the structure plan and make comment.

Sections 5.22.9 & 5.22.10 of the Scheme require that the structure plan must be adopted by the Shire and subsequently endorsed by the WAPC to ensure that it is the basis for future subdivision and development assessment in the subject area. On this basis Council previously resolved at its 16 April 2014 meeting to seek the comment of the WAPC on the draft Buller structure plan to better ensure that the document was prepared to its satisfaction, and to enable discussion over aspects of the structure plan to occur prior to commencing the advertising period.

Figure 9.1.1(c) - Scheme No.1 Map extract

Figure 9.1.1(d) – Scheme No.2 Map extract



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.

The Shire made application for the Buller 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 ⅓ of the accepted quote cost (\$62,543.25 GST exclusive).

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 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).

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 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 structure plan and related documents provided to landowners on 27 September 2013, 30 April 2014, 21 August 2014, 18 February 2015.

Section 5.22.8 of the Scheme lists the requirements for advertising of a structure plan as follows:

- "5.22.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.22.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to:*
- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways:*
 - (i) notice of the proposed structure plan published in a newspaper circulating in the Scheme area;*
 - (ii) a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies; and*
 - (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to:*
 - (i) all owners whose land is included in the proposed structure plan;*
 - (ii) all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan;*

- (iii) *such public authorities and other persons as the local government nominates.*

5.22.8.2 *The advertisement and notice are to:*

- (a) explain the scope and purpose of the proposed structure plan;*
- (b) specify when and where the proposed structure plan may be inspected; and*
- (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires."*

It is suggested that these requirements be exceeded and the Buller structure plan be advertised for a period of 60 days as follows:

- placement of notice in the Mid-West Times;
- placement of notice in the Valley Vibes;
- placement of 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 notice and a copy of the structure plan document on the Shire website;
- display of the structure plan document at the Shire office library;
- write directly to the landowners of the 13 lots within the Buller structure plan area;
- write directly to all landowners abutting the structure plan area (this would include landowners opposite the structure plan area on North West Coastal Highway and Drummond Cove Road);
- write directly to the following government agencies; Alinta Energy, City of Greater Geraldton, Department of Aboriginal Affairs, Department of Environment Regulation, Department of Fire and Emergency Services, Department of Health, Department of Lands, Department of Mines and Petroleum, Department of Planning, Department of Water, LandCorp, Mid-West Ports Authority, Main Roads WA, Telstra Forecasting & Area Planning, Water Corporation, Western Power and Westnet Energy.

RISK ASSESSMENT

Not Applicable

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR MALUISH

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.

**Voting 7/0
CARRIED**

Minute Reference 03/15-2

AGENDA ITEM:	9.1.2
SUBJECT:	PROPOSED OUTBUILDING EXTENSION, NABAWA
PROPONENT:	N & C STARCEVICH
SITE:	14 (LOT 5262) INDIALLA ROAD, NABAWA
FILE REFERENCE:	1655
PREVIOUS REFERENCE:	12/07-9
DATE:	9 MARCH 2015
AUTHOR:	KATHRYN JACKSON

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council is in receipt of an application for the extension of an existing outbuilding upon 14 (Lot 5262) Indialla Road, Nabawa which exceeds the maximum overall size requirements of the Shire's 'Outbuildings' Local Planning Policy. This report recommends conditional approval of the application.

COMMENT

14 (Lot 5262) Indialla Road, Nabawa is a 2.0234ha property located within the Nabawa townsite with road frontages to Chapman Valley Road to the north and Indialla Road to the east. The lot features an existing dwelling with an outbuilding located on its southern side.

Figure 9.1.2(a) – Location Plan 14 (Lot 5262) Indialla Road, Nabawa



The Shire is in receipt of an application for an extension on the western side of an existing 12m x 6.25m (75m²) outbuilding with a wall height of 3m. The application proposes a 12m x 5.935m (71.22m²) extension with a proposed wall height of 2.5m. With the construction of the extension this would give the outbuilding a total area of 146.22m².

The applicant also proposes to locate a sea container within the outbuilding extension, however its appearance will be obscured as the sea container is proposed to be clad with colorbond.

In support of their application the landowner has advised that they intend to plant screening landscaping about the outbuilding and to clad the extension in the same colour and material ('surfmist' colorbond) as the existing outbuilding structure.

A copy of the applicant's submitted site, floor and elevations plans for the proposed outbuilding extension have been included as **Attachment 9.1.2(a)** to this report.

Figure 9.12(b) – Aerial photograph of 14 (Lot 5262) Indialla Road, Nabawa



In considering the individual merits of the application it is considered that the outbuilding extension can be supported on the basis that:

- the proposed 26.22m² variation to the overall area requirements is relatively minor in nature and of an appropriate scale given that the property is over 2ha in size rather than the 1,000m² lot area typical for lots of the Residential R10 zoning;
- in the event that Lot 5262 was further subdivided as permitted under the R10 zoning the clustered positioning of the existing substantial dwelling, outbuilding and water tanks necessitate that they would still be required to be situated upon a lot greater than 1,000m² where a slightly larger outbuilding would be of a relatively appropriate size.
- that the extension will be obscured from both Chapman Valley and Indialla Roads by the existing residence and outbuilding;
- the outbuilding extension will be further obscured by the water tank to the west and the screening vegetation proposed by the landowner;
- the outbuilding extension will be construction of the same material and colour as the existing outbuilding;
- it is not considered that approval of this application will set an undesirable precedent for the streetscape or locality.

Figure 9.1.2(c) – View looking north towards existing dwelling and outbuilding upon Lot 5262. Outbuilding extension proposed to be located to the west (left) of the outbuilding



Figure 9.1.2(d) – View looking north-east towards existing development upon Lot 5262. Proposed extension to be located between the water tank and existing outbuilding



STATUTORY ENVIRONMENT

14 (Lot 5262) Indialla Road, Nabawa is zoned 'Residential R10' under Shire of Chapman Valley Local Planning Scheme No.2 which requires built development to be located in accordance with the Residential Design Codes of Western Australia. The proposed outbuilding extension complies with the boundary setback requirements of the R-Codes.

Figure 9.1.2(e) – relevant extract from Scheme No.2 Map



POLICY IMPLICATIONS

Section 4.4 of the Shire's 'Outbuildings' Local Planning Policy states the following maximum dimensions for outbuildings constructed within the 'Residential R10' zone:

Zone	Standard	Maximum
Residential (R10 and higher density)	Area (total aggregate)	120 m ²
	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
* Wall heights are to be measured from natural ground level.		

The outbuilding extension is proposed to be 12m x 5.935m (71.22m²) with a wall height of 2.5m. This will result in an overall outbuilding area of 146.22m².

Given the overall outbuilding area will be in excess of the 120m² maximum area specified within the Shire's 'Outbuildings' policy the application cannot be determined under delegated authority and is required to be presented to Council for its consideration.

The objectives of the 'Outbuildings' Local Planning Policy are as follows:

- "3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.*
- 3.2 To provide a clear definition of what constitutes an "outbuilding".*
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.*
- 3.4 To limit the visual impact of outbuildings.*
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.*
- 3.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property."*

The Shire of Chapman Valley 'Outbuildings' Local Planning Policy has the following purpose and scope:

"Purpose

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

Scope

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

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

It is considered that given the location of the outbuilding behind existing development and the use of matching colours and materials that the extension will appear coordinated with, and at an appropriate scale, to the existing development upon the property.

Section 4.7 of the 'Outbuildings' Policy addresses the siting requirements for an outbuilding upon corner lots stating that the outbuilding is required to be located behind the front building line of a dwelling. Given the proposed location of the extension to the west of the existing outbuilding structure the application is compliant with the siting requirements of the Policy.

Shire of Chapman Valley Local Planning Policy 'Sea Containers' lists that planning approval for the siting of a sea container will only be granted where the sea container is being used for the temporary storage of equipment on a building site, where a building permit has been issued and remains current for the construction of a dwelling, and for a maximum period of 12 months in the case of dwellings, and 6 months in the case of outbuildings. As the proposed development seeks to incorporate the permanent siting of a sea container upon Lot 5262 it exceeds the level of delegated authority and is required to be presented to Council for its consideration.

Given that the applicant proposes to clad the sea container with colorbond matching the existing outbuilding and incorporate the sea container into an outbuilding extension design to mask its placement no objection is raised in this instance.

FINANCIAL IMPLICATIONS

Nil, however should Council refuse the application and the landowner proceed to exercise their right of appeal a further cost is likely to be imposed on the Shire through its involvement in the appeal process.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

Nil

- **Strategic Community Plan/Corporate Business 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

Consultation has not been undertaken as it was not considered that the surrounding landowners would be unduly affected by the construction of the outbuilding extension, or that the extension would affect the appearance or amenity of the Nabawa locality or streetscape.

However, Council may when considering a variation to any part of its Local Planning Policy resolve to undertake consultation with surrounding landowners and giving consideration to any received submissions prior to making its determination at a later meeting of Council.

In the event that Council does not consider that the application for an outbuilding extension should be approved it may consider the following alternative wording appropriate in its determination on the application:

"That Council refuse planning approval for the proposed outbuilding extension upon 14 (Lot 5262) Indialla Road, Nabawa for the following reasons:

- 1 The development proposes a total outbuilding area in excess of the 120m² total aggregate area as specified under the Shire of Chapman Valley Local Planning Policy 'Outbuildings' for the 'Residential R10' zone.*
- 2 The proposed development is not considered consistent with the objectives of the Shire of Chapman Valley Local Planning Policy 'Outbuildings';*

- 3 *Council is not satisfied that sufficient justification has been provided to warrant a concession being granted in this instance; &*
- 4 *Approval of this application may well set an undesirable precedent for continued variation to the Shire's statutory and policy requirements, which in time could prove to be detrimental to the rural residential amenity and lifestyle opportunities of the locality.*

Advice Note:

- (i) *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."*

RISK ASSESSMENT

Not applicable

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR ROYCE

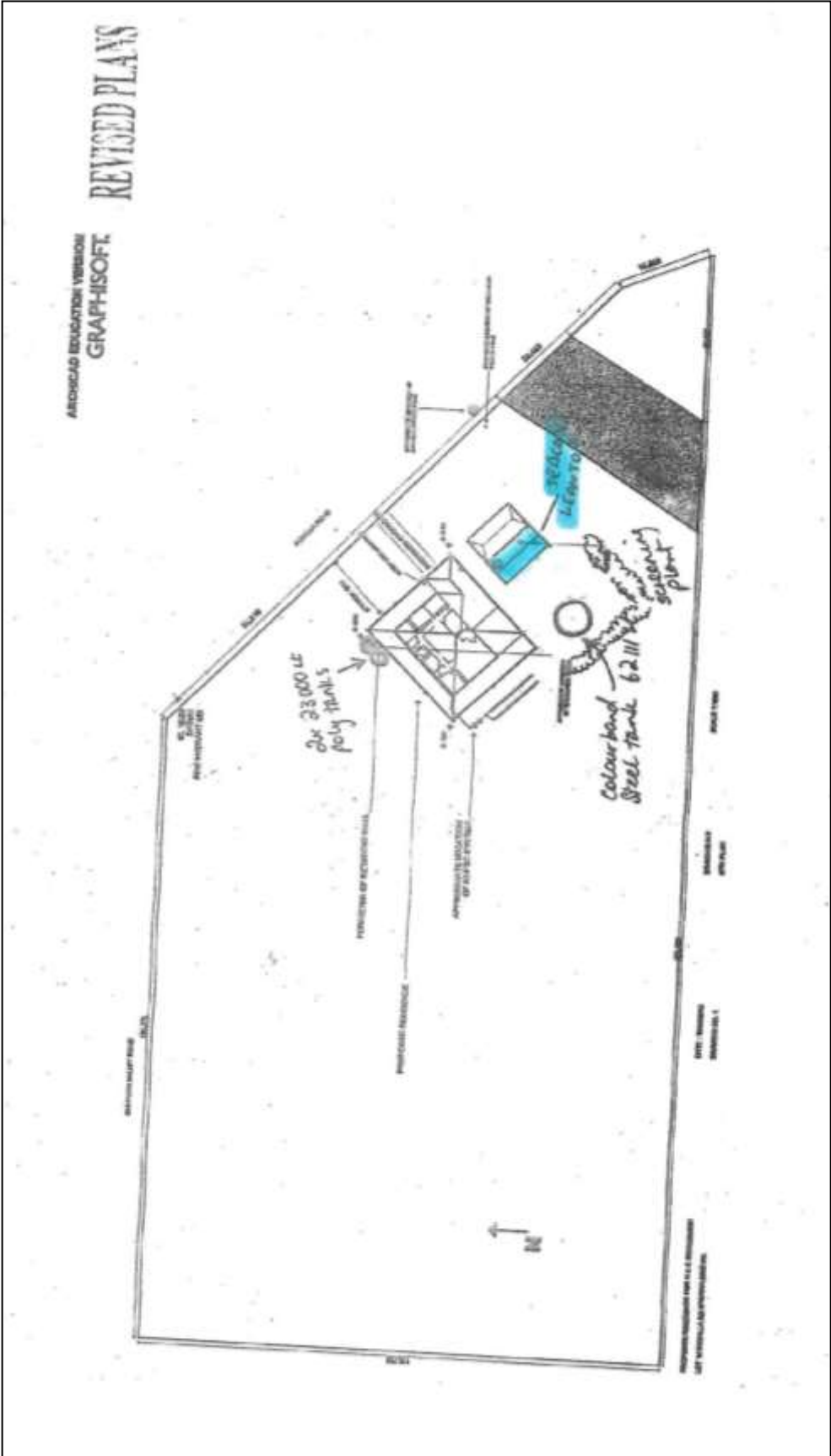
That Council grant formal planning approval for the extension of an existing outbuilding upon 14 (Lot 5262) Indialla Road, Nabawa subject to the following conditions:

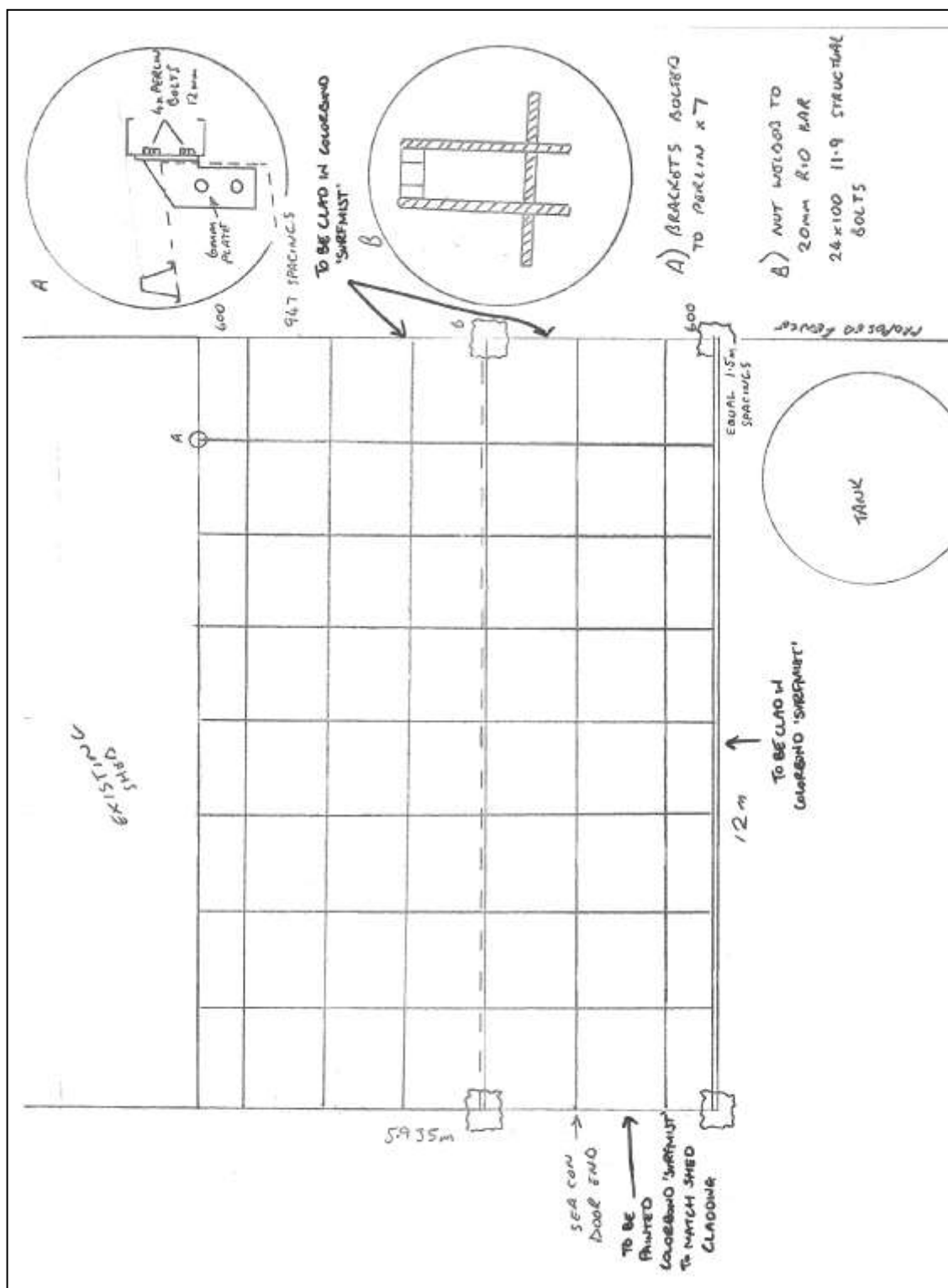
- 1 Development shall be in accordance with the attached approved plan(s) dated 18 March 2015 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 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 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 roof and walls of the proposed outbuilding extension (inclusive of the walls of the proposed sea container) are to be clad in coated metal sheeting ('surfmist' colorbond) matching to the existing outbuilding to the approval of the local government.
- 5 The doors of the sea container are to be painted in 'surfmist' colouring to match with the cladding of the existing outbuilding and proposed outbuilding extension to the approval of the local government.
- 6 The outbuilding is only to be used for general storage purposes associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
- 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.

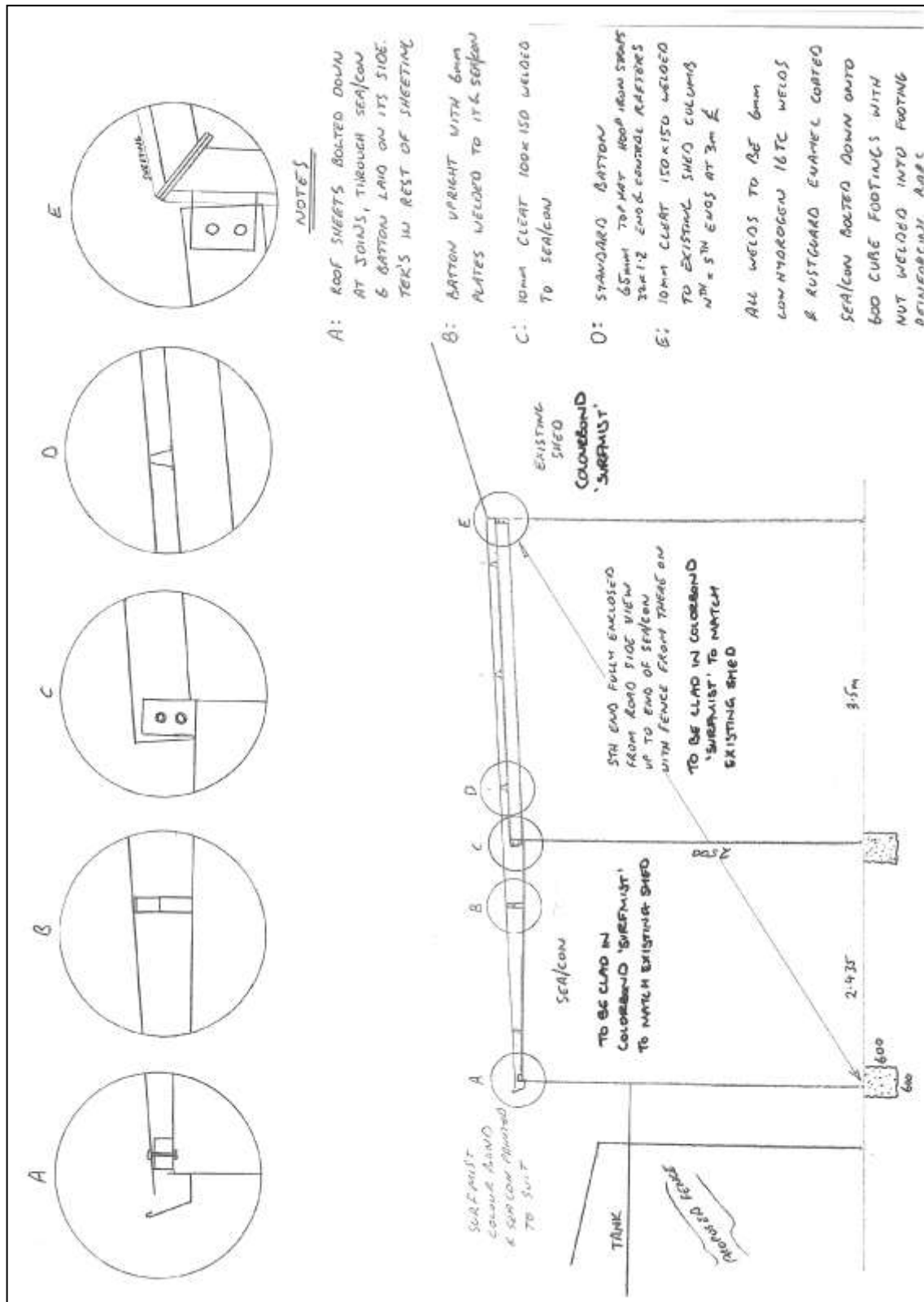
Notes:

- (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 an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**Voting 6/1
CARRIED
Minute Reference 03/15-3**







AGENDA ITEM:	9.1.3
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
DATE:	11 MARCH 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

A meeting of the Bill Hemsley Park Management Committee was held on 10 March 2015 to progress planning for the future development of the park and this report recommends that Council receive the unconfirmed minutes from the meeting.

COMMENT

The sixth Bill Hemsley Park Management Committee meeting was held on 10 March 2015 and the agenda for the meeting is included as **Attachment 9.1.3(a)** and the unconfirmed minutes from the meeting are included as **Attachment 9.1.3(b)**.

Council previously resolved at its 19 November 2014 meeting the following:

"That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 7 November 2014.*
- 2 Note the Management Committee recommendation in relation to the selection of a consultant to undertake the drafting of the Bill Hemsley Park concept plan.*
- 3 Note the Management Committee recommendation in relation to the bore upon 9 (Lot 249) Cargeeg Bend, White Peak.*
- 4 Instruct the Shire's solicitor to draft a lease agreement in relation to the bore upon 9 (Lot 249) Cargeeg Bend, White Peak for consideration by the Management Committee and Council prior to being presented to the subject landowner.*
- 5 Note the Management Committee recommendation in relation to the expenditure of funds from the trust account, and approve that any variation to the \$15,000 allocation in Account 2642 in the 2014/2015 Shire budget arising from the appointment of a drafting consultant and a solicitor be funded through the Bill Hemsley Park Trust Account (2803/2834)."*

A copy of the draft bore access easement has been provided to Councillors as a **separate attachment**.

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 was adopted by Council at its 16 July 2014 meeting with an allocation of \$15,000 included within Account 2642 as seed capital for the Bill Hemsley Park project.

The 2014/2015 budget also lists within Account 2834 an expenditure allocation of \$272,727 to be drawn from Trust Account 18 in the event that the Management Committee recommends 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 \$281,405.76 (GST ex) as of 11 February 2015. The Shire may consider supplementing this amount through future budgetary allocation and pursuit of external funding sources.

The transfer of the park site from private to public ownership has enabled the Shire to work with the community to create an area that meets its recreational and community requirements. In its consideration of the responsible and staged development of the park the Management Committee, and subsequently Council, should have regard for the following:

- the type of facilities that are demanded by the community (this would be established through a consultation process);
- the type of facilities that are likely to be used by the community (this would be established through an evaluation and review process);
- the capital and maintenance cost of the facilities (this would factor the initial and ongoing cost of any facility);
- the appropriateness of the facilities in relation to their setting (this would include consideration of the facilities function, appearance and impact).

- **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 if the majority of funds can be obtained from grants and should not 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.

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.

- **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

Council resolved at the previous 20 August 2014 meeting the following:

- "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.*"

Once the Management Committee has developed the concept plan to a stage when it is satisfied with the document it will be presented to a meeting of Council for its consideration, and subsequent commencement of an advertising period for the plan that would include a copy being sent to all landowners in the Parkfalls Estate, and can also include display on the Parkfalls Estate noticeboard, a sign on-site and display on the Shire website.

RISK ASSESSMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority required.

Cr Wood as a member on the Committee and Parkfalls Residents Association and Cr Maluish as a member of the Parkfalls Residents Association declared an impartiality interest in this item

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR ROYCE

SECONDED: CR MALUISH

That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 10 March 2015.

- 2 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.
- 3 Note the Management Committee's comments in relation to the draft easement and request the Shire's solicitor undertake the requested modifications prior to the Shire presenting the draft agreement to the landowner of 9 (Lot 249) Cargeeg Bend, White Peak.
- 4 That the response of the landowner of 9 (Lot 249) Cargeeg Bend, White Peak in relation to the draft easement be referred back to the Management Committee for its consideration of any issues raised therein, and that the subsequent comments of the Management Committee, and any suggested modifications to the draft lease agreement in response to any issues raised by the landowner be returned to Council for its further consideration.

AMENDMENT TO MOTION

MOVED: CR FARRELL

SECONDED: CR WARR

1. Amend item 3 of the substantive motion so that the water taken from the bore be used for the Bill Hemsley Park as a priority and elsewhere within the Parkfalls Estate as determined by the grantee; and
2. Remove item 4 and the CEO negotiate with the landowner a fixed annual amount CPI'd.

Voting 4/3

CARRIED

Minute Reference 03/15-4

For – Cr Collingwood, Cr Farrell, Cr Warr and Cr Humphrey

Against – Cr Royce, Cr Maluish and Cr Wood

The amendment became the substantive motion and was put.

Voting 5/2

CARRIED

Minute Reference 03/15-5

Reason for deviation from Committee Recommendation:

Council considered the amendment appropriate for the Draft Agreement



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BILL HEMSLEY PARK MANAGEMENT COMMITTEE MEETING

VENUE: Shire of Chapman Valley Chambers
3270 Chapman Valley Road, Nabawa

DATE: Tuesday 10 March 2015

TIME: 1:00pm - 3:00pm

COMMITTEE: Councillor Trevor Royce (Shire of Chapman Valley) - Chair
Councillor Veronica Wood (Shire of Chapman Valley)
Ian Wheatland/Peter Sukiennik (Developer)
Tom Davies (Parkfalls Residents Association)
Ian Maluish (Parkfalls Residents Association)

ADVISORS: Maurice Battilana (CEO-Shire of Chapman Valley)
Simon Lancaster (Manager of Planning/Minute Taker-Shire)
Anthony Abbott (Building Surveyor/Project Officer-Shire)
Nicole Batten (Community Development Officer-Shire)

AGENDA

Order of Business

1. **Welcome by the Chair** – Councillor Trevor Royce
2. **Apologies** – Ian Wheatland
3. **Disclosure of Interest** - Committee 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.
4. **Confirmation of Previous Meeting Minutes** – 7 November 2014
5. **Items for discussion** -
 - 4.1 Draft Easement/Agreement - 9 (Lot 249) Cargeeg Bend bore
 - 4.2 Bill Hemsley Park Concept Plan
 - 4.3 Mid West Development Commission Community Chest – Nature Play design application
6. **General Discussion**
7. **Next Meeting** - to be decided at the 10 March 2015 meeting
8. **Close**

Bill Hemsley Park Management Committee Meeting Agenda – 10 March 2015 - Page 1 of 7



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4.1 Draft Easement/Agreement - 9 (Lot 249) Cargeeg Bend bore

Council resolved at its 19 November 2014 meeting:

"That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 7 November 2014.*
- 3 Note the Management Committee recommendation in relation to the bore upon 9 (Lot 249) Cargeeg Bend, White Peak.*
- 4 Instruct the Shire's solicitor to draft a lease agreement in relation to the bore upon 9 (Lot 249) Cargeeg Bend, White Peak for consideration by the Management Committee and Council prior to being presented to the subject landowner.*
- 5 Note the Management Committee recommendation in relation to the expenditure of funds from the trust account, and approve that any variation to the \$15,000 allocation in Account 2642 in the 2014/2015 Shire budget arising from the appointment of a drafting consultant and a solicitor be funded through the Bill Hemsley Park Trust Account (2803/2834)."*

The Shire's solicitor has drafted an easement agreement that was provided to Management Committee members on 23 January 2015 for review (provided again with this Agenda as **Attachment 4.1**).

In the event that an easement is agreed upon by all parties, it would be lodged against the title for Lot 249 Cargeeg Bend. An easement can identify the exact land area over which the agreement covers as well as the terms and conditions of the easement, an easement also continues with the land rather than the landowner.

This mechanism is considered preferable as it avoids having two documents that cross-reference each other such as a legal agreement and then a separate caveat that is then required to address the issues of the agreement and must be lifted and re-applied every time the property changes ownership.

For the Management Committee members general information, for the easement to be registered on the title to Lot 249 the following would need to occur:

- (a) the landowners and the Shire will need to agree to the terms of the easement, and sign the easement;
- (b) an easement only Deposited Plan will need to be prepared by a licensed surveyor and lodged at Landgate, and placed in 'order for dealings';

Bill Hemsley Park Management Committee Meeting Agenda – 10 March 2015 - Page 2 of 7



- (c) the landowners' mortgagee will need to consent to the terms of the easement, and 'produce' the title at Landgate, to allow registration of the easement on the title;
- (d) the easement will need to be assessed for duty, the Shire will be exempt from duty pursuant to Sections 92 & 93 of the *Duties Act 2008*;
- (e) once all of the above has occurred, the easement can be lodged at Landgate and once processed will be registered on the title and 'run with the land'.

It is suggested at the Management Committee meeting that the easement document be gone through methodically page by page and items that require modification be discussed and agreed upon and contained together within a single Management Committee recommendation for Council's consideration and subsequent presentation to the solicitor for modification and then ultimately presentation of a draft easement to the landowner for their consideration.

To assist in discussion some further comments are provided as follows:

Clause 2 - an easement only deposited plan will need to be prepared by a surveyor showing the extent of the easement area, and the details of the plan inserted into clause 2 of the easement.

Clause 3(a) - perhaps this needs to be expanded to refer to *Ordinary Rates* as Council may at some time in the future look at a *Specified Area Rate* for a specific purpose(s) and period of time. This may never happen; however, it would be worthwhile having this clarified up front rather than have it contested at some time in the future.

Clause 3(b) - perhaps this could state "...or as otherwise agreed between the parties". This creates a more flexible payment arrange (e.g. the Shire could simply pay the rate amount to itself and cost the payment amount to the Bill Hemsley Park (budget allocation) Job Number, rather than an exchange of payments between parties.

Clause 3(c) - may require expansion to read "....Emergency Service Levy, Specified Area Rates, Rubbish Collection Service Fee, Swimming Pool Inspection Fees or any other similar fee or levy imposed by the Grantee".

Clause 3.3 - restricts use of the bore to the Shire only.

Clause 4.1 and item 3 of the schedule of the easement - deal with the payment of an annual fee equivalent to the annual local government rates. This is working off the assumption that the emergency services levy is not included in the annual payment. This is something that should be discussed and may require amendment to Item 3 accordingly.



Clause 4.2 – mention perhaps should be made of a boundary fence around the easement area and a gate on the property boundary onto Cargeeg Bend as the preferred access point and the Shire being responsible for the installation and maintenance of the fence and gate. This will help in delineating the land involved and where responsibilities begin and end. Also creates the *preferred access* (not exclusive) point being from a gate off Cargeeg Bend rather than through the private property.

Clause 4.3 - deals with the requirement for the Shire to cover all costs associated with the bore, including power costs. It would likely be simpler for the bore to have a separate meter under the name of the Shire, to avoid disputes as to the amount of power the Shire is consuming.

Clauses 4.6 and 4.7 - deal with insurance and indemnity issues. The Shire is required to obtain public liability insurance, and indemnify the landowner for any damage or loss related to the Shire's use of the bore.

Clause 6(b) - an easement once registered on the title to Lot 249, will run with and burden the lot in favour of the Shire and future landowners will be bound by the terms and conditions of the easement. To avoid any confusion in the future, clause 6(b) clarifies that the annual fee will be payable to the registered proprietor of Lot 249 from time to time.

Clause 7 - deals with the possible re-structure of the Shire of Chapman Valley following a potential future local government reform process.

Clause 7 - requires the landowner to assign the easement upon the occurrence of certain events.

Clause 8 - deals with the surrender of the easement by the Shire, in the event that it no longer requires use of the bore.



4.2 Bill Hemsley Park Concept Plan

Council resolved at its 20 August 2014 meeting as follows:

"That Council:

- 1 Receive the Unconfirmed Minutes of the Bill Hemsley Park Management Committee meeting held on 25 July 2014.*
- 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).*
- 3 Seek quotes for the drafting of the revised concept plan to enable further design consideration and community consultation.*
- 4 Issue delegated authority to the Shire Chief Executive Officer to appoint a drafting company (as recommended by the Management Committee) funded from the Bill Hemsley Park 2014/2015 budget allocation (Account 2642-seed capital) to undertake the drafting of the revised concept plan, for later Management Committee and Council consideration.*
- 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."*

10 firms with a landscape architecture background were subsequently written to on 1 September 2014 and invited to provide a fee estimate by 3 October 2014 to undertake the drafting of the Bill Hemsley Park Concept Plan. After the conclusion of the submission period copies of each of the 6 received quotes were provided to the Management Committee members to allow time for their review and selection of an appropriate consultant.

The Bill Hemsley Park Management Committee met on 7 November 2014 and resolved the following:

"That the Management Committee recommend that Urbis undertake the drafting of the Bill Hemsley Park concept plan, thereby enabling the Shire CEO under delegated authority to appoint the recommended consultant as per the 20 August 2014 resolution of Council."

The letter to Urbis advising of their appointment to undertake these works (and the correspondence to the other firms advising that they were unsuccessful in this



instance) was mailed on 13 November 2014 (with a subsequent email also sent to account for any delays in receipt of post). This is within 4 working days of the meeting and should be considered a timely response rate and reflective of the importance Shire staff attach to not just this project but any matter raised by the Management Committee and Council.

Council subsequently resolved at its 19 November 2014 meeting:

"That Council:

- 2 Note the Management Committee recommendation in relation to the selection of a consultant to undertake the drafting of the Bill Hemsley Park concept plan."*

The appointed consultant visited the Bill Hemsley Park site with Shire staff on 18 December 2014 to view the location and its setting, and also other examples of nature playgrounds and parks within the greater Geraldton area.

The consultant has prepared an initial draft that is provided as **Attachment 4.2** with this Agenda to Management Committee members for review and discussion at the meeting.



4.3 Mid West Development Commission Community Chest – Nature Play design application

The Mid West Development Commission's Community Chest funding application round closed on 30 January 2015 and the Shire has lodged an application for funding of the nature playground design.

The preliminary draft Bill Hemsley Park concept plan previously received and accepted in principle by Council at its 19 February 2014 and 20 August 2014 meetings identified a nature playground within its design. The deliberations on the concept plan should now resolve the issues of where in the site the nature playground might be located and what size it might be.

The subsequent nature playground design will fulfil the role of providing a detailed plan of the facility that would enable its construction.

Given the tight application timeframe and to enable an accurate figure to be used in the grant application the appointed drafting consultant (Urbis) was approached to provide a fee estimate for the nature playground design and a copy of this fee estimate is provided as **Attachment 4.3** for the Committee's information. Urbis were approached as they have some familiarity with the site, but it should be noted that the Committee is not obliged to utilise their services should the grant be successful.

It is anticipated that the Mid West Development Commission might advise in March 2015 whether the application was successful or otherwise.

The community survey undertaken by the Parkfalls Residents Association in 2013 identified a playground as the equal third most requested item in the park along with walkways, native gardens, bbq and gazebos (with the most requested item being a grassed area and the second most requested item being shaded areas).



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BILL HEMSLEY PARK MANAGEMENT COMMITTEE MEETING

VENUE: Shire of Chapman Valley Chambers
3270 Chapman Valley Road, Nabawa
DATE: Tuesday 10 March 2015
TIME: 1:15pm – 3:05 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 1:15pm.

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)
Peter Sukiennik (Developer) (entered at 1:20pm)

Observers:

Maurice Battilana (Chief Executive Officer-Shire of Chapman Valley)
Anthony Abbott (Building Surveyor/Project Officer-Shire of Chapman Valley)
Nicole Batten (Community Development Officer-Shire of Chapman Valley)
Simon Lancaster (Minute Taker-Shire of Chapman Valley)

3 Apologies

Ian Wheatland (Developer)

Bill Hemsley Park Management Committee Meeting Unconfirmed Minutes – 10/3/15 – Page 1 of 4



4. Disclosure of Interest -

Ian Maluish, Veronica Wood, Tom Davies declared an impartiality interest as members of the Parkfalls Residents Association.
Peter Sukiennik declared an impartiality interest as a subdivider/landowner of land adjoining Bill Hemsley Park.

5. Confirmation of Previous Meeting Minutes – 7 November 2014

Management Committee Resolution:

"That the minutes of the previous meeting held on 7 November 2014 be confirmed as a true and accurate record."

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

6. Items for discussion

6.1 Draft Easement - 9 (Lot 249) Cargeeg Bend bore

The draft easement was discussed by the Management Committee.

Management Committee Resolution:

"That the Management Committee recommend that the draft easement be modified with regard for the following, and then be presented to the landowner of 9 (Lot 249) Cargeeg Bend, White Peak to initiate formal discussions:

Query with solicitor whether the address details for the Grantors should be updated to reflect the current postal/residential address or if it must be retained as address as displayed.

Operative Part

Clause A – delete the words "and other land vested in the Grantee as public open space."

Clause 2(a) – delete the words "and other public open space vested in the Grantee."

Clause 3.3(b) – delete



Clause 4 - expand to address the issue of a boundary fence around the easement area and a gate on the property boundary onto Cargeeg Bend as the preferred access point and the Shire being responsible for the installation and maintenance of the fence and gate.

Clause 4.3 - expand to address the requirement for the Shire to install a separate power meter for the bore.

Clause 7(a) – replace "not" with "no".

Clause 7 – replace "...that the Grantee may elect by written notice..." with "that the Grantee shall elect by written notice..."

Schedule

Clause 3(a) – modify to read "The annual fee payable by the Grantee to the Grantors for the Easement will be an amount equivalent to the annual local government ordinary rates fees and charges payable, as noted on the annual rates notice other than a specified area rate which will remain payable by the Grantor (if and when raised) pursuant to part 6 of the Local Government Act 1995, in respect of the Servient Tenement (Annual Fee)."

Clause 3(b) be amended to state "...or as otherwise agreed between the parties".

Clause 3(c) - modify to read "For the avoidance of doubt the Annual Fee does include Emergency Service Levy, Rubbish Collection Service Fee, or any other similar rate associated fee or levy imposed by the Grantee other than specified area rates which will remain payable by the Grantor (if and when raised)".

Moved: Tom Davies

Seconded: Ian Maluish
Voting 5/0
CARRIED

6.2 Bill Hemsley Park Concept Plan

The draft Bill Hemsley Park concept plan was discussed by the Management Committee.

Management Committee Resolution:

"That the Management Committee request the consultant to undertake the modifications to the draft Bill Hemsley Park concept plan based upon the plan tabled at the meeting and invite them to the next meeting of the Management Committee."



Moved: Veronica Wood Seconded: Tom Davies
Voting 5/0
CARRIED

6.3 Mid West Development Commission Community Chest – Nature Play design application

Update provided in relation to the Mid West Development Commission's Community Chest application for funding of the nature playground design.

7 General Discussion

Trevor Royce raised his preference for the concept plan to include/expand upon a fitness equipment trail, and the inclusion of a trail in vicinity to the rear boundary of the abutting 9 lots that would also serve a fire break.

Veronica Wood sought inclusion of an elevation concept to illustrate the proposed meeting room building.

Ian Maluish sought the refocusing of the proposed meeting room to a 'Nanson harbour'/low key/rural appearance and floor plan as shown on the previously circulated Parkfalls Residents Association preliminary concept plan.

8 Next Meeting

To be advised (upon receipt of next draft of the concept plan).

9 Close

The meeting was declared closed by the Chairman at 3:05pm.



COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR WARR

That item 9.2.3 Chapman Valley Community Harvest Ball – Application to waiver fees/charges and request for donation be brought forward in the agenda.

**Voting 7/0
CARRIED
Minute Reference 03/15-6**

Mrs Stokes and Mrs Raymond entered Chambers at 10.08am

AGENDA ITEM:	9.2.3
SUBJECT:	APPLICATION TO WAIVER FEES/CHARGES & REQUEST FOR DONATION
PROPONENT:	CHAPMAN VALLEY COMMUNITY HARVEST BALL
SITE:	NABAWA COMMUNITY HALL
FILE REFERENCE:	A1327
PREVIOUS REFERENCE:	NIL
DATE:	18 MARCH 2015
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council has received a request from Renaye Stokes, President, of the Chapman Valley Community Harvest Ball to waive the fees and charges to undertake dance lessons in the Nabawa Hall and to seek a donation towards the Ball.

COMMENT

The Inaugural Chapman Valley Community Harvest Ball will be held on Saturday 5 October 2013 at the Nabawa Community Hall. This event was held to foster a stronger sense of community and belonging with an opportunity to promote local clubs and organisations.

Council contributed \$1000 as a Diamond Sponsor in the 2012/2013 financial year.

Council also resolved the following in regards to the 2013 Ball:

MOVED: CR FARRELL

SECONDED: CR DAVIDSON

That Council writes to the Chapman Valley Primary School P & C advising it supports the event and provides the Community Development Officer to supply in kind support to support grants before the upcoming Harvest Ball.

**Voting 7/0
CARRIED
Minute Reference 13/3-12**

STATUTORY ENVIRONMENT

Local Government Act, 1995 – Section 6.12 – Power to Defer, Grant Discount, Waive or Write off Debts

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

which is owed to the local government.

** Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.*
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.*

POLICY IMPLICATIONS

5.30 DONATIONS AND GRANTS

Local Nature

Council shall consider requests for donations on their individual merit however, generally will decline appeals for donations -

- of a State or National nature, or*
- if they are not concerned or connected with the Chapman Valley area.*

Exceptions to the above will be -

- Disaster or emergency appeals.*

The Chief Executive Officer be delegated authority to authorise donations within budget limitations, up to a maximum of \$100 per application.

This delegation is to be in accordance with Council's policy in regards to "Local Nature". (See Delegation No 3005)

All other donations in excess of miscellaneous budget allocations are to be brought back to Council for consideration in accordance with Policy

Applications

Any application made to Council from any Club, or Organisation, seeking the provision of a cash contribution shall be in accordance with, as well as accompanied by, the following information -

- as a general principle, funds for any project will only be considered where maximum Government (State and Federal) funding has been obtained, the Club, or Organisation, is ineligible for Government funding, or Government funding has been refused (in whole or part).*
- Council will be seeking evidence of procurement of, or attempted procurement of, Government grant monies.*
- it must be demonstrated that Council funding is necessary to the success of the project.*
- funds will only be permitted to be used for projects upon land under the care, or control, of Council; unless it otherwise determines.*
- detailed project financial information including budget estimates, quotes etc. accompanied by project drawings and specifications, to a satisfactory standard, must be provided.*
- detailed financial information about the Club or Organisation will also need to be provided. Such information will need to include financial statements.*

Where Council considers the information as provided in accordance with the above to be satisfactory, the provision of any funds will be in accordance with the following;

- *payment will only be made at the conclusion of the project, and then only in strict accordance with the determination as to amount and conditions as set by Council; unless otherwise agreed upon.*

Council reserves the right to approve/decline any application irrespective of previous decisions of a similar nature and no prior decision in any way or manner can be construed as setting a precedent.

FINANCIAL IMPLICATIONS

There is potential for a loss in Fees & Charges income up to \$450.00 should the Nabawa Community Centre Venue Hire be waived for 5 dance lessons between July and September 2015 as well as the Harvest Ball event night which is not considered significant.

The cost to become a Platinum Sponsor at the amount of \$1,500 may be derived from the Community Growth Funds surplus funds as it appears Council's Community Chest Grant Fund applications to the Mid-West Development Commission may all not be successful. However, at the time of writing this report the Minister had not announced the successful application. Council resolved the following at the December 2014 OCM in regards to these applications:

MOVED: CR WARR

SECONDED: CR ROYCE

Council authorise the Chief Executive Officer to use the unallocated 2014/2015 Community Growth Funds as the Shire of Chapman Valley's contributions to applications for grants from the Mid-West Development Commission towards the following projects:

1. *Nanson Showground's Bore, Additional Tank(s) & Equipment; and*
2. *Shire of Chapman Valley Economic Development Plan.*
3. *Western Regions*
 - *Western Regions additional feasibility studies*
 - *Parkfalls Entry Statement*
 - *Capital costs for the establishment of water at the Bill Hemsley Park subject to endorsed concept plan*

*Voting 7/0
CARRIED*

Minute Reference: 12/14-17

The Amendment then became the Substantive Motion which was debated and put.

*Voting 7/0
CARRIED*

Minute Reference: 12/14-18

At the November 2014 OCM Council allocated a total of \$6,800 from the Community Growth fund to:

- The Windmill Project – Grant Amount \$1,000;
- Chapman Valley Community Hub – Grant Amount \$4,290;
- Community Promotion Package for CV Ag Show – Grant Amount \$1,110;
- Chapman Valley P&C Christmas tree Bouncy Castle – Grant Amount \$400

Council has also used a small amount of funds from the Community Growth Fund for annual donation i.e.

- Primary School - Books for School Presentation Nights - \$60.00
- Mid-West Ag. Society - Royal Show - \$200.00

The budget allocation to the Community Growth Fund was \$30,000; therefore the amount unallocated to date is \$22,940. Council also resolved not to run another round of the Community Growth Fund and amended the Guidelines to reflect these will only be called for once per financial year. The MWDC Community Chest Applications included the following cash contributions from Council:

- Parkfalls Entry Statement \$ 6,000
- Nanson Showgrounds Bore \$15,000

If either or both of these projects were unsuccessful Council could reallocate an amount towards the 2015 CV Harvest Ball.

Council allocated an amount of \$10,000 for Consultancy and Legal Expenses (COA 102320) of which \$2,150.75 had been spent year to date. If the Community Growth Funds are unavailable then the option exists to reallocated funds from this COA to the 2015 CV Harvest Ball.

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

No significant affect on Long Term Financial Plan.

STRATEGIC IMPLICATIONS

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

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

No significant affect on Strategic Community Plan/Corporate Business Plan.

CONSULTATION

No consultation has taken place in this item.

RISK ASSESSMENT

Risk assessed at Rating Level 1; financial impact is minimal, however there is also the reputational risk of not meeting community expectations.

Measures of Consequence						
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR WARR

1. Council approve the request to waive venue hire fees and charges for the use of the Nabawa Community Centre Main Hall in relation to the 2015 Chapman Valley Harvest Ball, yet advise the Hall Hire Bond will be charged;
2. Council agree to be a Platinum Sponsor for the amount of \$1,500 for the 2015 Chapman Valley Harvest Ball yet will relinquish to opportunity to purchase tickets at the reduced rate as stipulated in the Prospectus. These funds to be reallocated from COA 102320.
3. Council agree to donating an amount of \$3,500 to the 2015 Chapman Valley Harvest Ball under the following conditions:
 - i. In the event either or both the grant applications made to the Mid-West Development Commission's MWDC Community Chest are unsuccessful the \$3,500 is reallocated to this project;
 - ii. In the event both the grant applications made to the Mid-West Development Commission's MWDC Community Chest are successful the \$3,500 be reallocated from COA 102320

AMENDMENT TO THE MOTION

MOVED: CR MALUISH

SECONDED: CR WOOD

1. Council approve the request to waive venue hire fees and charges for the use of the Nabawa Community Centre Main Hall in relation to the 2015 Chapman Valley Harvest Ball, yet advise the Hall Hire Bond will be charged;
2. Council agree to be a Platinum Sponsor for the amount of \$1,500 for the 2015 Chapman Valley Harvest Ball yet will relinquish to opportunity to purchase tickets at the reduced rate as stipulated in the Prospectus. These funds to be reallocated from COA 102320.
3. In the event the Ball runs at a loss that Council will reconsider an additional contribution.

Voting 2/5

LOST

Minute Reference 03/15-8

The Substantive Motion was then put.

Voting 5/2

CARRIED

Minute Reference 03/15-7

Mrs Raymond, Mrs Barndon and Mrs Stokes left Chambers at 9.29am

The meeting was adjourned at 9.29am

Meeting recommenced at 9.35am

Record No AD151264

From: Renaye | CJ Stokes & Son [mailto:renaye@mterin.com.au]
Sent: Tuesday, 24 February 2015 10:13 AM
To: Maurice Battilana
Cc: Jane Barndon
Subject: Prep for the CV Harvest Ball

E-MAILED
24.2.2015

Hi Maurice!

In preparation for the 2015 CV Harvest Ball, we are investigating the option of putting up signs. At this point, we are considering a 'permanent' sign much like the Show sign with dates that are changed each time. I was hoping you could advise as to what regulations we need to abide by?

At the last ball, we worked with a dancing caller to get the crowd onto the dance floor and enjoying some 'barn type' dancing. It went really well but I can see room for improvement. The ball is pitched as an elegant event appealing to all ages and we feel that dancing is held in very high regard to those who grew up attending dances around the district. I feel that the reason many of the current generation don't tend to participate in dancing is that they just don't know how – it is not common practice anymore. Dancing is a great leveller at a time when much of the older generation are pulling back from their involvement in community activities. We would love to invite the community to attend dancing lessons leading up to the ball. It is such a wonderful skill to have. We would need to get an instructor out from town to conduct the lessons so there would obviously be a fee for participants. I would like to ask the Shire if they would be willing to forgo the Nabawa Hall booking fee to enable us to keep the costs at a low to participants. We would really like to remove as many barriers to participation as possible. I am sure you can see the potential in this plan. The regularity of lessons would be at the whim of community support. I would love to see fortnightly lessons during Term 3.

Thanks Maurice! I look forward to hearing from you soon!

Warm regards
Renaye Stokes

CJ
STOKES
and
SON

mt erin management

m 0408 290 781 | h 08 9920 5555
452 Durawah Rd. Mt Erin WA 6532
business | fam@mterin.com.au
invoices & statements | accounts@mterin.com.au

Record No AD151269

E-MAILED
10.3.2015

CHAPMAN VALLEY
Community Harvest Ball

Councilors
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

RE: SIGNAGE FOR THE CHAPMAN VALLEY COMMUNITY HARVEST BALL 2015

Dearest Councilors

We are very excited to be offering logo space on a large mobile banner to Platinum sponsors of the Chapman Valley Community Harvest Ball should their funding be received by 31 March 2015. We would also like to erect a permanent event sign with no sponsorship logos. I am seeking your approval to display this banner throughout the Shire subject to the approval of landholders, in addition to your approval to erect a permanent event sign.

I contacted the CEO last month to ask what was involved in placing signs up to promote the ball. I have liaised with Simon Lancaster and Main Roads to determine what options are available. The ball committee would like to place one permanent pylon sign next to the Agricultural Show and Ram Sale signs just to promote the date each time. We would also like to have a mobile banner printed up and doing a circuit of the Shire and surrounding districts.

Simon suggested utilising the Nabawa football oval fencing to hang the mobile banner and recommended that I seek approval from the Valley Tavern. I have since spoken with Alyce Weston and she is more than happy for us to have a sign on this fence. Simon also forwarded me a map of the CV Road section just north of the cutting to show who the landholders were. I have since spoken to Simon Smart and he is more than happy for us to place a sign on his land.

Please see a mock-up of the signs attached. We have not invested in graphic design work yet so the design cannot be confirmed however we are happy to liaise with you to ensure a suitable outcome is achieved. Nor have we confirmed the sponsors pictured – logos have been placed for illustrative purposes only. The strip with the date on the pylon sign would be replaced with a new sticker each ball.

I would like to take this opportunity to thank the Shire of Chapman Valley and its employees for the prompt and thorough assistance that I have received thus far both regarding the ball and other community initiatives. Their willingness has been well noticed and help has been greatly appreciated!

Yours sincerely

Renaye Stokes
President
Chapman Valley Community Ball Inc.

info@cvharvestball.com | www.facebook.com/cvharvestball | www.cvharvestball.com
Renaye Stokes 0408 290 781 | Jane Barndon 0499 515 966



Banner 1.2m high by 3m wide



Pylon sign 1.2m wide by 900mm high or appropriate size next to existing signs

info@cvharvestball.com | www.facebook.com/cvharvestball | www.cvharvestball.com
Renaye Stokes 0408 290 781 | Jane Barndon 0499 515 966



Councillors
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

RE: FUNDING OF CHAPMAN VALLEY COMMUNITY HARVEST BALL 2015

Dearest Councillors

In 2013, the Shire of Chapman Valley kindly supported the Chapman Valley Community Harvest Ball by contributing \$1000. Our debut saw 200 people enjoy a night that was successful beyond our wildest dreams. We can see the Chapman Valley Community Harvest Ball becoming a mainstay in the district's social calendar. We would like to take this opportunity to again thank you for your previous support.

On 3 October 2015, we look to once again bring our community together to celebrate being part of the wonderful place where we live. We will welcome members of neighbouring rural communities to mark the passing of the seasons with us and join us for the Blessing of the Harvest in style.

After much discussion, we have taken the step of having the Chapman Valley Community Ball incorporated so as to protect the future integrity of the event. The CVCHB started out as a community building initiative – bringing people together to support each other and celebrate life in the valley. Its primary concern is not the raising of funds. The primary concern is to reclaim a resilient community. The inaugural CVCHB performed beyond all our expectations in achieving this goal.

In taking this step to incorporation, we are, indeed, starting again from scratch. Any surplus funds have been left with the Chapman Valley P&C to help our school do great things. We are also starting without any existing organisation to back us. At this point in time, office bearers are reaching into their own pockets. We are doing this because we believe in the ball and our community so very much.

We would really appreciate the Shire of Chapman Valley backing us now rather than closer to the event. We are seeking commercial sponsors again and applying for applicable grants. We have crunched our numbers and know exactly what we need to do to get this ball to fruition. The committee consists of the same individuals as 2013 with the addition of some very talented and dedicated new members.

In 2013, the Shire received little promotion for their contribution because funds were secured well into our promotional campaign. By backing the ball now as our major benefactor, the Shire will send a clear message to the community that it supports this sensational event – right from the very start.

With the ball being in October, we cannot meet the June acquittal requirements of the current Community Chest funding round. We have had to secure entertainment with personal funds so that we do not miss out on quality acts. One very generous entertainment company held an act for as long as possible but we needed to make a decision last month. In creating an elegant and memorable event, we are competing directly with spring weddings for service providers. We have incredible ideas on how to develop this ball each time but we need cash early to act on these ideas.

info@cvharvestball.com | www.facebook.com/cvharvestball | www.cvharvestball.com
Renaye Stokes 0408 290 781 | Jane Bamdon 0499 515 966



\$5000 guaranteed funding received from the Shire of Chapman Valley by 20 April 2015 would almost certainly see the eventuality of the Chapman Valley Community Harvest Ball in 2015. This is less than half of the total amount we need to source.

A copy of our Sponsorship Package is attached purely for your information. It details our promotional plan and gives a very good indication of what we could also offer the Shire of Chapman Valley. We are confident that we will be able to source commercial sponsorship money to fund the shortfall. Our 2013 Sponsors sung our praises and we have kept in contact with them as things have developed with the change in structure. The Sponsorship package is out now. We have experienced unexpected delays in our move to incorporation however we are working ahead of time in comparison to the 2013 ball. The only risk that we can see for the ball is in unforeseen events leading to the cancellation/postponing of the ball. In this event, ticket holders and sponsors will receive an equal percentage of their investment after all expenses are paid eg. deposits for entertainers and catering, advertising, printing etc. At this point in time we cannot see any reason for the ball to fail – we are all 100% behind making it bigger and better than last time. We know better than to assume anything however. We are in the process of sourcing quotes for public liability insurance.

We hope that you are able to find time to discuss this funding at your March council meeting. Sponsorship managers Jane Barndon and Renaye Stokes are both available to attend the meeting should you wish to speak with us in person before making your decision in private. If you have any questions beforehand, please do not hesitate to contact me.

Yours sincerely

Renaye Stokes
President
Chapman Valley Community Ball Inc.

info@cvharvestball.com | www.facebook.com/cvharvestball | www.cvharvestball.com
Renaye Stokes 0408 290 781 | Jane Barndon 0499 515 966



2015 Sponsorship Invitation

The Chapman Valley Community Ball Inc. is proudly hosting the 2nd Chapman Valley Community Harvest Ball on Saturday the 3rd October 2015.

The Harvest Ball debut in 2013 saw 200 people enjoy a wildly successful evening which is still being talked about fondly. Our aim is to once again bring our community together to celebrate being part of the wonderful place where we live. We will also welcome members of neighbouring rural communities to mark the passing of the seasons with us and join us for the Blessing of the Harvest in style.

Community is very important in rural areas – we hope you can help us do something special for ours.

Details:

Saturday 3rd October 2015

Chapman Valley Community Hall

7pm – 12 Midnight

\$60 Adults, Children 12 and Under free – includes
light supper and entertainment

Contact:

Jane (ph: 0499 515 966) and Renaye (ph: 0408 290 781)

info@cvharvestball.com

c/- PO Box 2, Nabawa, WA, 6532



CHAPMAN VALLEY
Community Harvest Ball



Sponsorship Prospectus

Please note that if sponsorship is received before **30th March 2015**, sponsors will be listed on tickets in order of amount sponsored and Platinum sponsors will also have the option of seeing their logo printed on our large scale banner.

Logo/name size and placement on promotional material will directly correlate to the amount of money your business has pledged.

We appreciate all money pledged to this event very much and will look after our sponsors well. If any opportunities arise to further promote sponsors, we will act above and beyond the sponsorship packages below.

Platinum Sponsorship (\$1500 or more)

- Logo printed on large scale banner which will be displayed in various high-traffic locations throughout the lead up to the ball if sponsorship received before 30th March 2015.
- Logo printed on tickets if sponsorship is received before 30th March 2015.
- Logo branded on ticket envelopes.
- Opportunity to sell tickets from your business (optional).
- Highest Logo rotation on big screen during the Ball.
- Highest Logo presence on all promotional material* – please see promo plan.
- Highest presence on www.facebook.com/cvharvestball and www.cvharvestball.com.
- A3 colour posters to display at your business.
- Invited to provide a banner to display at the Ball.
- Your organisation will be thanked at the opening of the Ball.
- Logo listed as a sponsor on post event coverage within local newspaper and school newsletters.
- Opportunity to purchase up to 8 tickets to the CVCHB at a reduced rate of \$40/head.

Diamond Sponsorship (\$1000)

- Logo printed on tickets if sponsorship received before 30th March 2015.
- High Logo rotation on big screen during the Ball.
- High Logo presence on all promotional material* – please see promo plan.
- High presence on www.facebook.com/cvharvestball and www.cvharvestball.com.
- A3 colour posters to display at your business.
- Invited to provide a banner to display at the Ball.
- Your organisation will be thanked at the opening of the Ball.
- Logo listed as a sponsor on post event coverage within local newspaper and school newsletters.
- Opportunity to purchase up to 6 tickets to the CVCHB at a reduced rate of \$40/head.



Gold Sponsorship (\$750)

- Logo printed on tickets if sponsorship received before 30th March 2015.
- Logo rotation on big screen through out the night.
- Logo on promotional material* – please see promo plan.
- Presence on www.facebook.com/cvharvestball and www.cvharvestball.com. A3 colour posters to display at your business.
- Thanked at the opening of the event.
- Logo listed as a sponsor on post event coverage within local newspaper and school newsletters.
- Opportunity to purchase up to 4 tickets to the CVCHB at a reduced rate of \$40/head.

Silver Sponsorship (\$450)

- Name printed on tickets if sponsorship received before 30th March 2015.
- Logo on selected promotional material* – please see promo plan.
- Liked on www.facebook.com/cvharvestball and www.cvharvestball.com.
- A3 colour posters to display at your business.
- Thanked at the opening of the event.
- Name listed as a sponsor on post event coverage within local newspaper and school newsletters.
- Opportunity to purchase up to 2 tickets to the CVCHB at a reduced rate of \$40/head.

Bronze Sponsorship (\$200)

- Name printed on tickets if sponsorship received before 30th March 2015.
- Liked on www.facebook.com/cvharvestball and www.cvharvestball.com.
- A3 colour posters to display at your business.
- Name listed as a sponsor on post event coverage within local newspaper and school newsletters.



CHAPMAN VALLEY
Community Harvest Ball



Promotional Plan

For us to give our sponsors professional exposure throughout our online campaign, we will need appropriate images to be forwarded to info@cvharvestball.com as soon as possible.

April

- Ticket printing – all sponsors secured before 30th March 2015 to be listed (name printed) on tickets in order of amount sponsored.
- Large scale mobile banner printed.
- Ticket outlets named.
- Facebook Launch.

May

- Tickets to go on sale.
- Mobile Banner set up in first location
- Mothers Day Morning Tea at Nabawa on 8 May – fliers, ticket sales (launched) & mentioned during address to participants.
- Promotional Posters (A3) to go up.
- Flier printed and article written in Valley Vibes Winter Edition.
- Flier included in local school newsletters (Yuna PS and CVPS).

June

- Flier included in local school newsletters (Yuna PS and CVPS).
- Continued online presence.

July

- Community newspapers and e-newsletters in outlying regions invited to include flier (eg. Mullewa, Northampton, Mingenew).
- Information included in local and outlying school newsletters.
- Flier/poster presented on notice boards throughout local and outlying region.
- Continued online presence.

August

- Community newspapers and e-newsletters in outlying regions invited to include flier (eg. Mullewa, Northampton, Mingenew).
- Flier printed in Valley Vibes Spring Edition.
- Information included in local and outlying school newsletters.
- Flier/poster presented on notice boards throughout local and outlying region.
- Continued online presence.

September

- Presence, promotion and ticket sales at Chapman Valley Agricultural Show.



- Community newspapers and e-newsletters in outlying regions invited to include flier (eg. Mullewa, Northampton, Mingenew).
- Information included in local and outlying school newsletters.
- Flier/poster presented on notice boards throughout local and outlying region.
- Ticket sales end 21 September.
- Continued online presence.

October

- Sponsors are invited to contribute door prizes.
- Logo rotation on big screen throughout evening of Platinum, Diamond and Gold sponsors.
- Platinum sponsors banner to be displayed on the night.
- No advertising in local papers due to ball on 3 October and no door sales.
- Online presence thanking sponsors and celebrating success of event.

November

- Name listed as a sponsor on post event coverage within local newspaper and school newsletters.

December

- Harvest Ball Round Up in Valley Vibes Summer Edition.

Sponsorship Summary

Inclusions	Platinum \$1500	Diamond \$1000	Gold \$750	Silver \$450	Bronze \$200
Name listed on Tickets if sponsorship received before 30 th March 2015.	Logo	Logo	Logo	✓	✓
Logo branded on ticket envelopes.	✓	□	□	□	□
Opportunity to sell tickets from your business (optional).	✓	□	□	□	□
Invited to provide a banner for display.	✓	✓	□	□	□
Logo rotation on big screen.	Highest	High	✓		
Logo presence on all promotional material.	Large	Medium	Small	Name Only	Name Only
Presence on Facebook.	Highest	✓	✓	Liked	Liked
Posters to display at your business.	✓	✓	✓	✓	✓
Thanked at the opening of Ball.	✓	✓	✓	✓	✓
Listed on post event coverage.	Logo	Logo	Logo	✓	✓
Opportunity to purchase tickets to the CVCHB at a reduced rate of \$40/head.	8	6	4	2	
Invited to contribute door prizes	5	4	3	2	1



CHAPMAN VALLEY
Community Harvest Ball



Sponsorship Expression of Interest Form

Business Name:

Contact Name:

Address:

Email Address:

Phone:

Mobile:

Website:

Our Chosen Level of Sponsorship (Please select an option)

☐ Platinum Sponsor(\$1500)

☐ Diamond Sponsor (\$1000)

☐ Gold Sponsor (\$750)

☐ Silver Sponsor (\$450)

☐ Bronze Sponsor (\$200)

We would like to purchase tickets at the reduced rate of \$45/hd. Total \$.....

We would like to purchase tickets at the normal rate of \$60/hd. Total \$.....

NB. Naming rights to the Ball are not available.

I agree to and acknowledge that on acceptance of this form, The Chapman Valley Community Ball Inc. will provide your organisation with a sponsorship application and an invoice for the full amount of sponsorship and ticket purchases nominated. I acknowledge that funds must be received by the CVCB Inc. by 31 March 2015 for the inclusion of my business on tickets and the mobile banner.

In the unlikely event that the ball is cancelled due to unforeseen circumstances, ticket holders and sponsors will receive an equal percentage of their investment after all expenses of the Chapman Valley Community Ball Inc. are paid eg. deposits for entertainers and catering, advertising, printing etc. In this event, the CVCB Inc. committee will actively seek to recover as much funding and provide as much promotion of sponsors as possible. The CVCB Inc. will be taking out a public liability insurance policy and a certificate of currency made available if required.

Signature: Date:

**Please return this form to CVCHB, PO Box 2, Nabawa, WA 6532
or email to info@cvharvestball.com**

AGENDA ITEM:	9.1.4
SUBJECT:	REVIEW OF LOCAL PLANNING POLICY– OUTBUILDINGS
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	06/08-19, 07/08-8, 10/08-7, 05/12-08, 02/14-33
DATE:	3 MARCH 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council resolved at its 10 December 2014 meeting to refuse an application for a 239.4m² outbuilding upon Lot 100 Eliza Shaw Drive, White Peak. During the debate on this item a foreshadowed motion was raised, and subsequently lapsed, to approve the application and part 2 of that foreshadowed motion was as follows:

“Instruct Shire staff to prepare a review of the Outbuilding Local Planning Policy for Councillor consideration at the February 2015 Forum Session.”

Council also resolved by procedural motion at its 10 December 2014 meeting in relation to its review of the Sea Container Local Planning Policy as follows:

“That the Question be adjourned until the outbuilding policy can be discussed and reviewed by Council.”

A report in relation to outbuildings was presented to Councillors at the 18 February 2015 Forum Session, and based on the resulting general discussion a revised local planning policy has been prepared and is now presented to Council for its consideration.

This report recommends the advertising of the revised Shire of Chapman Valley Local Planning Policy ‘Outbuildings’ for public comment.

COMMENT

The Shire’s outbuildings policy is intended to balance the expectations of the community on what is an appropriate standard of amenity, and the requirements for general domestic storage which in a regional and rural-residential setting can often include larger items such as 4WD’s, trailers, caravans, boats, crapyots, ride-on mowers, motor/quad bikes and stock keeping/feeding items.

16 May 2012 review

Council last gave specific consideration to its outbuildings policy at the 16 May 2012 meeting when it made minor amendment to enable greater efficiency when dealing with applications in the ‘Rural Residential’ zone. The modifications were based on accepted precedents and did not increase the total outbuilding area or height permitted by the policy for this zone. The policy modifications instead addressed the manner in which applications were assessed internally e.g. removing the requirement for consultation with adjoining landowners for outbuildings between 150m² and 200m² in area, and adjusting the permitted wall height without modifying the permitted overall height to better account for standard roof pitches, higher openings to allow access for caravans and boats, and cut and fill siteworks.

19 February 2014 review

Council reviewed all of its Local Planning Policies at the 19 February 2014 meeting and in relation to its outbuildings policy the modifications largely concerned establishing requirements for the newly introduced ‘Residential R2.5’ zone which addressed the Wokarena Heights subdivision and the 9 lots on the western side of Bill Hemsley Park. The modifications did increase the permitted outbuilding area for ‘Residential’ zoned properties (from the previous 75m² to 120m²) but did not increase the outbuilding area or height requirements pertaining to ‘Rural Residential’ zoned properties.

The Minister for Local Government address to the 2014 annual meeting of the Western Australian Local Government Association urged Councils to seek consistency particularly in the area of planning guidelines. With this in mind Councillors gave consideration to the size and area requirements of the outbuildings policies adopted in neighbouring local government areas in its general discussion at the 18 February 2015 Forum Session.

The City of Greater Geraldton's outbuildings policy was last reviewed at its 17 December 2013 meeting and increased the size of permitted outbuildings for each of its zones. General Councillor feedback at the 18 February 2015 Forum Session indicated that there was not support to match these limits which are substantially greater than those permitted under the Shire's current outbuildings policy.

The general feedback from the 18 February 2015 Forum Session was that the current outbuildings policy be refined so that the current restriction on 200m² outbuildings should be applied for rural-residential lots less than 4ha rather than the current 20ha. The general discussion appeared to indicate that Councillors considered that outbuilding area restrictions were appropriate for lots less than 4ha (10 acre), but that lots greater than this were of sufficient size (and with accompanying ability for increased setbacks and landscaping) to reasonably accommodate larger outbuildings.

The revised draft outbuildings local planning policy is included as **Attachment 9.1.4(a)**.

A comparative table of outbuilding policy requirements in neighbouring local government areas is included as **Attachment 9.1.4(b)**.

A copy of the existing outbuildings policy is provided as **Attachment 9.1.4(c)**.

STATUTORY ENVIRONMENT

Revisions to the existing Local Planning Policy 'Outbuildings' must be adopted under Part 2 of Shire of Chapman Valley Local Planning Scheme No.2 which states:

"2.2 Local Planning Policies

The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the Policy.*

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

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

Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for Making or Amending a Local Planning Policy

2.4.1 If a Local Government resolves to prepare a Local Planning Policy, the Local Government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:*

- (i) where the draft Policy may be inspected;
- (ii) the subject and nature of the draft Policy; and
- (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Local Government considers appropriate.

2.4.2 After the expiry of the period within which submissions may be made, the Local Government is to:

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.4.3 If the Local Government resolves to adopt the Policy, the Local Government is to:

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the Local Government, the Policy affects the interests of the Western Australian Planning Commission, forward a copy of the Policy to the Western Australian Planning Commission.

2.4.4 A Policy has effect on publication of a notice under clause 2.4.3(a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy."

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There is a cost for the preparation of subsequent advertising of local planning policies which will be covered by the Council's existing planning budget allocation.

• 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 on this matter by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

For the most part local planning policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of local planning policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. Policies also provide a consistent approach to approving land use and development, therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

This report and the draft updated policy highlight the importance of a continued review of local planning policies to keep pace with current and evolving development trends, community demands and Council expectations.

- **Strategic Community Plan/Corporate Business 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 on this matter by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

Section 2.4 of the Scheme requires that the minimum advertising actions include a notice being placed in a locally circulating newspaper (e.g. Mid-West Times) for 2 consecutive weeks.

It is suggested that advertising should be extended to include the placement of a poster on the Parkfalls Estate noticeboard, and placement of a copy of the advertised outbuildings policy on the Shire website. Council may also consider whether it wishes to write to all landowners within the 'Rural Residential' zone inviting comment on the amended outbuildings policy.

The Scheme requires the Council to advertise the amendment of local planning policy for a minimum period of 21 days. However, should Council consider this length of time insufficient it can extend the consultation period for the revised outbuildings policy to a greater period.

RISK ASSESSMENT

Not Applicable

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR MALUISH

SECONDED: CR WOOD

That Council pursuant to Section 2.4 of the Shire of Chapman Valley Local Planning Scheme No.2 resolve to:

- 1 Adopt revised Local Planning Policy 'Outbuildings' as contained in Attachment 9.1.4(a) for public comment and advertise it for a period of 42 days.
- 2 Should no written, author-identified objections be received during the 42 day advertising period, then adopt for final approval Local Planning Policy 'Outbuildings' as contained in Attachment 9.1.4(a) and proceed to publish a notice to this effect in a local newspaper.
- 3 Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

**Voting 7/0
CARRIED
Minute Reference 03/15-9**

OUTBUILDINGS

LOCAL PLANNING POLICY



Shire of
Chapman Valley
Love the Rural Life

1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

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

3. OBJECTIVE

- 3.1 To allow for a regional variation to Section 5.4.3 of State Planning Policy 3.1 - Residential Design Codes.
- 3.2 To provide a clear definition of what constitutes an "outbuilding".
- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
- 3.4 To limit the visual impact of outbuildings.
- 3.5 To encourage the use of outbuilding materials and colours that complement the landscape and amenity of the surrounding areas.
- 3.6 To ensure that the outbuilding remains an ancillary use to the main dwelling or the principle land use on the property.

4. POLICY STATEMENT

- 4.1 For the purpose of this Policy an outbuilding means a building structure not under the main roof of a dwelling and is measured by the total floor area (whether enclosed or open) covered by a permeable or semi permeable roof.

- 4.2 Should Ancillary Accommodation be constructed within a Class 10 Outbuilding (i.e. a box or rectangular shaped structure constructed of coated or uncoated metal sheeting which does not include additional features such as eaves, verandahs, windows and other 'house' like features) the Ancillary Accommodation will be considered to be included within the total outbuilding area of a property. However, should the Ancillary Accommodation structure be purposely constructed as a Class 1A building and incorporate design features such as eaves, verandahs, windows and other 'house' like features the building would not be considered within the aggregate outbuilding area permitted upon a property.
- 4.3 Pre-fabricated garden sheds, "cubby houses", kennels and other animal enclosures (such as aviaries, stables) less than 9m² in total aggregate area and less than 2.5m in height (measured from natural ground level) are exempt from this policy provided they are located to the rear of the residence, and of a design and colour considered in keeping with the amenity of the area by the Local Government.
- 4.4 In consideration of an application the following maximum standards apply to outbuildings:

Zone	Standard	Maximum
Residential (R10 and higher density)	Area (total aggregate)	120 m ²
	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
Townsite	Area (total aggregate)	120 m ²
	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
Residential (R5 and lower density)	Area (total aggregate)	180 m ²
	Wall Height	3.5 metres*
	Overall Height (single story)	4.5 metres
Rural Residential Rural Smallholding Rural (lots less than 4 ha)	Area (total aggregate)	200 m ²
	Wall Height	4.5 metres*
	Overall Height (single story)	5.5 metres
	Overall Height (double story barn)	6.5 metres

* wall heights are to be measured from natural ground level.

- 4.5 Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.
- 4.6 The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. cray pots, building materials, earthmoving equipment etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.
- 4.7 An outbuilding is required to be sited behind the 'front building line' of a dwelling on lots less than 4.0 hectares in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.

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

Figure 1

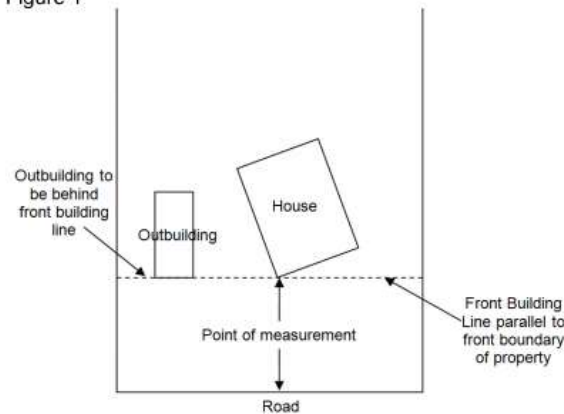
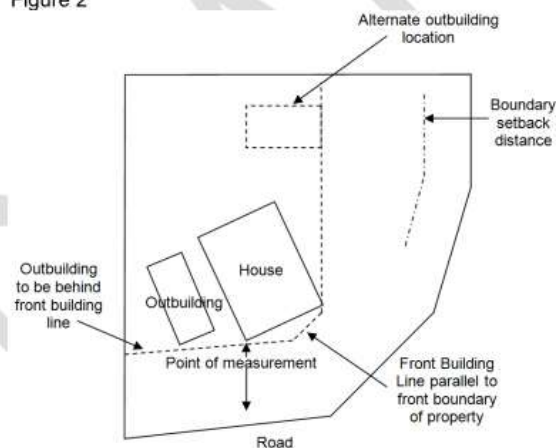


Figure 2



4.8 The development of an outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently).

4.9 Setbacks for outbuildings:

- a. For lots zoned 'Townsite' or 'Residential' lots zoned R5 and higher density the side/rear boundary can be reduced to nil (subject to compliance with the Building Code of Australia) provided neighbour consent is given. No planning application is required to be lodged.

- b. For lots zoned 'Residential R2.5' and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within a defined building envelope.
- c. For lots zoned 'Rural-Residential', 'Rural Smallholding' and 'Rural' the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within a defined building envelope.

4.10 Materials

- a. The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon parcels of land zoned 'Rural Smallholdings' or 'Rural'.
- b. The use of uncoated metal sheeting may be considered in the 'Townsite' zone or where existing buildings have been constructed with the use of uncoated metal sheeting or similar upon a property or another property located in close proximity.

- 4.11 Any variation to any part of the Policy may require consultation with effected owners and/or occupiers and the application and any received submissions placed before a meeting of Council for consideration.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

*Adopted at the 19 February 2014 Ordinary Meeting of Council.
Amended and adopted for advertising for public comment at the _____ 2015 meeting
of Council.*

Outbuilding Local Planning Policies in operation in the immediate region

Standards (maximum limits)	Shire of Chapman Valley	City of Greater Geraldton	Shire of Northampton	Shire of Irwin
Residential & Townsite (R10 and higher density)				
Area (total aggregate)	120m ²	150m ² (120m ² enclosed/30m ² open)	120m ²	75m ²
Wall Height	3.0m	3.6m	3.0m	3.0m
Overall Height	4.0m	4.5m (with 5m being permitted subject to conditions e.g. not being higher than dwelling)	4.5m	4.0m
Residential (R5 and lower density)				
Area (total aggregate)	180m ²	270m ² (210m ² enclosed/60m ² open)	180m ²	150m ² (colorbond) 200m ² (masonry)
Wall Height	3.5m	4.2m	3.5m	4.0m
Overall Height	4.5m	5m (with 5.5m being permitted subject to conditions e.g. not being higher than dwelling)	5.0m	5.0m
Rural Residential (Lots < 20 ha)				
Area (total aggregate)	200m ²	420m ² (300m ² enclosed/120m ² open)	240m ²	150m ² (colorbond) 200m ² (masonry)
Wall Height	4.5m	4.8m	4.0m	4.0m
Overall Height (single storey)	5.5m	6.5m	6.5m	5.0m
Overall Height (double storey barn)	6.5m			
Rural Smallholding (Lots < 20 ha)				
Area (total aggregate)	200 m ²	420m ² (300m ² enclosed/120m ² open)	240m ²	150m ² (colorbond) 200m ² (masonry)
Wall Height	4.5m	4.8m	4.0m	4.0m
Overall Height (single storey)	5.5m	6.5m	6.5m	5.0m
Overall Height (double storey barn)	6.5m			
Rural (Lots < 20 ha)				
Area (total aggregate)	200 m ²			
Wall Height	4.5m			
Overall Height (single storey)	5.5m	According to size of lot as per above limits	According to size of lot as per above limits	No limit
Overall Height (double storey barn)	6.5m			

OUTBUILDINGS

LOCAL PLANNING POLICY



1. PURPOSE

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The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

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- 3.3 To ensure that outbuildings are not used for habitation, commercial or industrial purposes by controlling building size and location.
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- 4.4 In consideration of an application the following maximum standards apply to outbuildings:

Zone	Standard	Maximum
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	Wall Height	3.0 metres*
	Overall Height (single story)	4.0 metres
Residential (R5 and lower density)	Area (total aggregate)	180 m ²
	Wall Height	3.5 metres*
	Overall Height (single story)	4.5 metres
Rural Residential (Lots < 20 ha)	Area (total aggregate)	200 m ²
	Wall Height	4.5 metres*
	Overall Height (single story)	5.5 metres
	Overall Height (double story barn)	6.5 metres
Rural Smallholding (Lots < 20 ha)	Area (total aggregate)	200 m ²
	Wall Height	4.5 metres*
	Overall Height (single story)	5.5 metres
	Overall Height (double story barn)	6.5 metres
Rural (Lots < 20 ha)	Area (total aggregate)	200 m ²
	Wall Height	4.5 metres*
	Overall Height (single story)	5.5 metres
	Overall Height (double story barn)	6.5 metres

* Wall heights are to be measured from natural ground level.

- 4.5 Other than for general storage and/or agricultural purposes an outbuilding shall not be used for any commercial or industrial use without prior approval from Council.

- 4.6 The storage of accumulated personal items and any items in connection with a commercial or industrial operation (e.g. cray pots, building materials, etc.) is considered contrary to the objectives of this policy and is therefore not considered sufficient justification for an increase in the maximum standards prescribed.
- 4.7 An outbuilding is required to be sited behind the 'front building line' of a dwelling on lots less than 4.0 hectares in area in all zones, unless sufficient justification has been provided by the applicant and the building is consistent in design and materials with the existing dwelling.

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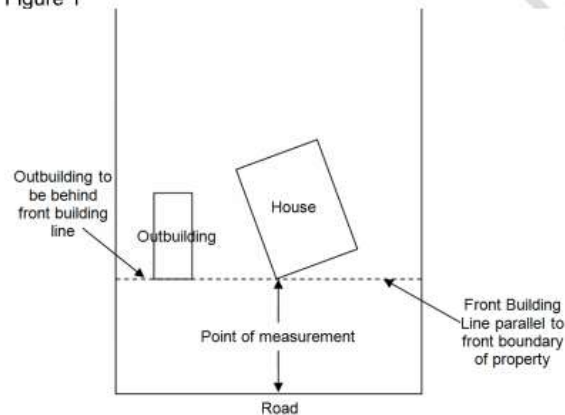
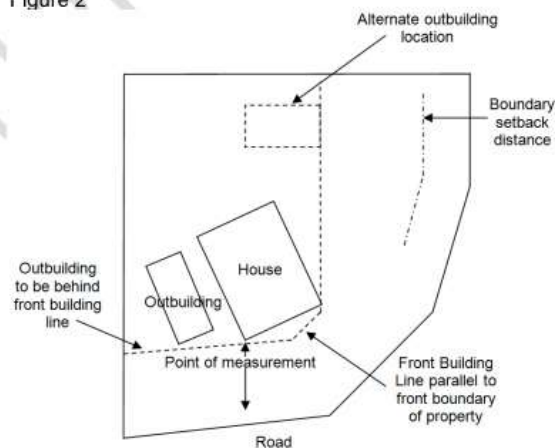


Figure 2



4.8 The development of an outbuilding on vacant residential land shall not be approved unless the residence has been completed up to, and including, the pouring of a concrete house slab (although variation to this is permitted where the slabs for the residence and outbuilding are poured concurrently).

4.9 Setbacks for outbuildings:

- a. For lots zoned 'Townsite' or 'Residential' lots zoned R5 and higher density the side/rear boundary can be reduced to nil (subject to compliance with the Building Code of Australia) provided neighbour consent is given. No planning application is required to be lodged.
- b. For lots zoned 'Residential R2.5' and lower density the outbuilding is to be setback in accordance with the Residential Design Codes, or if applicable located within the defined building envelope.
- c. For lots zoned 'Rural-Residential', 'Rural Smallholding' and 'Rural' the outbuildings are to be setback in accordance with the Local Planning Scheme, or if applicable located within the defined building envelope.

4.10 Materials

- a. The use of uncoated metal sheeting (i.e. zincalume or corrugated iron) is only permitted upon parcels of land zoned 'Rural Smallholdings' or 'Rural'.
- b. The use of uncoated metal sheeting may be considered in the 'Townsite' zone or where existing buildings have been constructed with the use of uncoated metal sheeting or similar upon a property or another property located in close proximity.

4.11 Any variation to any part of the Policy may require consultation with effected owners and/or occupiers and the application and any received submissions placed before a meeting of Council for consideration.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005

Adopted at the 19 February 2014 Ordinary Meeting of Council

AGENDA ITEM:	9.1.5
SUBJECT:	REVIEW OF LOCAL PLANNING POLICY–SEA CONTAINERS
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.05
PREVIOUS REFERENCE:	06/07-2, 10/07-2, 03/09-10, 08/09-6, 02/14-33, 10/14-4, 12/14-6
DATE:	27 FEBRUARY 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 15 October 2014 meeting that a report in relation to sea containers be presented to its Forum Session. Based on general discussion at the 19 November 2014 Forum Session a revised local planning policy was presented to Council for its consideration at the 10 December 2014 meeting.

Council resolved by procedural motion at its 10 December 2014 meeting that this matter be adjourned until the outbuilding local planning policy could be discussed and reviewed by Council. The outbuilding local planning policy was subsequently raised for general discussion at the 18 February 2015 Forum Session and is included within the 18 March 2015 Council Agenda for consideration, and on this basis, as per Council's procedural motion, the sea container local planning policy is now returned to Council for its consideration.

This report recommends the advertising of the revised Shire of Chapman Valley Local Planning Policy 'Sea Containers' for public comment.

COMMENT

For the most part a local planning policy is formulated to align with a strategic direction set by Council and accordingly used by staff to disseminate information to the community and industry on the minimum standards for development as prescribed by Council.

The Shire's sea container policy was first introduced at the 18 March 2009 Council meeting to recognise that the use of sea containers for storage purposes, whilst functional and cost effective, can be unsightly and present a visual amenity issue from the street and/or adjoining properties. Sea containers have been used to temporarily secure materials and machinery on building sites, and the policy was originally prepared to allow sea containers to be used for storage purposes (typically during a dwelling construction period) to a maximum period of 12 months on residential and rural residential/lifestyle type lots without affecting the use of sea containers in industrial areas or on farms greater than 20ha in area.

At the 11 December 2013 meeting of Council it was resolved that the permanent siting of a sea container be approved at 131 (Lot 232) Parmelia Boulevard, White Peak with the subsequently issued development approval requiring that:

"Conditions:

- 1 *Development shall be in accordance with the attached approved plan(s) dated 18 February 2014 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 *The gable roof is required to be installed prior to 11 June 2014.*
- 3 *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.*
- 4 *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.*

- 5 *All stormwater is to be disposed of on-site to the specifications and approval of the Local Government. On application for a building licence a detailed design of stormwater collection and disposal system of developed areas is to be supplied.*
- 6 *The gable roof structure is to be clad in coated metal sheeting (i.e. colorbond) in a matching colour to the existing fence and outbuilding (i.e. cream colour). The use of uncoated metal sheeting (i.e. zincalume) or contrasting colour is not permitted."*

At the 19 February 2014 meeting of Council it was resolved that the permanent siting of a sea container be approved at 30 (Lot 258) Cargeeg Bend, White Peak with the subsequently issued development approval requiring that:

"Conditions

- 1 *Development shall be in accordance with the attached approved plan(s) dated 26 June 2014 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 landowner is required to install a gabled roof structure on top of the sea container and affix colorbond wall cladding such that the sea container has the appearance of a permanent outbuilding (extension) to the approval of the Local Government.*
- 4 *The outbuilding extension (sea container) is required to be clad and maintained in a colour complementary to the existing outbuilding to the approval of the Local Government.*
- 5 *The outbuilding extension (sea container) is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.*
- 6 *Landscaping is required to be installed and maintained between the outbuilding extension (sea container) and the road for the purpose of softening the visual impact of the structure to the approval of the Local Government."*

At the 15 October 2014 meeting of Council it was resolved that the permanent siting of a sea container be approved at 207 (Lot 79) Eliza Shaw Drive, White Peak with the subsequently issued development approval requiring that:

"Conditions:

- 1 *Development shall be in accordance with the plans included as Attachment 1 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 walls of the sea container are required to be painted, or externally clad with metal sheeting, in a colour complementary to the adjoining outbuilding to the approval of the local government.*
- 4 *The skillion roof structure on top of the sea container is to use metal sheeting in a colour complementary to the adjoining outbuilding to the approval of the local government.*

- 5 *The sea container is only to be used for general storage purposes associated with the predominant use of the land and shall not be used for habitation, commercial or industrial purposes.*
- 6 *Landscaping is required to be installed and maintained between the sea container and Eliza Shaw Drive for the purpose of softening the visual impact of the development to the approval of the local government.*
- 7 *The works must be completed prior to 15 May 2015."*

These previous motions of Council indicate a growing level of acceptance and created precedent for the permanent siting of sea containers upon 'Rural Residential' zoned properties. The common approval conditions for the permanent siting of a sea container appear to include:

- *The walls of the sea container either being painted or clad in colours and/or materials that match existing development upon the site.*

This is considered a fair requirement for the permanent siting of a sea container to assist with blending the sea container in with existing development to reduce its overall visual impact as viewed from the street and neighbouring properties.

- *Co-location with existing development upon the sites*

Imposing a requirement that a sea container be located within close proximity to existing development, and that the wall of the sea container be aligned parallel with the existing wall of a dwelling or outbuilding, ensures that sea containers are neatly arranged upon the property. This requirement also reduces bulk and visual impact of a sea container by clustering it alongside existing structures that are larger in size. It is suggested that the maximum separation distance be no more than 2m.

- *Installation of a roof on top of the sea container.*

As per the previous Council approvals there are two instances where a gable roof has been approved and one precedent where a skillion roof with a 1° pitch has been approved. The approval of an effectively flat roof atop a sea container does not change its 'block-like' appearance and it is suggested that the requirement to roof a sea container not be incorporated into the policy, and that the other suggested measures will, in combination, achieve an acceptable visual outcome.

- *Landscaping.*

It is suggested that the installation and maintenance of landscaping between the sea container and the road/neighbouring properties will, along with it being painted/clad in complementary colours to the residence/outbuilding, and being partially obscured or diminished in size due to its proximity to an existing residence/outbuilding will combine to create an effective means of reducing its visual impact.

The sea container policy should be updated to address the precedents that have been set, and a revised draft sea container policy is included as **Attachment 9.1.5(a)**. A copy of the existing policy is provided as **Attachment 9.1.5(b)** for comparative purposes.

- *Total Outbuilding Area*

One issue that has been discussed by Council is whether a sea container should be included within the calculation of the total outbuilding area relevant to the outbuildings local planning policy.

The draft sea container policy prepared by staff does not recommend that a sea container be included within the calculation of the total outbuilding area upon a property, this recommendation is made on the following basis:

- (a) the legal advice previously sought by Council in regards to sea containers (a copy of which was provided with the 19 November 2014 Forum Session) does not indicate that this would be advisable from a prosecution perspective;

- (b) a sea container is 2.6m in height, 2.4m in width, and 6.1m (20 foot) or 12.2m (40 foot) in length, these dimensions of 14.64m² or 29.28m² are very minor when viewed in the context of a 1ha or greater rural residential lot, and the siting of a 2.4m high sea container close to an outbuilding which typically has a 3.5m - 4.5m wall height will underscore its incidental nature.



However if this is not a view shared by Council, and it wishes to include a sea container in the calculation of the total outbuilding area then then the word “NOT” should be deleted from Section 4.5 of the draft sea container local planning policy (included as **Attachment 9.1.5(a)**) to instead read:

“4.5 A sea container is considered in the calculation of the total aggregate outbuilding area as permitted under the Shire’s ‘Outbuildings’ Local Planning Policy.”

STATUTORY ENVIRONMENT

Revisions to the existing Local Planning Policy ‘Sea Containers’ must be adopted under Part 2 of Shire of Chapman Valley Local Planning Scheme No.2 which states:

2.2 Local Planning Policies

The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply:

- (a) generally or for a particular class or classes of matters; and*
- (b) throughout the Scheme area or in one or more parts of the Scheme area, and may amend or add to or rescind the Policy.*

2.3 Relationship of Local Planning Policies to Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

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

Note: Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies as required under clause 10.2.

2.4 Procedure for Making or Amending a Local Planning Policy

2.4.1 If a Local Government resolves to prepare a Local Planning Policy, the Local Government:

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of:*
 - (i) where the draft Policy may be inspected;*
 - (ii) the subject and nature of the draft Policy; and*
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;*

- (b) *may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the Local Government considers appropriate.*

2.4.2 *After the expiry of the period within which submissions may be made, the Local Government is to:*

- (a) *review the proposed Policy in the light of any submissions made; and*
- (b) *resolve to adopt the Policy with or without modification, or not to proceed with the Policy.*

2.4.3 *If the Local Government resolves to adopt the Policy, the Local Government is to:*

- (a) *publish notice of the Policy once in a newspaper circulating in the Scheme area; and*
- (b) *if, in the opinion of the Local Government, the Policy affects the interests of the Western Australian Planning Commission, forward a copy of the Policy to the Western Australian Planning Commission.*

2.4.4 *A Policy has effect on publication of a notice under clause 2.4.3(a).*

2.4.5 *A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the Local Government.*

2.4.6 *Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy."*

POLICY IMPLICATIONS

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

The preparation of the draft sea container policy has also been undertaken with regard for the neighbouring City of Greater Geraldton sea container policy. It is noted that the City's policy, adopted in 2011, makes allowance for the permanent siting of sea containers excepting upon residential zoned properties.

FINANCIAL IMPLICATIONS

There is a cost for the preparation of subsequent advertising of local planning policies which will be covered by the Council's existing planning budget allocation.

• 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 on this matter by Council would have impact in relation to the Long Term Financial Plan.

STRATEGIC IMPLICATIONS

For the most part local planning policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of local planning policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire. As previously mentioned, policies also provide a consistent approach to approving land use and development. Therefore, as a general rule it is important the Council not waiver from an adopted policy position without specific justification being provided and planning merit being identified.

This report and the draft updated policy highlight the importance of a continued review of local planning policies to keep pace with current and evolving development trends, community demands and Council expectations.

- **Strategic Community Plan/Corporate Business 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 on this matter by Council would have impact in relation to the Strategic Community Plan.

CONSULTATION

Section 2.4 of the Scheme requires that the minimum advertising actions include a notice being placed in a locally circulating newspaper (e.g. Mid-West Times) for 2 consecutive weeks.

It is suggested that advertising should be extended to include the placement of a poster on the Parkfalls Estate noticeboard, and placement of a copy of the advertised sea container policy on the Shire website. Council may also consider whether it wishes to write to all landowners within the 'Rural Residential' zone inviting comment on the amended sea container policy.

The Scheme requires the Council to advertise the amendment of local planning policy for a minimum period of 21 days. However, should Council consider this length of time insufficient it can extend the consultation period for the revised sea container policy to a greater period.

RISK ASSESSMENT

Not Applicable

VOTING REQUIREMENTS

Simple majority of Council

STAFF RECOMMENDATION

That Council pursuant to Section 2.4 of the Shire of Chapman Valley Local Planning Scheme No.2 resolve to:

- 1 Adopt revised Local Planning Policy 'Sea Containers' as contained in Attachment 9.1.5(a) for public comment and advertise it for a period of 42 days.
- 2 Should no written, author-identified objections be received during the 42 day advertising period, then adopt for final approval Local Planning Policy 'Sea Containers' as contained in Attachment 9.1.5(a) and proceed to publish a notice to this effect in a local newspaper.
- 3 Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

COUNCIL RESOLUTION

MOVED: CR HUMPHREY

SECONDED: CR MALUSH

That Council pursuant to Section 2.4 of the Shire of Chapman Valley Local Planning Scheme No.2 resolve to:

- 1 Adopt revised Local Planning Policy 'Sea Containers' as contained in Attachment 9.1.5(a) for public comment and advertise it for a period of 42 days with the amendment that Section 4.5 be amended to read "a sea container is considered in the calculation of the total aggregate outbuilding area as permitted under the Shire's Outbuilding Local Planning Policy."
- 2 Should no written, author-identified objections be received during the 42 day advertising period, then adopt for final approval Local Planning Policy 'Sea Containers' as contained in Attachment 9.1.5(a) and proceed to publish a notice to this effect in a local newspaper.

- 3 Should there be any written, author-identified objections received during the advertising period, require staff to present to Council a further report.

**Voting 6/1
CARRIED
Minute Reference 03/15-10**

Reason for deviation from Staff Recommendation:

Council required the sea container to be included in the calculation of the total aggregate under the "Outbuildings Policy".

SEA CONTAINERS

LOCAL PLANNING POLICY



Shire of
Chapman Valley
Love the Rural Life

1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

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

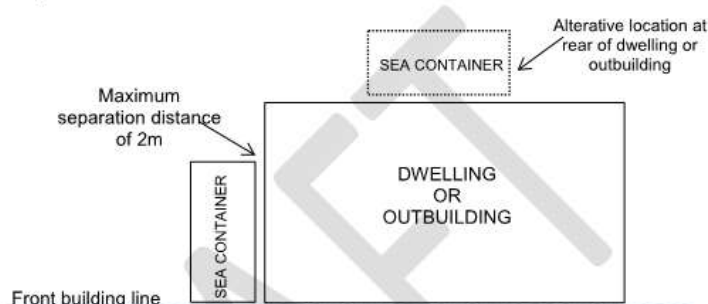
3. OBJECTIVE

- 3.1 To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.
- 3.2 Establish guidelines for the placement of sea containers or other similar re-locatable storage units on land within the municipality.

4. POLICY STATEMENT

- 4.1 For the purposes of this Policy a sea container shall include a sea container (both '20 foot' (6.1m in length, 2.4m in width, and 2.6m in height) and '40 foot' (12.2m in length, 2.4m in width and 2.6m in height) in dimension) or any other re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is NOT addressed in this Policy but subject to the separate necessary applications and approvals for a dwelling.
- 4.2 A sea container proposed to be permanently sited upon a property is required to comply with the following criteria:
 - (a) A maximum of one (1) sea container on a lot (excepting industrial or rural zoned land).

- (b) The sea container is to be sited behind the front building line of an existing or under construction built development upon the property and must not impinge on any boundary setbacks as required by the Local Planning Scheme.
- (c) The sea container is to be positioned at a maximum separation distance of 2m.
- (d) The sea container is to be used for general storage purposes only associated with the predominant use of the land and shall NOT be used for habitation, commercial or industrial purposes.
- (e) The sea container is required to be painted or clad in materials the same colour as the existing structure up against which the sea container is positioned.



- 4.3 A sea container proposed to be temporarily sited upon a property is only required to comply with Clauses 4.2(a), 4.2(b) and 4.2(d) (but not Clauses 4.2(c) and 4.2(e)) providing the sea container is removed within 12 months of its initial siting upon property and a current building permit has been issued for that property.
- 4.4 The permanent placement of a sea container or other similar relocatable storage unit will not be permitted on land zoned residential.
- 4.5 A sea container is NOT considered in the calculation of the total aggregate outbuilding area as permitted under the Shire's 'Outbuildings' Local Planning Policy.
- 4.6 Should the sea container NOT meet the requirements of Clauses 4.2 & 4.3 of this policy a planning application is required to be lodged.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005.

Adopted for advertising for public comment 19 March 2009.

Adopted at the 19 August 2009 Ordinary Meeting of Council.

Amended at the 19 February 2014 Ordinary Meeting of Council.

Amended and adopted for advertising for public comment at the _____ 2015 meeting of Council.

SEA CONTAINERS

LOCAL PLANNING POLICY



Shire of
Chapman Valley
Love the Rural Life

1. PURPOSE

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between this Policy and the Scheme.

It is not intended that a policy be applied rigidly, but each application be examined on its merits, with the objectives and intent of the policy the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the policy provisions and that mere compliance will result in an approval. This approach has produced many examples of inappropriate built form that has a long-term impact on the amenity and sustainability of the locality.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

2. SCOPE

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

3. OBJECTIVE

- 3.1 To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality.
- 3.2 Establish guidelines for the assessment of proposals to place sea containers or other similar re-locatable storage units on land within the municipality.

4. POLICY STATEMENT

- 4.1 For the purposes of this Policy a sea container shall also include a sea container or any other re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is not addressed in this Policy but subject to the necessary applications and approvals for a dwelling.
- 4.2 Sea containers are a class of development that can have an adverse effect on the visual amenity of an area. Therefore, in general the Shire carries a presumption against the use of sea containers other than in industrial and rural areas unless the Council can be satisfied a genuine need exists for temporary storage of building materials and equipment, and the use and placement of a sea container/s can meet acceptable amenity standards in the locality.

- 4.3 The placement of a sea container or similar re-locatable storage unit, other than on 'industrial' zoned land or 'rural' zoned land greater than 20 hectares in area, requires the planning approval of the local government as it is considered to fall within the definition of 'development' under the *Planning and Development Act 2005*.
- 4.4 Planning approval for a maximum period of 12 months will only be granted where:
- the sea container is being used for the temporary storage of plant, machinery and/or building equipment on a building site;
 - a building permit has been issued and remains current for the construction of a dwelling;
 - the construction of the dwelling has commenced; &
 - the sea container being removed immediately at the conclusion of the 12 month period or at the completion of the construction of the dwelling, whichever comes first.
- 4.5 Planning approval for a maximum period of 6 months will only be granted where:
- the sea container is being used for the temporary storage of plant, machinery and/or building equipment on a building site;
 - a building permit has been issued and remains current for the construction of an outbuilding;
 - the construction of the outbuilding has commenced; &
 - the sea container being removed immediately at the conclusion of the 6 month period or at the completion of the construction of the outbuilding, whichever comes first.
- 4.6 Subject to compliance with clauses 4.4 or 4.5 above the Shire will generally support an application that complies with the following criteria:
- A maximum of one (1) sea container on a lot;
 - The sea container is sited behind the front building line of a dwelling or located alongside or behind existing built development upon the property;
 - Maximum dimensions of 6.1m in length, 2.4m in width, and 2.6m in height for lots zoned 'Residential'; &
 - Maximum dimensions of 12.2m in length, 2.4m in width and 2.6m in height for lots zoned 'Rural Residential' and 'Rural Smallholdings' or for 'Rural' zoned lots less than 20ha in area.

4.7 Applications for the use of a sea container are required to address the following;

- a. The submission of:
 - i. a completed and signed planning application form and payment of application fee;
 - ii. a site plan showing the proposed location of the development in relation to boundary setbacks, natural features, existing development, and adjoining buildings, to a scale of no less than 1:100;
 - iii. a written submission detailing the use, condition, unit dimensions and visual amenity associated with the sea container;
 - iv. any elevation drawings and/or photographs illustrating the presentation and appearance of a sea container in good repair and in uniform colour with no visible rust marks.
- b. The placement of a sea container, or similar, shown on a scaled site plan located behind an existing building and/or screen vegetation to minimize the visual impact from a road and adjoining properties.

5. REFERENCES AND ADOPTION

Shire of Chapman Valley Local Planning Scheme No.2
Planning & Development Act 2005.

Adopted at the 19 February 2014 Ordinary Meeting of Council

AGENDA ITEM:	9.1.6
SUBJECT:	EXTENSION OF LEASE - NANSON SHOWGROUND
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	PORTION LOT 1987 & RESERVE 7953 CHAPMAN VALLEY ROAD, NANSON
FILE REFERENCE:	R7953 & A1790
PREVIOUS REFERENCE:	11/07-18, 10/10-9 & 2/11-6
DATE:	9 MARCH 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire has a lease agreement with the landowner of Lot 1987 Chapman Valley Road, this being the property immediately north of the Nanson Showground, that is due to expire on 30 June 2015. This report recommends that Council continue the lease arrangement as a temporary solution pending the finalisation of a land exchange that would permanently amalgamate the leased area into the Nanson Showground reserve.

COMMENT

The Shire has previously reached agreement with the landowner of Lot 1987 (Ballycastle Pty Ltd) on a land exchange to increase the area of the Nanson Showground (Reserve 7953). whereby the landowner of Lot 1987 would cede 9.7ha of land on the northern side of the Nanson Showground and this would be amalgamated into Reserve 7953. In exchange a 9.7ha area of Crown Land (contained within Reserve 7953 and Reserve 20422) on the western side of Chapman Valley Road that is surplus to Shire requirements, would be amalgamated into Lot 1987. A plan illustrating the proposed land exchange has been included as **Attachment 9.1.6(a)**.

The land exchange would expand the Showgrounds and its ability to cater for additional future uses (particularly horse activities) and enable additional permanent car parking area to be established with the previous temporary arrangement on the south side of McCagh Road being unsatisfactory in terms of pedestrian safety, liability concerns for the landowner and the creation of unsafe stacking distances as vehicles sought to turn right off Chapman Valley Road. The land exchange would also formalise a current arrangement whereby the landowner of Lot 1987 had been cropping the area of Crown land on the western side of Chapman Valley Road by amalgamating it into their farm.

A subdivision application jointly signed by the landowner and the Department of Lands (being the landowner for Reserve 7953) was lodged with the Western Australian Planning Commission ('WAPC') on 8 March 2010 and approved on 10 May 2010 valid for a 3 year period.

After initial advice to the contrary the Department of Lands then advised that the disposal of portions of Crown Reserves 7953 and 20422 (for amalgamation into Lot 1987) would be subject to the native title process. The advice received from the Department was that the land exchange, assuming there was no objection by the claimants for the area, may well take up to 2 years to complete, with the likelihood that it will take considerably longer should the claimants lodge an objection.

The land exchange process has taken longer than this estimation, and given the expiry of the WAPC approval on 10 May 2013 a new application was required to be lodged to keep the matter current. The Shire approached the landowners of Lot 1987 and Reserve 7953 on 22 March 2013 seeking their signatures on a new application, and both parties indicated their willingness for the process to continue thereby enabling a new application to be lodged with the WAPC.

The WAPC again issued approval for the application on 31 July 2013 and the expiry date is now 31 July 2016, however, whether the land exchange can be finalised within this timeframe remains a process out of the Shire's control. The Shire has repeatedly sought from the Department of Lands an update on a likely timeframe for the completion of the land exchange/native title process but has been unable to gain a definite response.

In the meantime, the increasing popularity and size of the Chapman Valley Agricultural Show has meant that the existing Crown Land parcel upon which the show had previously operated is no longer sufficient to contain the show activities.

To address this pressing concern Council agreed to a 2 year lease (1 July 2011 till 30 June 2013 with a further 2 year option) with the landowner of Lot 1987 at its 16 February 2011 meeting for the 9.7ha portion of Lot 1987 immediately north of the Nanson Showground. The lease was intended to serve as a temporary measure whilst the land exchange was finalised. The agreed lease fee was intended to match the fee charged by the Department of Lands to the landowner of Lot 1987 for their use of the portions of Crown Reserve proposed to be amalgamated into Lot 1987 through the land exchange.

With the current lease due to expire on 30 June 2015, and with no resolution of the land exchange seemingly imminent, the landowner of Lot 1987 was contacted by the Shire on 26 February 2015 to enquire whether they would be willing to continue the lease arrangement. This lease extension would provide certainty to the Chapman Valley Agricultural Society in regards to planning for this and future year's events. The landowner of Lot 1987 responded on 6 March 2015 that they would be willing to continue with a lease arrangement similar to the current one.

A copy of a potential lease agreement has been drafted and included as **Attachment 9.1.6(b)** for Council's consideration.

Figure 9.1.6(a) – Aerial Photograph illustrating lease



A query was raised at the 18 September 2013 Council meeting as to why a portion of the 9.7ha being leased by the Shire was under crop, and a report was presented to the 16 October 2013 Forum Session explaining that the lease agreement allowed for the area of the 9.7ha that was surplus to immediate Show-day requirements being able to be sub-let where the proceeds of the use of the land were either provided to the Showground Committee or spent on a specific improvement to the Showground Reserve as approved by the Shire.

Figure 9.1.6(b) – Leased property looking north-west from Western Riding Club area



STATUTORY ENVIRONMENT

The portion of Reserve 7953 (Nanson Showground) that is east of the Chapman Valley Road and is used for showground activities is zoned 'Recreation' under the Shire of Chapman Valley Local Planning Scheme No.2, and the portion of Reserve 7953 west of Chapman Valley Road that is proposed to be exchanged into private ownership is zoned 'Rural'.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual lease fee paid by the Shire to Ballycastle Pty Ltd for the 9.7ha area of land immediately north of the Nanson Showground has been equivalent to the amount charged by the Department of Lands to Ballycastle Pty Ltd for their use of the 9.7ha area on the western side of Chapman Valley Road. The history of the lease is as follows:

2011/2012 lease - \$2,304.01 (GST inc.) – paid 19/1/12 - in 2011 an amount of \$499.80 was paid by Ballycastle Pty Ltd to the Chapman Valley Agricultural Society for the sublease of 7.14ha (of the 9.7ha lease area) that was cropped, and a copy of the Society's invoice for payment was provided to the Shire.

2012/2013 lease - \$2,304.00 (GST inc.) – paid 28/5/12 – in 2012, in lieu of direct payment to the Chapman Valley Agricultural Society, Ballycastle Pty Ltd undertook clearing along the fence line in conjunction with the Golf Club and completed subsequent fencing along the eastern boundary to the value of \$700.

2013/2014 lease - \$2,107.00 (GST inc.) – paid 10/4/13 - in 2013 an amount of \$420 (\$70 per ha) was paid by Ballycastle Pty Ltd to the Chapman Valley Agricultural Society for the 6ha (of the 9.7ha lease area) that was cropped, with the cropped area being reduced from previous years due to further expansion of the Showground operations.

2014/2015 lease - \$2,107.00 (GST inc.) – paid 27/6/14.

Account 2722 – Public Halls & Showground Expenses has been used to cover the lease fee.

The lease payment the Shire makes to securing the area on the northern side of the Nanson Showground should be considered as the Shire making a cash contribution towards the running of the Chapman Valley Agricultural Show, which is in addition to the in-kind contributions (showground preparation works) the Shire makes every year to the running of Chapman Valley's flagship community event.

The Shire has previously held very informal discussion with the landowner over the potential purchase of the area north of the showground and engaged a licensed valuer to provide a report in February 2014 that valued the 9.7ha portion at \$92,000 (\$3,452.55 per acre). These discussions were not pursued as it was hoped that the land exchange process would be less protracted. Purchase was not felt to be advantageous to the Shire as it would have been required to make payment for the 9.7ha to the landowner and the landowner would have been required to make later payment for the 9.7ha they sought to acquire not to the Shire but to the Valuer Generals Office. The landowner also held concern that the delays in the process would result in the valuation ultimately set for the 9.7ha on the west side of Chapman Valley Road being more than the amount they were paid for the eastern 9.7ha portion.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

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

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting. It should be considered that the Chapman Valley Agricultural Show has a role in fulfilling a number of the economic and community objectives of the Strategic Community Plan:

“Showcasing our attractions increases the number of people visiting the area” (page 14)

“The community recognised a need to act inclusively to encourage a greater diversity of involvement in the community and to help develop more leadership amongst the community organisations in the Shire.” (page 19)

CONSULTATION

The Shire has consulted with the landowner of Lot 1987 and they have expressed a willingness to continue with a lease arrangement as a temporary solution to resolving the Nanson Showgrounds limitations until the land exchange can be finalised.

RISK ASSESSMENT

Not Applicable

VOTING REQUIREMENTS

Simple majority of Council

Cr Warr left Chambers at 10.52am as she has a financial interest as a sub-lessee in lot 1987 and Reserve 7953.

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPREY

SECONDED: CR ROYCE

That Council delegate to the Chief Executive Officer the authority to enter into and finalise lease discussions with the landowner of Lot 1987 Chapman Valley Road, Nanson for the required 9.7ha area of land immediately north of the Nanson Showground as a continuing temporary arrangement until the previously agreed land exchange can be finalised, and on the basis that the ongoing Shire lease fee shall be the equivalent amount to the fee required to be paid by the landowner of Lot 1987 to the Department of Lands for the 9.7ha area on the western side of Chapman Valley Road that comprises the proposed land exchange area.

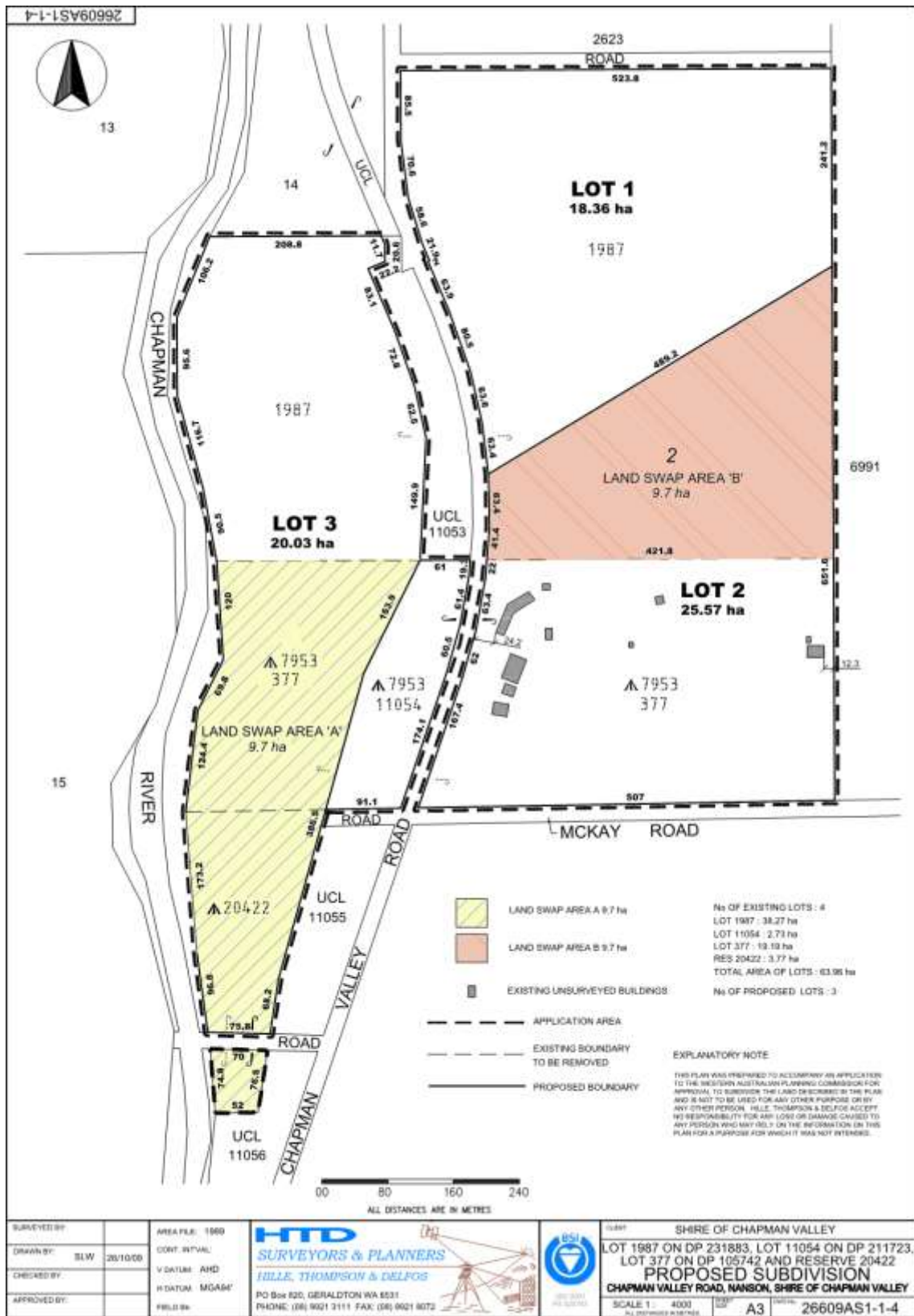
Voting 6/0

CARRIED

Minute Reference 03/15-11

Cr Warr re-entered Chambers at 10.56am

ATTACHMENT 9.1.6(a)



**AGREEMENT TO LICENSE USE OF PORTION
LOT 1987 CHAPMAN VALLEY ROAD, NANSON**

An AGREEMENT made on 18 March 2015 between the SHIRE OF CHAPMAN VALLEY having its office at Nabawa in the State of Western Australia (hereinafter called "the Shire") of the one part and BALLYCASTLE PTY LTD of Yetna in the State of Western Australia, (hereinafter called "the Lessor") of the other part.

WHEREAS

- (a) 9.7ha portion of Lot 1987 Chapman Valley Road, Nanson immediately north of the Nanson Showground as identified upon attached Drawing No.26609AS1-1-4 as "Land Swap Area B" (hereinafter called "the said land").
- (b) The Shire has applied to lease the said land and the Lessor has agreed to grant a license on these terms and conditions hereinafter set forth.
 1. Subject to the provisions hereafter contained, the Shire shall have the exclusive right to undertake activities upon the said land for the period 1 July 2015 to 30 June 2017, with the option to extend the lease for a further two (2) year period, however, the agreement may be terminated at any time at the expiration of three (3) months notice in writing by either party. In the event that the Lessor is the party to terminate the agreement, the balance portion of the lease agreement fee shall be refunded to the Shire.
 2. The Shire will pay to the Lessor for the License aforesaid an annual rent equivalent to the amount charged annually by the Department of Lands for the Lessor's use of the 9.7ha area of land identified as "Land Swap Area A" upon attached Drawing No.26609AS1-1-4, to a maximum amount of two thousand five hundred dollars (\$2,500 GST Inc.). The Lessor shall provide documentation of the amount charged by the Department of Lands to the Shire with their invoice for payment.
 3. The Shire shall not without the previous consent in writing of the Lessor, sublet the subject land.
 4. The Lessor shall not without the previous consent in writing of the Chief Executive Officer of the Shire, transfer, mortgage, sublet or part with the possession of the subject land. In the event that the Lessor sublets a portion of the subject land then the rental fee from that sublet shall be either provided to the Chapman Valley Agricultural Society for expenditure on the Nanson Showground (documentation of payment to the Agricultural Society shall be provided to the Shire by the Lessor), or expended upon improvements to the subject land to the approval of the Chief Executive Officer of the Shire.
 5. The Shire shall not cut down, fell, injure or destroy any living timber or scrub upon the subject land except for the purpose of destroying poisonous growth, or by the agistment of stock in reasonable numbers.
 6. The Shire shall indemnify the Lessor against all claims for damage to property or persons arising from the use of the subject land for Showground related purposes.

7. Compensation shall not be payable to the Shire in respect of any improvements effected by it on the subject land and remaining thereon at the expiration or earlier termination of the lease.
8. The Lessor shall be responsible for the maintenance of fencing and the construction of firebreaks.
9. The subject land shall be left in a clean and tidy state at the expiration or earlier termination of the lease.

WITNESS whereof this agreement has been signed the day and the year first before written.

The **COMMON SEAL** of the **SHIRE OF CHAPMAN VALLEY** was hereunto fixed in the presence of

PRESIDENT

CHIEF EXECUTIVE OFFICER

Signed by the said of

BALLYCASTLE PTY LTD (DIRECTOR 1)

BALLYCASTLE PTY LTD (DIRECTOR 2)

In the presence of:

PRINT NAME

SIGNED

*Seal to be
affixed here*

AGENDA ITEM:	9.1.7
SUBJECT:	WANDANA NATURE RESERVE – GRAVEL RESERVES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	RESERVES 36388 & 50080 WANDANA ROAD, WANDANA
FILE REFERENCE:	R36388 & R50080
PREVIOUS REFERENCE:	08/03-11
DATE:	5 MARCH 2015
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

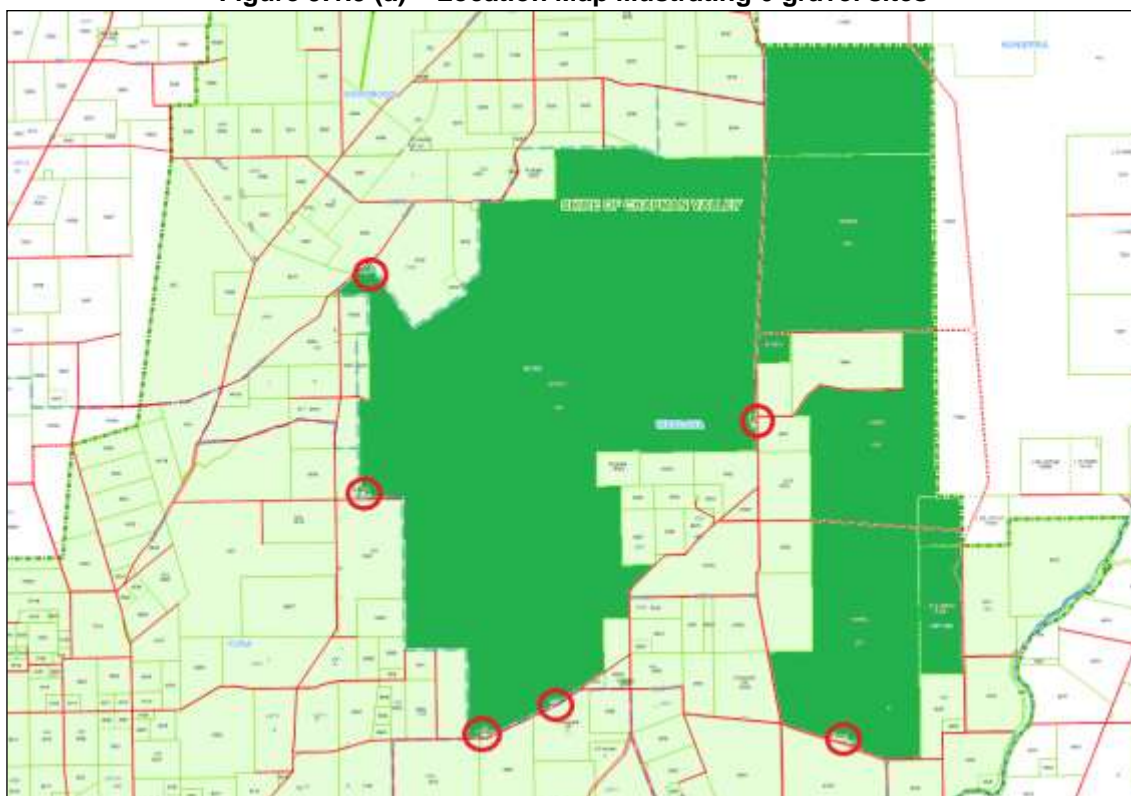
Council is in receipt of correspondence from the Department of Parks & Wildlife ('DPaW') enquiring whether the Shire maintains its interest in leasing 4 gravel pit sites on the perimeter of Wandana Nature Reserve.

This report recommends that Council advise DPaW that it does require the gravel reserves and seek their inclusion upon an existing lease that the Shire currently has with DPaW and request that the annual lease fee be set at a 'peppercorn'/\$1 upon demand rate.

COMMENT

Wandana Nature Reserve (Reserve 36388) is a 53,452.581ha parcel of Crown Land under the management of DPaW.

Figure 9.1.9 (a) – Location Map illustrating 6 gravel sites



A brief summary of the events concerning Reserve 36388 is provided below:

- | | |
|-----------------|---|
| 1974 | The Conservation through Reserves Committee made recommendation to the Environmental Protection Authority ('EPA') that a Class A Reserve for Conservation of Flora & Fauna be declared north-east of Yuna on vacant Crown Land. |
| 20 October 1976 | Cabinet endorsed an EPA Recommendation that a Class C Reserve for Conservation of Flora & Fauna be declared, with the boundaries to be determined after completion of surveys. |

1977	Fauna & Flora Surveys were undertaken by the Department of Fisheries & Wildlife and recommendation made that a 26,600ha area be created as a Class A Reserve.
7 December 1979	Reserve 36388 created as Wandana Nature Reserve for the purpose of Conservation of Flora & Fauna with vesting issued to the National Parks & Nature Conservation Authority.
December 2001	Shire concerned over the limited number of gravel reserves, and with current supply considered to be insufficient to meet the demand for gravel for road construction commissioned a Flora Survey of 6 sites within the Wandana Nature Reserve that were suitable gravel extraction locations.
August 2002	Shire commissioned a report on its Road Building Requirements from within the Wandana Nature Reserve.
21 October 2002	Shire wrote to the Department of Conservation & Land Management requesting its consideration to access the 6 gravel sites within Wandana Nature Reserve (this being less than 0.2% of the total area of the reserve).
17 March 2003	Shire wrote to the Minister for the Environment seeking endorsement for its proposal.
19 August 2003	Council resolved that <i>"the Wandana Reserve remains as is and not be considered for A Class Reserve Status"</i> , the Shire subsequently wrote to advise the Conservation Commission that it was in opposition to the reclassification of the Wandana Nature Reserve to a Class A Reserve until issues of gravel excision and access were resolved.
3 July 2009	Deposited Plan of Survey 50227 registered by the Department of Lands that created 6 reserves (Reserve 50080) for the purpose of Conservation & Gravel ranging in area between 3.1537ha and 29.3517ha with a management order issued to the Conservation Commission of WA (copy of DP50227 provided as Attachment 9.1.7(a) .
1 January 2010	10 year lease commenced (with option for a further 10 years) for the Shire to access Reserve 50080 (comprising Lots 304 & 306) with an annual fee of \$500.

DPaW wrote to the Shire on 4 September 2014 advising that 2 of the 6 reserves that had been excised from Reserve 36388 in 2009 had been leased to the Shire and seeking the Shire's advice on whether it required the remaining 4 pits. A copy of the DPaW's correspondence has been included as **Attachment 9.1.4(b)**.

The Shire confirmed to DPaW on 25 September 2014 that it maintained its interest in pursuing all 6 gravel pit sites and requested that the 6 sites be created as Reserves for the purpose of 'Conservation & Gravel' under the management of the Shire. A copy of the Shire's correspondence has been included as **Attachment 9.1.4(c)**.

The Shire CEO and Manager of Planning subsequently met with the District Manager of DPaW on 14 November 2014 to discuss this issue further and on 20 November 2014 DPaW emailed the Shire as follows:

"I've outlined below what I believe were the outcomes of our discussion and a process to follow from here. Also included is comment where additional advice has been provided by the department's Land Unit in Perth.

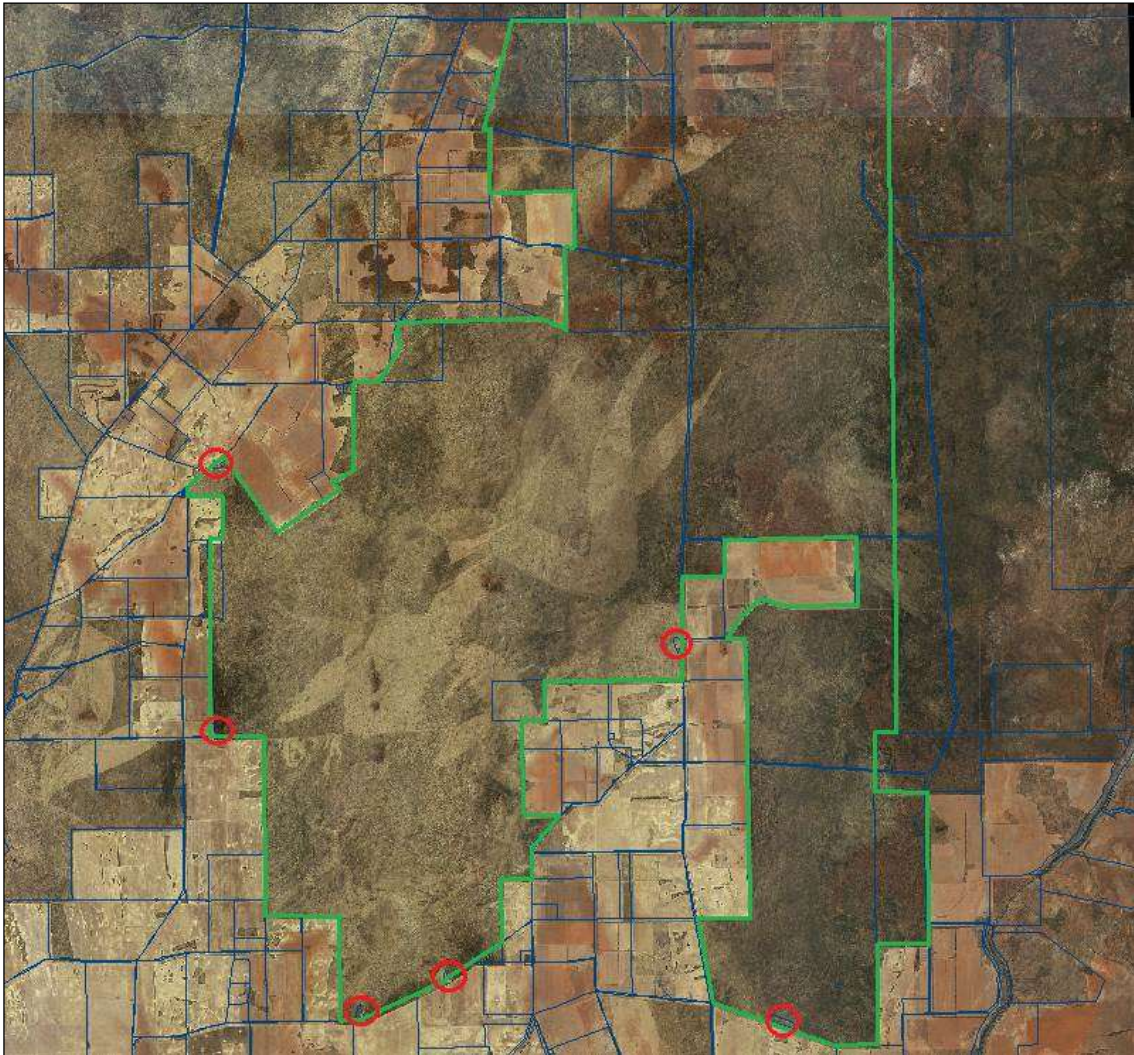
It is understood that the Shire still has an interest in the four remaining gravel pits that currently aren't subject to a lease agreement as they contain winnable material. While the Shire's preference is to have these pits excised from the nature reserve and vested with the Shire, the process for securing access to the remaining four pits would follow the Minister's direction from 2007, to excise the reserves to become CALM Act section 5 (1)(h) reserves and pursue a lease arrangement over the remaining four gravel pits.

There was agreement that the lease administration process should be kept as simple as possible by amalgamating all six 5 (1)(h) reserves under a single lease. This issue was subsequently followed up with the department's Land Unit and confirmed as a definite possibility. The application for a new lease will need to come from the Shire after the excision process has been completed.

When the excision of the reserves has been completed and the lease arrangement is in place, the department will pursue the change in class of tenure of the remaining area of Wandana Nature Reserve from Class 'C' to Class 'A' and seek support from the Shire.

It would be appreciated if you could confirm that this is your understanding. Once there is agreement, the excision process will be initiated as part of the first step to secure the gravel pits."

Figure 9.1.7(b) – Aerial Photograph Map illustrating 6 gravel sites



The Shire advised DPaW that this matter would be raised with Councillors at the 10 December 2014 Forum Session for general discussion with a view to a subsequent formal report being presented to Council, after which the Shire would be able to advise of its formal position in relation to this issue.

Following general discussion at the 10 December 2014 Forum Session it appeared that Councillors had three main issues that they wished to raise with DPaW in relation to this matter:

- access to road building materials - to protect the Shire's ability to service its rural community's road network requirements it was discussed that the Shire should advise DPaW (and the Department of Lands) that it wishes to have all 6 reserves excised and enter into a combined lease for all 6 reserves to enable extraction of gravel for roadworks.
- changing of the status from Class C Reserve to Class A Reserve - this issue is one Council and the community have previously debated as there has been a historic fear of 'locking up' land as A Class reserves.
- changing of the annual lease status to 'peppercorn'/\$1 on demand - the current 10 year lease between the Shire and the Department (with option for a further 10 years) addresses the 2 gravel reserves already created and has an annual fee of \$500. Discussion included whether all 6 gravel reserves, once created, should be included under the one lease and that the annual fee should instead be 'peppercorn'/\$1 upon demand.

To generate some momentum in regards to these issues a representative of DPaW was invited to address Councillors at the 18 February 2015 Forum Session to provide clarification on the queries raised in relation to this matter, including what is a Class A reserve and how does it differ from other reserves, and provide an update on DPaW's activities in relation to fire management, restructuring of the Department, the Wandana Nature Reserve, and other Councillors' queries.

STATUTORY ENVIRONMENT

Reserves 36388 (Wandana Nature Reserve) and 50080 (6 gravel sites) are zoned 'Conservation' under the Shire of Chapman Valley Local Planning Scheme No.2, and both reserves are under the management of DPaW.

Section 3.27 and Schedule 3.2 of the *Local Government Act 1995* details the circumstances under which local government may enter land which is not local government property, and does not have consent to do so, to obtain gravel.

Sections 42 through 45 of the *Land Administration Act 1997* addresses Class A Reserves, detailing the additional level of protection provided to such reserves in that any change to a Class A Reserve must be laid before both Houses of Parliament.

POLICY IMPLICATIONS

Council Policy 15.150.1 details the Shire policy in relation to acquisition of gravel and rehabilitation of pits.

FINANCIAL IMPLICATIONS

The current lease agreement with DPaW requires the Shire to make an annual payment of \$500, it is recommended that Council seek the expansion of the lease to cover all 6 gravel sites (rather than the current 2) and request of DPaW that the annual lease fee be amended to 'peppercorn'/\$1 on demand.

Council Policy 15.150.1 lists that compensation for all road building materials taken will be set at \$1.50 per cubic metre but in the context of this policy the rate is intended to reimburse landowners of private land and not Crown Reserves.

- **Long Term Financial Plan:**

The Shire of Chapman Valley Long Term Financial Plan (2013) was received by Council at its 18 September 2013 meeting. It is considered that determination on this matter by Council would have impact in relation to the Long Term Financial Plan, as securing access to gravel will have impact upon the Shire's capacity to maintain and improve its road network.

STRATEGIC IMPLICATIONS

- **Strategic Community Plan/Corporate Business 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 lists a number of community objectives and the Corporate Business Plan, also adopted by Council at its 19 June 2013 meeting, lists the provision of safe and well maintained roads as a measure by which the success of achieving these community objectives should be measured.

CONSULTATION

The Department of Lands require DPaW to demonstrate that the local government has been consulted in the application to designate Wandana Nature Reserve (Reserve 36388) as a Class A Reserve.

RISK ASSESSMENT

Not Applicable

VOTING REQUIREMENTS

Simple majority of Council

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR FARRELL

SECONDED: CR ROYCE

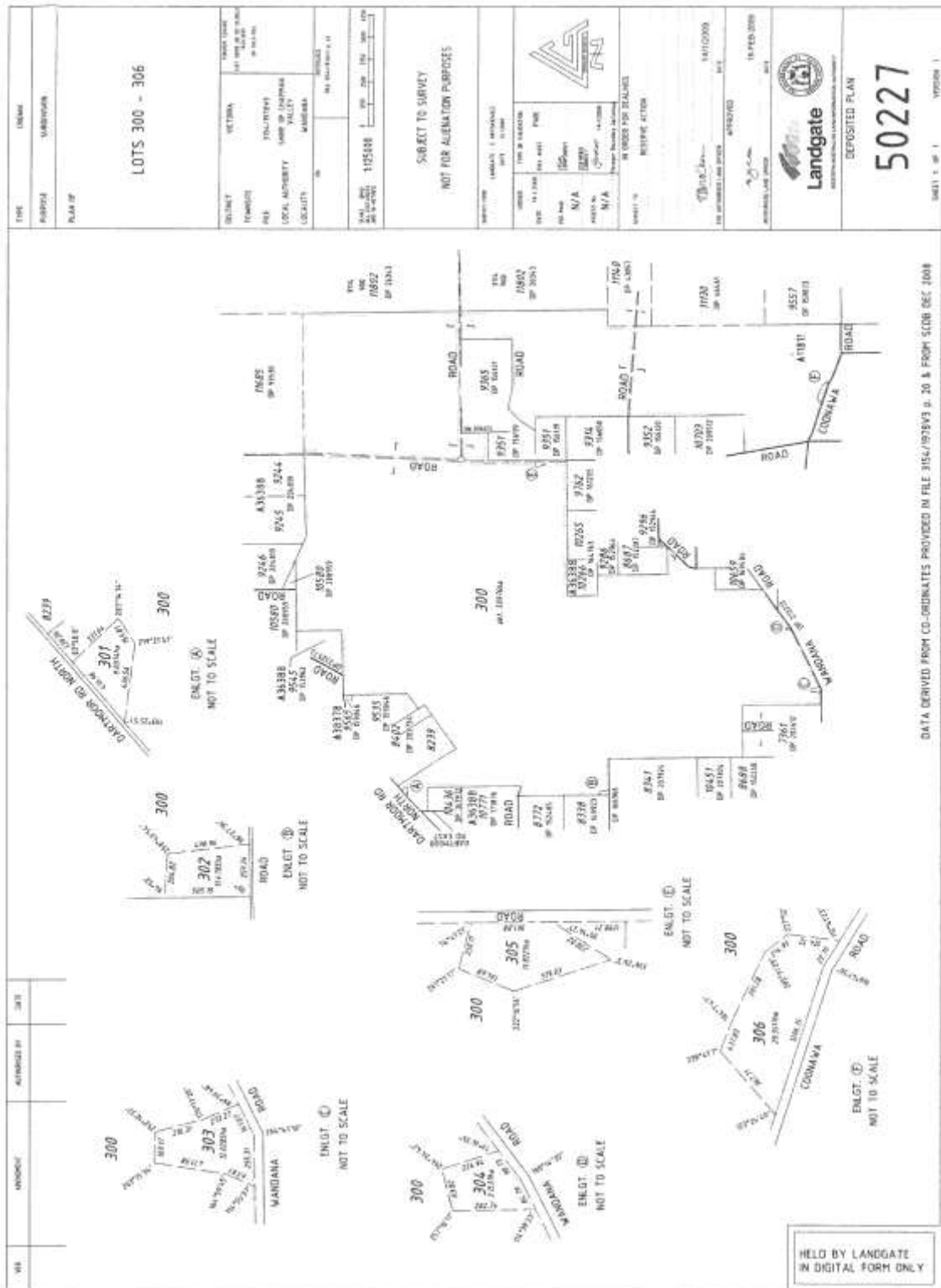
That Council:

- 1 Advise the Department of Parks & Wildlife that the Shire seeks the lease of all 6 gravel sites.
- 2 Request that the 6 gravel sites be addressed within 1 lease agreement to simplify matters.
- 3 Request that the annual lease fee be set on a 'peppercorn'/\$1 upon demand basis.
- 4 Delegate to the Chief Executive Officer the authority to finalise lease discussions with the Department of Parks & Wildlife.
- 5 Subject to the gravel lease being finalised between the Shire and the Department of Parks & Wildlife, Council advise that it has no objection to the Wandana Nature Reserve (Reserve 36388) being classified as a Class A Reserve, with this Class A Reserve to not include the 6 gravel sites identified on Deposited Plan 50227 and subject to the lease (with those 6 gravel reserves to be excised into a separate reserve i.e. Reserve 50080).

Voting 7/0

CARRIED

Minute Reference 03/15-12





Government of Western Australia
Department of Parks and Wildlife
Parks and Visitor Services



BY:.....

Record No PA142392

Your ref:
Our ref: 2010/4219
Enquiries: Shannon Hassell
Phone: 9219 8770
Email: Shannon.hassell@dpaw.wa.gov.au

Maurice Battilana
Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

Dear Mr Battilana,

GRAVEL EXTRACTION IN WANDANA NATURE RESERVE – REMAINING GRAVEL PITS FOR POTENTIAL EXCISION

The Department of Parks and Wildlife is proposing to upgrade Wandana Nature Reserve (Reserve No. 36388) from class 'C' to class 'A'. Prior to seeking the upgrade of reserve class, six gravel pits have been proposed to be excised from the reserve and leased to the Shire of Chapman Valley for gravel extraction. These six gravel pits are in various stages of use.

Two gravel pits were excised from the reserve in 2009 for gravel extraction and subsequently leased to the Shire (Lots 304 & 306/pits 4 & 5). I understand from previous correspondence that the Shire may have been reluctant to agree to the upgrade of class until all of the gravel pit excisions have been completed.

As only two of the six gravel pits have been excised, I am writing to ask if the Shire of Chapman Valley has any further interest in pursuing the remaining four gravel pits?

Please contact me if you have any queries.

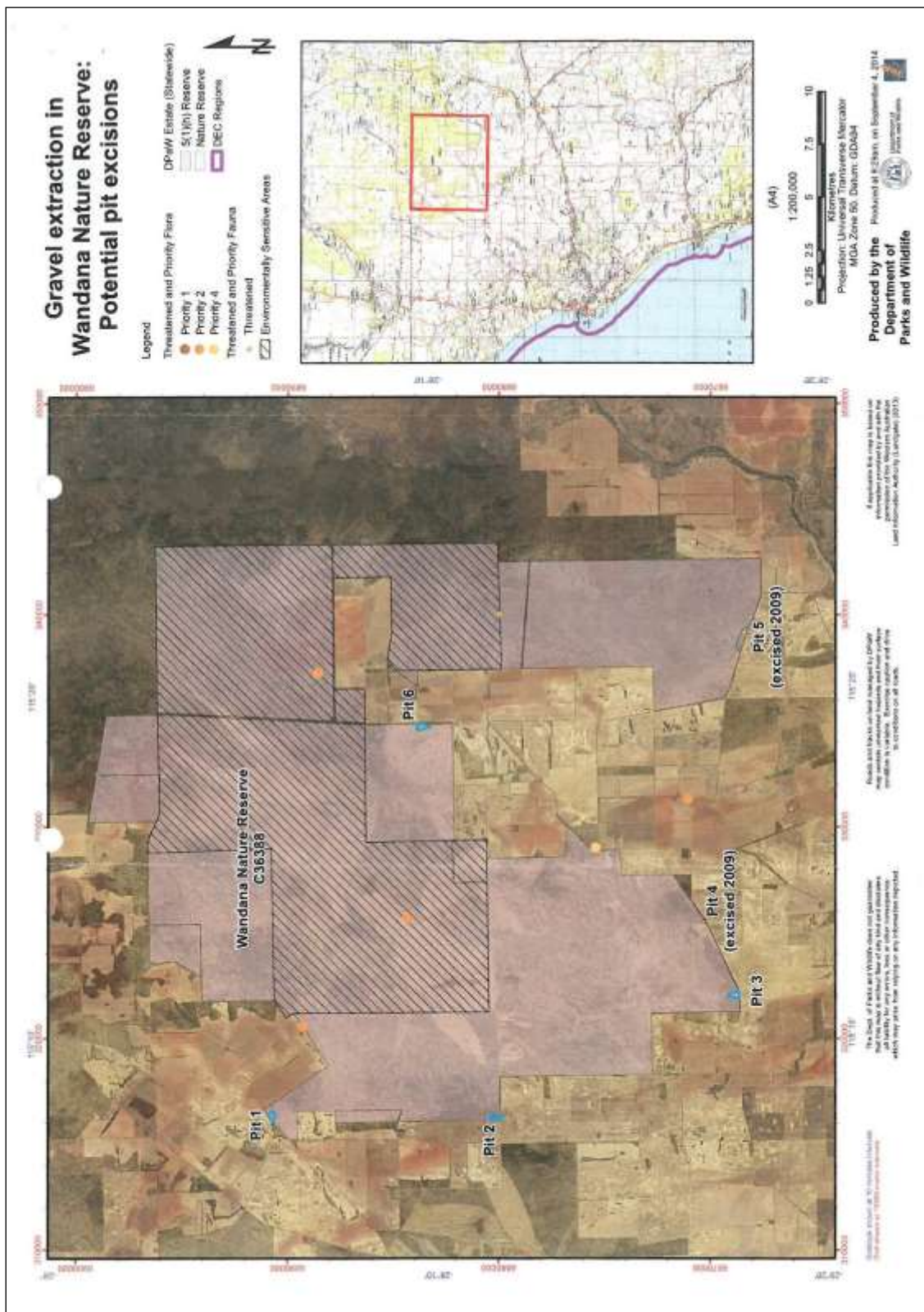
Yours sincerely,

Shannon Hassell
Land Administration Officer

4 September 2014

Land Unit
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9219 8770 Email: Shannon.hassell@dpaw.wa.gov.au
www.dpaw.wa.gov.au

11/11/14





Shire of
Chapman Valley
Love the Rural Life

Our Ref: R36388
Your Ref: 2012/4219
Enquiries: Simon Lancaster

25 September 2014

Department of Parks & Wildlife
Locked Bag 104
Bentley Delivery Centre WA 6983

Attention: Shannon Hassell

Dear Shannon

6 GRAVEL SITES EXCISED FROM RESERVE 36388

The Shire of Chapman Valley thanks you for your correspondence dated 4 September 2014 concerning the 6 gravel sites previously excised from Reserve 36388 on Deposited Plan of Survey 50227.

The Shire can confirm that it maintains its interest in pursuing the 6 gravel pit sites.

The Shire requests that the Department of Parks & Wildlife advise the Department of Lands that it supports the 6 sites being created as Reserves for the purpose of 'Conservation & Gravel' under the management of the Shire of Chapman Valley. It is considered that the ongoing arrangement whereby the Department of Parks & Wildlife would have management of the 6 reserves and then lease these to the Shire would create a situation of ongoing administrative burden for both parties without any benefit.

The Shire considers that this alternative approach would resolve this issue and the balance 54,821ha land comprising Reserve 36388 could be upgraded from Class 'C' to Class 'A' status without ongoing complications.

Trusting that this correspondence answers your query, however, should further information be required, please do not hesitate to contact Simon Lancaster at this office on (08) 9920 5011.

Yours faithfully,

Simon Lancaster
MANAGER OF PLANNING

Cc: *Department of Lands
Mid West & Gascoyne Section
Level 11, 140 William Street
PERTH WA 6000
Attention: Mr Henty Farrar
Your Ref: 03154-1978/03 (Job No.071980)*



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

9.2 Finance March 2015

Contents

9.2 AGENDA ITEMS

- 9.2.1 Financial Reports for February 2015
- 9.2.2 Budget Variation
- 9.2.3 Application to Waiver Fees/Charges & Request for Donation

Mrs Raymond entered Chambers at 10.59am

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR FEBRUARY 2015
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	18 MARCH 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 February 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 February 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 HUMPHREY

SECONDED: CR ROYCE

That Council receives the financial report for the month of February 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
- Credit Card Statements

**Voting 7/0
CARRIED
Minute Reference 03/15-13**

AGENDA ITEM:	9.2.2
SUBJECT:	BUDGET VARIATION
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	NIL
PREVIOUS REFERENCE:	306.13
DATE:	18 MARCH 2015
AUTHOR:	DIANNE RAYMOND, MANAGER FINANCE & CORPORATE SERVICES

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Council's adopted budget at times will need variations made to reflect changes which occur after the budget has been adopted.

The purpose of this report is to seek Council's endorsement for budget variation corrections identified by staff further to the annual review presented to the Ordinary Council Meeting in February 2015.

COMMENT

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

The items listed in the *Financial Implications* section of this report have been identified as requiring variations to the Budget with a nil overall effect on the Budget.

The Budget review process and Council endorsed variation at the February 2015 OCM had an error in regards to the grant funding provided by DFES for the acquisition of plant & equipment and buildings. The original budget indicated \$550,000 under COA 0884 for Plant and equipment whereas this should have been:

- | | | | |
|------------|-------------------|--------------------------------|-----------|
| • COA 0884 | Plant & Equipment | 2.4 Fire Tanker Howatharra BFB | \$350,000 |
| • COA 0744 | Land & Buildings | Two Bay Shed Howatharra BFB | \$200,000 |

Since the Budget was adopted DFES confirmed the Two Bay Shed as approved however the 2.4 Fire Tanker for the Howatharra BFB was not approved. This should have resulted in the Budget Review process to reflect the following:

- | | | | |
|------------|-------------------|--------------------------------|-----------|
| • COA 0884 | Plant & Equipment | 2.4 Fire Tanker Howatharra BFB | \$0 |
| • COA 0744 | Land & Buildings | Two Bay Shed Howatharra BFB | \$200,000 |

The Budget Review presented to the February 2015 OCM did not reflect the above, though the amounts inserted in the review table still created a nil effect on the overall budget.

The purpose of this agenda item is to rectify the error of the February 2015 resolution, which will also have no effect on the budget.

Council has also resolved the following in regards to the Howatharra BFB Shed project:

MOVED: CR HUMPHREY

SECONDED: CR MALUISH

Council agrees to cover Western Power headwork cost for the establishment of the two appliance bay shed at the Howatharra Bush Fire Brigade from the Shire Building Reserve.

Voting 7/0

CARRIED

Minute Reference 02/15-12

The amended Budget Variation proposed in the Staff Recommendation does not affect the above resolution.

STATUTORY ENVIRONMENT

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

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

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

* *Absolute majority required.*

(1a) In subsection (1):

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

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

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

POLICY IMPLICATIONS

No existing policy affected or relevant.

FINANCIAL IMPLICATIONS

Budget Variations are detailed below:

COA	COA Description	Original Budget \$	Amended Budget (Feb '15) \$	Proposed Revised Budget \$	Budget Impact \$	Comments
0884	Purchase Plant & Equipment	550,000	323,275	0.00	-323,275	Budget allocation is not reflective of actual expenditure required.
0915	Capital Grant – FESA	550,000	323,275	200,000	123,275	Budget allocation is not reflective of grant funding approved by DFES
0744	Capital Expenditure Land & Building	0	0	200,000	200,000	Budget allocation correction for shed as per DFES grant approval
	Budget Impact				0.00	

Long Term Financial Plan (LTFP):

No significant affect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

All the above mentioned variations are consistent with the Corporate Business Plan.

CONSULTATION

Consultation with Senior Management to determine budget amendments required.

RISK ASSESSMENT

As the overall affect to the current budget is nil there is no significance financial risk.
However, unintentional errors create inaccurate information and potential for risk to reputation.

Measures of Consequence						
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property
Insignificant (1)	Negligible injuries	Less than \$1,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

Council endorses the following variations to the 2014/2015 Budget:

COA	COA Description	Amended Budget (Feb '15) \$	Proposed Revised Budget \$	Budget Impact \$	Comments
0884	Purchase Plant & Equipment	323,275	0.00	-323,275	Budget allocation is not reflective of actual expenditure required
0915	Capital Grant – FESA	323,275	200,000	123,275	Budget allocation is not reflective of grant funding approved by DFES
0744	Capital Expenditure Land & Building	0	200,000	200,000	Budget allocation correction for shed as per DFES grant approval

**Voting 7/0
CARRIED
Minute Reference 03/15-14**

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

MOVED: CR ROYCE

SECONDED: CR MALUISH

“Council deal with a late item to discuss the revocation of resolution 12/14-19 i.e “Council resolve to amend the elected member representation on the Bill Hemsley Park Management Committee to ensure Council representatives are not also members of the Parkfalls Residents Association.”

(Simple Majority)

Voting 5/2

CARRIED

Minute Reference 03/15-15

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR MALUISH

Council accept a motion to revoke Resolution 12/14-19.

Accept Revocation Motion – one third of Council required – Minimum of 3 Vote (whether vacant or not).

Voting 5/2

CARRIED

Minute Reference 03/15-16

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR MALUISH

“Council Revoke Resolution 12/14-19 - Council resolve to amend the elected member representation on the Bill Hemsley Park Management Committee to ensure Council representatives are not also members of the Parkfalls Residents Association.”

Absolute Majority – Minimum of 5 Vote (whether vacant or not).

Voting 5/2

CARRIED

Minute Reference 03/15-17

Mrs Raymond left Chambers at 11.15am

Mrs Bell left Chambers at 11.21am

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

13.1 Regional Waste Services

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR HUMPHREY

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 7/0

CARRIED

Minute Reference 03/15-18

AGENDA ITEM:	13.1
SUBJECT:	REGIONAL WASTE SERVICES
PROPOSER:	REGIONAL WASTE MANAGEMENT GROUP
SITE:	SHIRES OF CHAPMAN VALLEY, IRWIN, NORTHAMPTON & CITY OF GREATER Geraldton
FILE REFERENCE:	201.00
PREVIOUS REFERENCE:	MINUTE REFS: 12/13-18; 02/14-27; 8/14-12 & 11/14-9
DATE:	18th MARCH 2015
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION / STAFF RECOMMENDATION

MOVED: CR HUMPHREY

SECONDED: CR FARRELL

Council endorses the decision of the Chief Executive Officer, in accordance with the delegation afforded him under *Minute Reference 11/14-9*, to appoint Toxfree for the provision of waste management services to the Shire of Chapman Valley and on a regional basis to the local governments of Greater Geraldton, Irwin and Northampton.

Voting 7/0

CARRIED

Minute Reference 03/15-19

COUNCIL RESOLUTION

MOVED: CR FARRELL

SECONDED: CR ROYCE

That Council reopen the meeting to the public.

Voting 7/0

CARRIED

Minute Reference 03/15-20

14.0 CLOSURE

The Chairman thanked the Elected Members and Staff for their attendance and the meeting was closed at 11.32am