



Shire of
Chapman Valley
Love the Rural Life

UNCONFIRMED MINUTES

MAY 2013

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 15 May 2013
at the Council Chambers, Nabawa, commencing at 10:00am.

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.


Stuart Billingham
CHIEF EXECUTIVE OFFICER

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10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

12.0 GENERAL BUSINESS
(Of an urgent nature introduced by decision of meeting)

13.0 CLOSURE

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 10.08 am.

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 Peter Batten – Deputy President	North East Ward
Cr Beverly Davidson	North East Ward from 10.14am
Cr David Bell	South West Ward
Cr Peter Humphrey	South West Ward
Cr Trevor Royce	North East Ward
Cr Pauline Forrester	North East Ward

b. Staff

Officer	Position
Mr Stuart Billingham	Chief Executive Officer
Mr Simon Lancaster	Manager of Planning
Mrs Karen McKay	Executive Assistant (Minute Taker)
Mrs Dianne Raymond	Senior Finance /Office Manager (from 10.45am)

c. Visitors

Name	
Mrs Veronica Wood	Parkfalls Residents Association to 2.15pm
Mr Ian Maluish	Parkfalls Residents Association to 2.15pm
Mr Ron Ellis	Resident to 11.58am
Mr Gavin Williams	Resident to 11.58am
Mrs May Williams	Resident to 11.58am
Ms Gail James	Resident to 11.58am
Mrs Jane Barndon	Chapman Valley P & C to 10.38am
Mr Shane Hill	One Life WA (In 10.45am Out 10.47am)
Jessica Rock	Geraldton Guardian (In 10.45am Out 10.47am)
Mrs Suzanne Ward	Resident to 10.38am

3.2 Apologies

Councillor	Ward
Cr Anthony Farrell	North East Ward

4.0 PUBLIC QUESTION TIME

4.1 Questions On Notice

Nil

4.2 Questions Without Notice

Mr Gavin Williams, Lot 8 Nabawa-Yetna Road, Nabawa asked whether the Shire could provide an update in relation to the appeal lodged by DrugARM?

The Manager of Planning confirmed that an appeal was lodged with the State Administrative Tribunal ('SAT') on 16 April 2013 by lawyers on behalf of DrugARM (WA) Inc. to review the decision of Council at its 20 March 2013 meeting to refuse the application for a proposed Therapeutic Rehabilitation Facility upon Lot 11 (No.1) Nabawa-Yetna Road, Nabawa.

The Shire instructed its solicitor on 23 April 2013 to represent the Shire at the directions hearing held at 11:30am on Friday 3 May 2013 at the SAT (12 St Georges Terrace, Perth). The Shire instructed its solicitor that it considered given the circumstances of the appeal there would be little benefit to be gained from mediation and that a final hearing date should be sought to hasten the process with a view to reducing uncertainty for all parties, particularly the surrounding landowners.

The SAT Member resolved that mediation should be undertaken and this has been scheduled to take place commencing on Tuesday 28 May 2013. It is understood that the SAT Member wishes to view Lot 11 (No.1) Nabawa-Yetna Road, Nabawa, meet with representatives of the appellant (DrugARM) and respondent (Shire) and also meet with no more than 2 representatives from the objecting parties.

The Shire has contacted Elly Ward and Maureen Jones, being 2 of the more regular points of contact from the 113 objecting parties, and who lodged 2 of the lengthier submissions in relation to this application during the advertising period.

An update was also provided in the Shire's E-News and the Shire will continue to inform parties with further updates.

Mrs Suzanne Ward, Lot 12 Urch Road, Yetna asked whether their Extractive Industry application could be approved for a further 5 year period to provide a more certain basis on which to purchase equipment?

The Manager of Planning advised that the officer recommendation contained within item 9.1.2 on the Agenda was for an extension for a further 2 year period. The Manager of Planning also advised that Councillors had viewed the site during the annual Road Inspection and that the agenda contained a recommendation only and Council may consider it appropriate to approve the application for a lesser or greater period, or refuse the application.

The Manager of Planning confirmed that Mrs Ward had provided information relating to the number of trucks visiting their extractive industry site during its operation since approval (215 truck visits) as had Todd Quadrio in relation to the extractive industry upon Lot 13 Urch Road (166 truck visits in the last 2 years).

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DISCLOSURE OF INTEREST

Nil

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Mrs Jane Barndon, Chapman Valley Primary School P & C Secretary - Community Harvest Ball.

The Chapman Valley Community Harvest Ball will be held in Nabawa on Saturday 5th October 2013 – Chapman Valley Primary School P & C are hosting the ball and are hoping to raise between \$80-100,000. Fundraising is not the only focus of the event they want to bring the community together.

Chapman Valley Primary School is a very small school and the P&C have tried to source local people to contribute to the event. They would also like to have camping at the ground to allow people to stay overnight and not drink and drive.

The purpose of today's visit is a request for the Shire to be associated with the event and to contribute and be a major sponsor on the night.

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR DAVIDSON

That the minutes of the Ordinary Meeting of Council held Wednesday 17 April 2013 be confirmed as a true and accurate record.

Voting 7/0

CARRIED

Minute Reference 5/13-1

9.0 OFFICERS REPORTS

Manager of Planning

May 2013

Contents

9.1 AGENDA ITEMS

- 9.1.1 Siting of Sea Containers, White Peak
- 9.1.2 Extractive Industry (Gravel & Sand)
- 9.1.3 Proposed Sale of 'Wynarling'
- 9.1.4 Proposed Assembly Building
- 9.1.5 Proposed Subdivision, Waggrakine

AGENDA ITEM:	9.1.1
SUBJECT:	SITING OF SEA CONTAINERS, WHITE PEAK
PROPONENT:	J & L CAMPBELL
SITE:	LOT 149 PARMELIA BOULEVARD, WHITE PEAK
FILE REFERENCE:	A1500
PREVIOUS REFERENCE:	N/A
DATE:	6 MAY 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of a complaint concerning the siting of a transportable site office and 3 sea containers upon Lot 149 Parmelia Boulevard, White Peak. This matter has been placed before Council as it exceeds the delegation limits of the Shire's 'Use of Sea (Shipping) Containers' Local Planning Policy.

COMMENT

The Shire has received a written complaint concerning the siting of sea containers and a site office, and the Shire's Manager of Planning and Building Surveyor inspected Lot 149 on 1 May 2013, meeting with the landowners on-site.

Figure 1 – Location Plan for Lot 149 Parmelia Boulevard, White Peak



Lot 149 is a 1ha property that has been previously cleared and contains a transportable site office and 3 sea containers. The development history for Lot 149 is as follows:

12 March 2011	Transportable site office placed upon Lot 149 without approval.
15 March 2011	Shire staff met with landowner who advised that they were unaware of need to obtain approval and undertook to lodge application, proposing to develop building for habitable purposes.
28 April 2011	Landowner advised of delays in the drafting of the necessary plans.
20 July 2011	Shire wrote to landowner seeking update on progress of application preparation.

- 21 July 2011 Landowner advised that they were undertaking modifications to original proposal and intended to submit application shortly.
- 8 November 2011 Landowner submitted application for 2 outbuildings connected by verandah.
Landowner submitted application for transportable site office to be housed within one of the outbuildings and developed for habitable purposes.
- 11 November 2011 Application for 2 outbuildings approved by Shire under delegated authority as total outbuilding area is 183m² (Building Approval issued on 29 November 2011).
Application for transportable site office to be housed within one of the outbuildings and developed for habitable purposes approved by Shire under delegated authority, noting that building would comply with ancillary accommodation requirements in event of later application for main residence (Building Approval issued on 28 November 2011).
A copy of the site, elevation and floor plans have been included as **Attachment 1** for Council's information.
- 22 March 2012 Shire wrote to landowner seeking an update on when the transportable building would be relocated into final location, Shire advised landowner that recent inspection had confirmed that power and water had been connected to the transportable building and requested further information on whether septic system had been installed.
- 22 March 2012 Landowner advised that septic would be installed on-site shortly and they intended to commence works on concrete slabs for outbuildings to enable relocation of transportable building to final location.
- 17 April 2013 Written complaint received concerning siting of sea containers.
- 1 May 2013 Shire staff met with landowner to advise of receipt of complaint.
- 2 May 2013 Landowner submitted information pertaining to circumstances and timeframe for development.

The landowner has advised as follows:

"As we have recently sold our house we have had to have three sea containers on our block holding the contents of our house. Our intention is to build our sheds as soon as my husband has the all clear from the Doctor. He has had a "fixation fusion" to his neck and is in recovery from that. He is seeing the surgeon this morning his first check up since the operation. We are confident that we should be able to make a start on the sheds within the next three months. Once the sheds are completed we will empty the contents of the two sea containers and sell them off. Thank you for your understanding of our situation."

Figure 2 – Aerial Photograph of Lot 149 Parmelia Boulevard, White Peak (preceding siting of site office and sea containers)



Figure 3 – View across Lot 149 Parmelia Boulevard, White Peak looking North



The officer recommendation is that approval be granted for the temporary (6 month only) siting of the 3 sea containers upon the property. The building approval for the outbuildings expires on 28 November 2013 and it is suggested that this should be considered the date by which time the sea containers are required to be removed from Lot 149. However, it is recognised that this recommendation is a departure from the policy requirements and should Council not wish to vary from its policy then the following wording may be considered appropriate:

“That Council resolve to:

- 1 *Refuse planning approval for 3 sea containers to be sited upon Lot 149 Parmelia Boulevard, White Peak for the following reasons:*
 - (a) *The proposed development does not meet the objectives and requirements of the Shire’s Local Planning Policy ‘Use of Sea (Shipping) Containers’ which specifies a limit of 1 sea container per property less than 20ha*
 - (b) *The proposed development is not considered to be consistent with the orderly and proper planning of the locality and preservation of the amenities of the locality.*
 - (c) *The approval of the siting of 3 sea containers upon the property is considered to be setting an undesirable precedent for future development of the area.*
- 2 *Grant approval for the siting of 1 sea container upon Lot 149 Parmelia Boulevard, White Peak in accordance with the requirements of the Shire’s Local Planning Policy ‘Use of Sea (Shipping) Containers’ which specifies a limit of 1 sea container per property less than 20ha, and subject to the sea container being removed from Lot 149 Parmelia Boulevard, White Peak no later than 29 November 2013.*
- 3 *Pursuant to Section 214(3) of the Planning and Development Act 2005, give written direction to the landowners of Lot 149 Parmelia Boulevard, White Peak that they are required to remove 2 of the sea containers from the property within 60 days from the date of the written direction.*
- 4 *In the event that the landowner fails to comply with the written direction authorise the Chief Executive Officer to commence enforcement proceedings against the owner of the land in relation to the unauthorised structures.*

Notes:

- (a) *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.*
- (b) *Should the landowner fail to comply with a direction issued under Section 214(3) of the Planning and Development Act 2005, they may be deemed to have committed an offence under Section 214(7)(b) of the Planning and Development Act 2005 and will be liable to a penalty not exceeding \$50,000 and a further daily penalty of \$5,000 for each day during which the offence continues.”*

STATUTORY ENVIRONMENT

Lot 149 Parmelia Boulevard, White Peak is zoned ‘Special Rural – Area 10’ under Shire of Chapman Valley Town Planning Scheme No.1 (‘the Scheme’).

The siting of a sea container meets the definition of ‘development’ as listed under Section 1.7 of the Scheme:

“Means the use or development of any land and includes the erection, construction, alteration or carrying out as the case may be, of any building, excavation or other works on any land.”

Section 1.3.1 sets out the general objects of the Scheme, for which Council should have regard for, and this includes:

- “(c) To make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;*

Section 3.1.1 of the Scheme sets out the General Provisions of the Scheme, including the following:

“Development of Land

- (1) Subject to Clause 3.1.1(2) a person shall not commence or carry out development of any land zoned or reserved under the Scheme or materially change the use of the land, without first having applied for and obtained the planning consent of the Council under the Scheme.”*

Section 3.1.7 of the Scheme states:

“Appearance of Buildings and the Land on which they are Located.

All buildings and the land on which they are located shall be maintained to the satisfaction of Council and in a manner which preserves the amenity of the surrounding area.

No person shall without the written approval of the Council erect a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general appearance, has an exterior design which is out of harmony with existing buildings or the landscape character of the area.”

Section 214 of the *Planning and Development Act 2005* concerns the issue of directions regarding unauthorised development

POLICY IMPLICATIONS

Shire staff have the capacity to grant approval for the siting of a sea container upon land should an application meet the delegated authority requirements of its Local Planning Policy ‘Use of Sea (Shipping) Containers’.

Council Local Planning Policy 16.270 'Use of Sea-Shipping Containers' notes that:

- "1 The placement of a sea (shipping) container or similar re-locatable storage unit on land, other than industrial land and rural land greater than 20 hectares in area, requires the planning approval of the local government as it is considered to fall within the definitions of "development" under the Town Planning Scheme.*
- 2 In general, planning approval to a maximum of 12 months will only be granted where the structure is being used for the temporary storage of plant, machinery and/or building equipment on a building site, a building license has been issued and remains current, and construction of a dwelling has commenced."*
- "4 Other than industrial and rural zoned land (for properties greater than 20 hectares in area) the local government will generally not support:*
 - (a) more than one (1) sea (shipping) container on a property;*
 - (b) a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height."*

The applicant is seeking to site 3 sea containers upon Lot 149 which does not comply with the Local Planning Policy and therefore exceeds the level of delegated authority.

A complete copy of Local Planning Policy 'Use of Sea (Shipping) Containers' has been included as **Attachment 2** for Council's information.

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

The adoption by Council of Local Planning Policy 'Use of Sea (Shipping) Containers' demonstrates its understanding of the need for the temporary storage of plant, machinery and/or building equipment on a building site to secure these items from theft and climate. However, the policy requirement limiting development to 1 sea container was deemed to be sufficient to meet normal domestic needs, and therefore variation to this requirement should generally only be considered in exceptional and heavily time limited circumstances.

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

That Council grant formal planning approval for 3 sea containers to be sited upon Lot 149 Parmelia Boulevard, White Peak subject to compliance with the following conditions:

- 1 The 3 sea containers must be removed from Lot 149 Parmelia Boulevard, White Peak prior to 29 November 2013.

- 2 Screening landscaping shall be provided and maintained about the development site for the purpose of reducing the visual impact of the development from the road and neighbouring properties to the satisfaction of the Local Government, with planting to be commenced within 3 months from the date of this approval.

Notes:

- (a) Should the landowner fail to comply with the direction under condition 1 of this approval they may be deemed to have committed an offence under Section 214(7)(b) of the *Planning and Development Act 2005* and liable to a penalty not exceeding \$50,000 and a further daily penalty of \$5,000 for each day during which the offence continues.
- (b) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR BATTEN

That Council grant formal planning approval for 3 sea containers to be sited upon Lot 149 Parmelia Boulevard, White Peak subject to compliance with the following conditions:

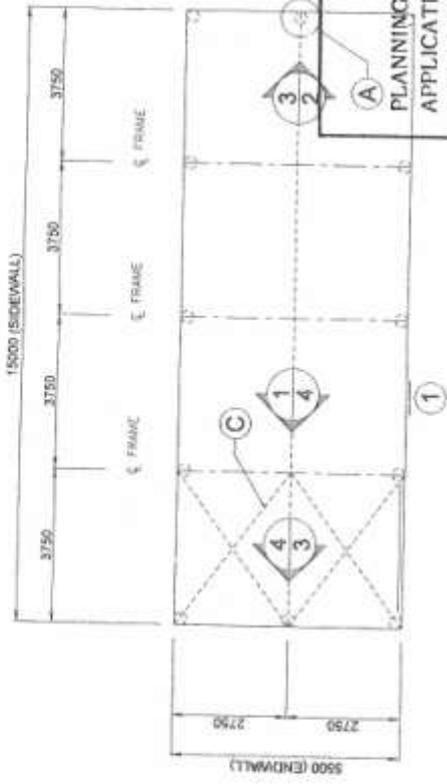
- 1 **The 3 sea containers must be removed from Lot 149 Parmelia Boulevard, White Peak prior to 29 November 2013.**
- 2 **Screening landscaping shall be provided and maintained about the development site for the purpose of reducing the visual impact of the development from the road and neighbouring properties to the satisfaction of the Local Government, with planting to be commenced within 3 months from the date of this approval.**

Notes:

- (a) **Should the landowner fail to comply with the direction under condition 1 of this approval they may be deemed to have committed an offence under Section 214(7)(b) of the *Planning and Development Act 2005* and liable to a penalty not exceeding \$50,000 and a further daily penalty of \$5,000 for each day during which the offence continues.**
- (b) **If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.**

**Voting 7/0
CARRIED
Minute Reference 5/13-2**

THE CLIENT AND ENGINEER HEREBY WARRANT THAT THE INFORMATION PROVIDED IN THIS DRAWING IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF AND THAT THE INFORMATION IS NOT IN BREACH OF ANY APPLICABLE LAWS, REGULATIONS OR STANDARDS. THE CLIENT AND ENGINEER HEREBY WARRANT THAT THE INFORMATION PROVIDED IN THIS DRAWING IS NOT IN BREACH OF ANY APPLICABLE LAWS, REGULATIONS OR STANDARDS.



MEMBER LAYOUT
SCALE 1:100

SHED 1

Shire of Chapman Valley
 PLANNING CONSENT IS HEREBY GRANTED FOR
 APPLICATION No. **P2011/001**
 SUBJECT TO COMPLIANCE WITH THE
 CONDITIONS OUTLINED ON THE CERTIFICATE
 OF APPROVAL DATED **11/11/11**
 Signed **[Signature]** Date **11/11/11**

2
7

NOTES:
 - INTERNAL WALL BATTENS TO BE 22x0.42mm @ 450 CTRS MAX.

DRAWN FOR	FDH
CHECKED BY	TM
DATE	5/16/2011
JOB NO.	WGRN60260
SHEET	2/7

(CONTACT)
WEST COAST SHEDS...
 08 9247 3888
LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA



Chris & Structural Engineers (Aust) Pty Ltd
 10 Purl Street
 Croydon, VIC 3136
 Phone: 07 432 5584
 Email: chris@northernconsulting.com.au
 Chris
 Registered on the NCECR in the name of practice
 of Civil & Structural National Professionals

Shire of Chapman Valley

PLANNING CONSENT IS HEREBY GRANTED FOR APPLICATION No. **P2011/061** SUBJECT TO COMPLIANCE WITH THE CONDITIONS OUTLINED ON THE CERTIFICATE OF APPROVAL DATED **11/11/11**

Signed *[Signature]* Date **11/11/11**

SHED 1

1 SIDEWALL EXTERIOR ELEVATION
SCALE: 1:100

2 SIDEWALL INTERIOR ELEVATION
SCALE: 1:100

3 ENDWALL EXTERIOR ELEVATION
SCALE: 1:100

4 ENDWALL INTERIOR ELEVATION
SCALE: 1:100

5 ROOF PURLINS PER SCHEDULE ON SHEET 5

6 SIDEWALL GIRTS PER MEMBER SCHEDULE ON SHEET 6

7 WALL GIRTS PER MEMBER SCHEDULE ON SHEET 6

8 ROOF GIRTS PER MEMBER SCHEDULE ON SHEET 8

9 WALL GIRTS PER MEMBER SCHEDULE ON SHEET 9

10 X-BRACING TYP. - SEE DETAIL M16

11 T.O. CONCRETE

12 TO PEAK TO EAVE

13 11"

14 4000 (NORMAL)

15 4535

WEST COAST SHEDS...
 08 9247 3868
 LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA

STEEL BUILDING BY: [Signature]
 FOR: [Signature]
 AT: [Signature]

DATE: 5/10/2011
 JOB NO: WCRH0028
 SHEET: 3 OF 7

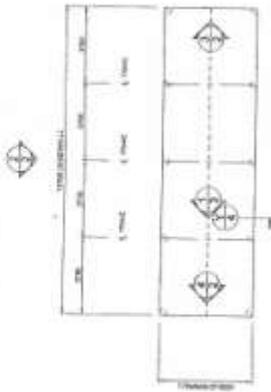
CONTACT: WEST COAST SHEDS...
 08 9247 3868
 LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA

NORTHERN CONSULTING ENGINEERS
 55 Parn Street
 Geraldton, WA 6150
 Phone: 08 9247 3868
 Email: enquiries@northern.com.au
 ABN: 54 008 173 061
 Lic No: 12488
 Reg No: 12488
 Reg No: 12488
 Reg No: 12488

Engineer: [Signature]
 Registered Professional Engineer 2569980
 Date: 5/10/2011
 Reproduced on the NPER in the areas of practice of Civil & Structural National Professionals

SHED 2 AREA

DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY. ALL DIMENSIONS TO BE VERIFIED ON SITE.



FOUNDATION PLAN AND MEMBER LAYOUT

SHED 2

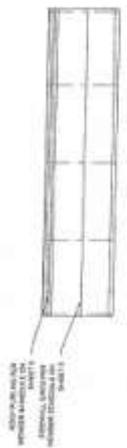
Shire of Chapman Valley

PLANNING CONSENT IS HEREBY GRANTED FOR APPLICATION No. **2011/061** SUBJECT TO COMPLIANCE WITH THE CONDITIONS OUTLINED ON THE CERTIFICATE OF APPROVAL DATED **11/11/11**

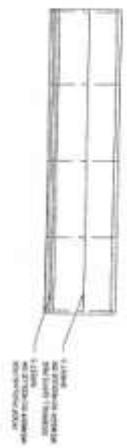
Signed *[Signature]* Date **11/11/11**

SHEET 1 OF 5	JOB NO. W09113017	DATE 12/10/2011	CHECKED TM	DRAWN FEHS	FOR AT	STEEL BUILDING BY RAHA PLANTATIONS PTY LTD (CONTACT) LOGAN CAMPBELL 149 PAMELIA BOULEVARD GERALDTON				Mr Timothy Roy Messer BE MEng RPGeo Registered Professional Engineer 225558E Signature <i>[Signature]</i> Date 12/10/11 Registered on the RPEQR in the areas of practice of Civil & Structural National Professional
	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au	CIVIL & STRUCTURAL ENGINEER 95 Purcell Street Geraldton WA 6530 Tel: 08 9422 4400 Fax: 08 9422 4400 Email: design@northernconsulting.com.au Website: www.northernconsulting.com.au

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1 SIDEWALL EXTERIOR ELEVATION
SCALE: 1:100



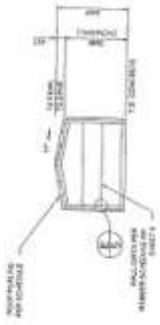
2 SIDEWALL EXTERIOR ELEVATION

Shire of Chapman Valley

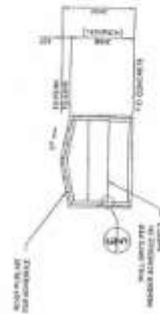
PLANNING CONSENT IS HEREBY GRANTED FOR APPLICATION No. **D3011/061** SUBJECT TO COMPLIANCE WITH THE CONDITIONS OUTLINED ON THE CERTIFICATE OF APPROVAL DATED **11/11/11**

.....
 Signed **[Signature]**
 Date **11/11/11**

SHEDZ



3 ENDWALL INTERIOR ELEVATION
SCALE: 1:100



4 ENDWALL INTERIOR ELEVATION

Diagonal X Bracing not required in this building Cladding Diaphragm Sufficient.

STEEL BUILDING BY		(CONTACT)	
DRAWN	FOR	RAHA PLANTATIONS PTY LTD	
CHECKED	AT	LOGAN CAMPBELL	
DATE		149 PAMELIA BOULEVARD	
JOB NO.		GERALDTON	
SHEET			
2			
5			

FAIRCLOTH SHEDS

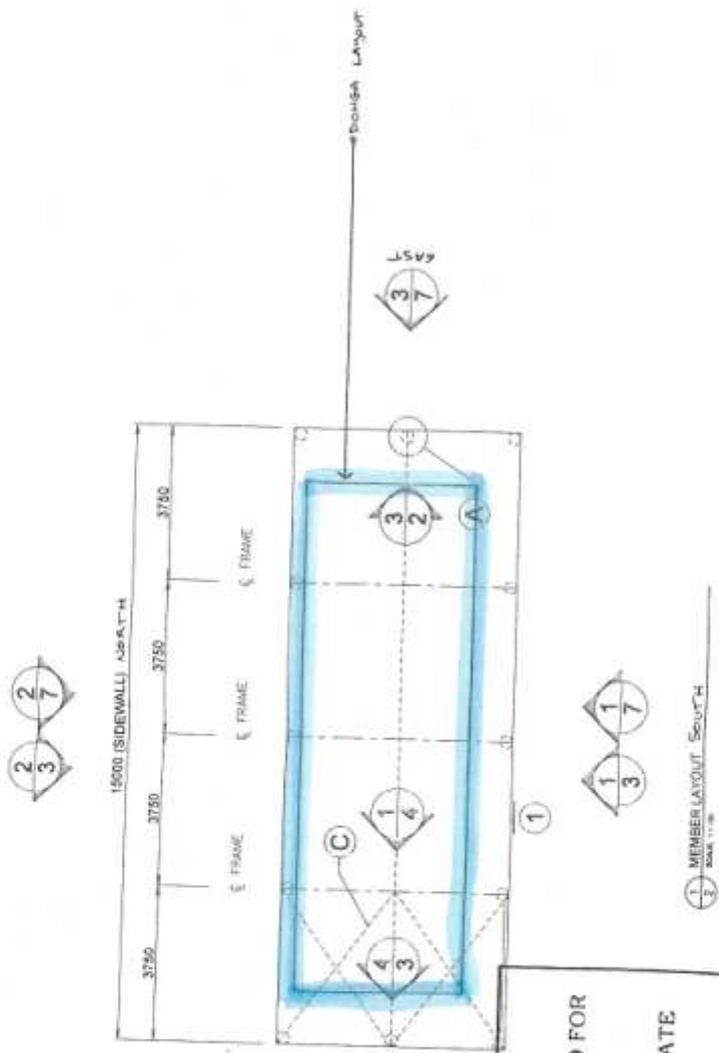
NORTHERN CONSULTING ENGINEERS

Civil & Structural Engineers
 30 Plover Street
 Perth WA 6000
 Tel: 08 9447 1111
 Fax: 08 9447 1112
 Email: enquiry@northern.com.au
 ABN: 541 255 173 561

Signature: **[Signature]** Date: **12/10/11**

Registered on the IPER in the areas of practice of Civil & Structural National Professional

The SHEDS are shown above in plan view and elevation. The SHEDS are to be constructed in accordance with the SHEDS Code of Practice for the construction of SHEDS. The SHEDS are to be constructed in accordance with the SHEDS Code of Practice for the construction of SHEDS.



Shire of Chapman Valley

PLANNING CONSENT IS HEREBY GRANTED FOR APPLICATION No **P22011/062** SUBJECT TO COMPLIANCE WITH THE CONDITIONS OUTLINED ON THE CERTIFICATE OF APPROVAL DATED

NOTES:
 - INTERNAL WALL BATTENS TO BE 22x42mm @ 450 CTRS MAX.
 - DATE: 11/11/11
 - SIGNATURE: [Signature]

STEEL BUILDING BY
 FOR
 AT

WEST COAST SHEDS...
 08 9247 3886
 LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA

DATE: 5/10/2011
 CHECKED: TM
 DRAWN: FDRS

JOB NO: WGRN0005
 SHEET: 2 of 7

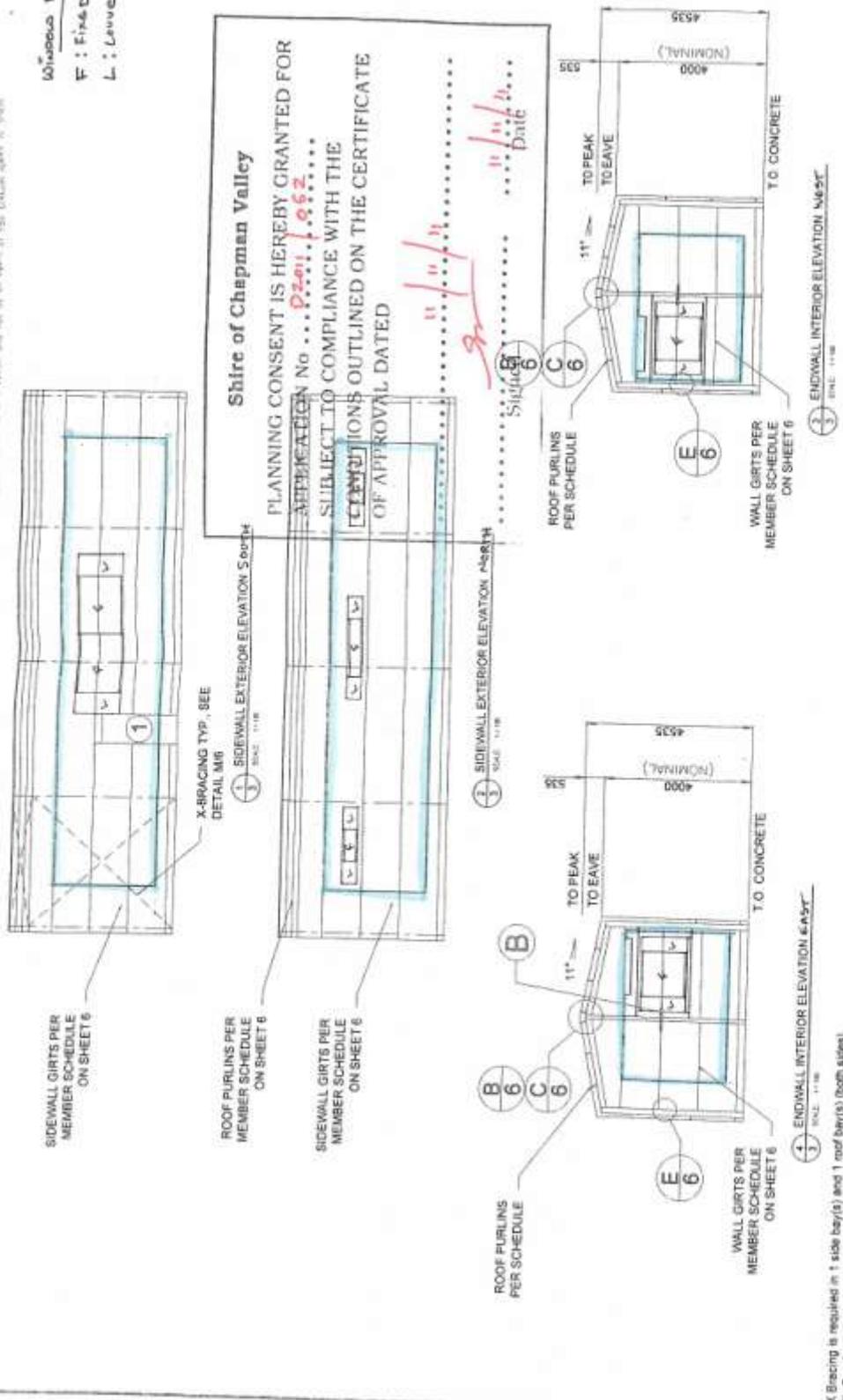
NORTHERN CONSULTING
 Engineers
 36 PARMELIA BOULEVARD
 GERALDTON WA 6450
 Phone: 08 9247 3886
 Fax: 08 9247 3886
 Email: nco@westcoastsheds.com.au
 Website: www.westcoastsheds.com.au

Old Structural Engineer
 Mr Timothy Roy Messer BE MEAUT SRED
 Registered Professional Engineer 2008066
 Signature: [Signature]
 Date: 5/10/2011
 Registered on the NPES in the areas of practice



THE ABOVE SHEET SHOWS THE STRUCTURAL DESIGN FOR THE SHEDS TO BE BUILT ON THE SITE AS SHOWN ON THE SITE PLAN. THE DESIGN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE. THE CLIENT IS ADVISED THAT THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT IS ADVISED THAT THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

Windows Key:
 F : Fixed Window
 L : Louver Window



Shire of Chapman Valley
 PLANNING CONSENT IS HEREBY GRANTED FOR
 APPLICATION No. **2201/1062**
 SUBJECT TO COMPLIANCE WITH THE
 CONDITIONS OUTLINED ON THE CERTIFICATE
 OF APPROVAL DATED **11/11/11**
 Date

X Bracing is required in 1 side bay(s) and 1 roof bay(s) (both sides).
 Fly Bracing is included in the building to be placed on every second Purlin/Girt.

NOTE: ALL OTHERS SHOWN PER CLIENT. SEE SHEET 64 FOR CLADDING (R1-15)
 Civil & Electrical Engineers Mr Timothy Roy Messer BE (Mech) RPEQ
 Consulting, 104/481
 Phone 07 4722 5500
 Fax 07 4722 5500
 Email timothy.messer@westcoastsheds.com.au
 Signature: *T. Messer*
 Date: 3/10/2011
 Registered on the NIPCR in the class of practice
 Civil & Electrical

NORTHERN CONSULTING
 (INC) PTY LTD
 104/481
 Phone 07 4722 5500
 Fax 07 4722 5500
 Email timothy.messer@westcoastsheds.com.au
 Signature: *T. Messer*
 Date: 3/10/2011
 Registered on the NIPCR in the class of practice
 Civil & Electrical

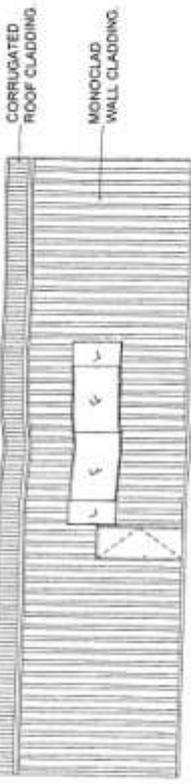
fairlinkum
 SHEDS

WEST COAST SHEDS
 08 9247 3886
 LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA

CONTRACT
WEST COAST SHEDS
 08 9247 3886
LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA

DRAWN	FOR
CHECKED	AT
DATE	
JOB NO	
SHEET	
3	7

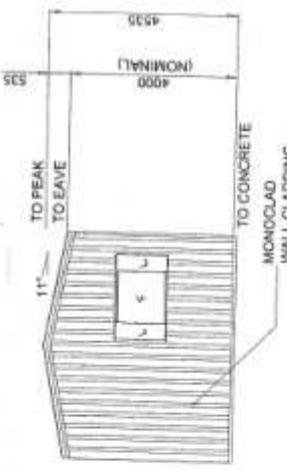
Windows Keys
 F: Fixed Pane
 L: Louver Window



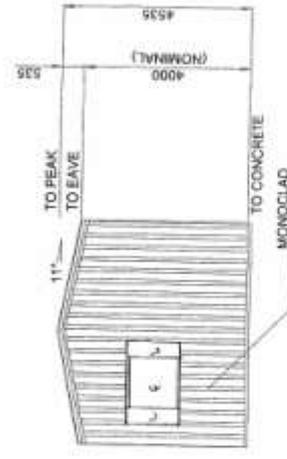
1 SIDEWALL EXTERIOR ELEVATION SOUTH
 SCALE: 1:100



2 SIDEWALL EXTERIOR ELEVATION NORTH
 SCALE: 1:100



3 ENDWALL EXTERIOR ELEVATION EAST
 SCALE: 1:100



4 ENDWALL EXTERIOR ELEVATION WEST
 SCALE: 1:100

Shire of Chapman Valley

PLANNING CONSENT IS HEREBY GRANTED FOR APPLICATION No. **P.20.1.062** SUBJECT TO COMPLIANCE WITH THE CONDITIONS OUTLINED ON THE CERTIFICATE OF APPROVAL DATED **11/11/11**

[Signature]
 11/11/11

STEEL BUILDING BY	(CONTACT)
FOR	WEST COAST SHEDS...
AT	08 9247 3888
	LOGAN CAMPBELL
	36 PARMELIA BOULEVARD
	GERALDTON WA

DRAWN	FDHS
CHECKED	TM
DATE	5/10/2011
JOB NO.	WGRN0208
SHEET	7 of 7

airlink
 SHEDS

WEST COAST SHEDS...
 08 9247 3888
 LOGAN CAMPBELL
 36 PARMELIA BOULEVARD
 GERALDTON WA

NORTHERN CONSULTING
 Registered Professional Engineer 2558980
 55 Pueri Street
 Perth WA 6000
 Phone 07 4724 5500
 Fax 07 4724 5500
 Email info@northernconsulting.com.au
 ABN 41 428 173 851

Timothy Roy Messer BE MEngg RPEQ
 Registered Professional Engineer 2558980
 55 Pueri Street
 Perth WA 6000
 Phone 07 4724 5500
 Fax 07 4724 5500
 Email info@northernconsulting.com.au
 ABN 41 428 173 851

DATE: 5/10/2011
 SIGNATURE: *[Signature]*
 REGISTERED FOR THE WESTERN AREA OF PRACTICE
 2008/01/01 - 2011/01/01

16.270	Use of Sea (Shipping) Containers	<p>Comment: Sea (shipping) 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. As such it is necessary that conditions be imposed should approval be granted to ensure an acceptable quality of development is achieved.</p> <p>For the purpose of this policy a sea container shall also include a re-locatable 'box type' storage container or unit. A sea container modified for the purpose of human habitation is not addressed in this Policy and further may be subject to detailed consideration by the Council based on merit.</p>	
<p>Scheme provisions: 1.7, Zoning and Development Table Clause 2.2.4 use not listed.</p>		<p>Other references: Nil</p>	<p>Special procedural considerations: The Council at its discretion may advertise the proposed use of sea (shipping) containers within a designated locality to ascertain the views of neighbouring and nearby residents prior to the application being considered.</p>
<p>Policy Purpose:</p> <ol style="list-style-type: none"> 1. To ensure an acceptable quality of development is achieved that does not detrimentally affect the amenity and streetscape of the locality. 2. Establish guidelines for the assessment of proposals to place sea (shipping) containers or other similar re-locatable storage units on land within the municipality <p>Policy statement:</p> <ol style="list-style-type: none"> 1. The placement of a sea (shipping) container or similar re-locatable storage unit on land, other than industrial land and rural land greater than 20 hectares in area, requires the planning approval of the local government as it is considered to fall within the definitions of "development" under the Town Planning Scheme. 2. In general, planning approval to a maximum of 12 months will only be granted where the structure is being used for the temporary storage of plant, machinery and/or building equipment on a building site, a building license has been issued and remains current, and construction of a dwelling has commenced. 3. Applications for the use of a sea container are required to address the following; <ol style="list-style-type: none"> a) The submission of: <ul style="list-style-type: none"> - a completed and sign planning application form and payment of application fee; - 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; - a written submission detailing the use, condition, unit dimensions and visual amenity associated with the sea container; - 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
- 4. Other than industrial and rural zoned land (for properties greater than 20 hectares in area) the local government will generally not support:
 - a) more than one (1) sea (shipping) container on a property;
 - b) a container that exceeds 6.0m in length, 2.4m in width, and 2.6m in height.
- 5. Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme No.1, the Town Planning Scheme shall prevail.

Adopted by Council: 19 August 2009

Sources: City of Geraldton-Greenough Local Planning Policy- Sea Containers
Shire of Northampton Local Planning Policy- Use of Shipping Containers
Shire of Chapman Valley Town Planning Scheme No.1

AGENDA ITEM:	9.1.2
SUBJECT:	EXTRACTIVE INDUSTRY (GRAVEL & SAND)
PROPONENT:	P & S WARD
SITE:	LOT 12 URCH ROAD, YETNA
FILE REFERENCE:	A997
PREVIOUS REFERENCE:	05/12-2
DATE:	7 MAY 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

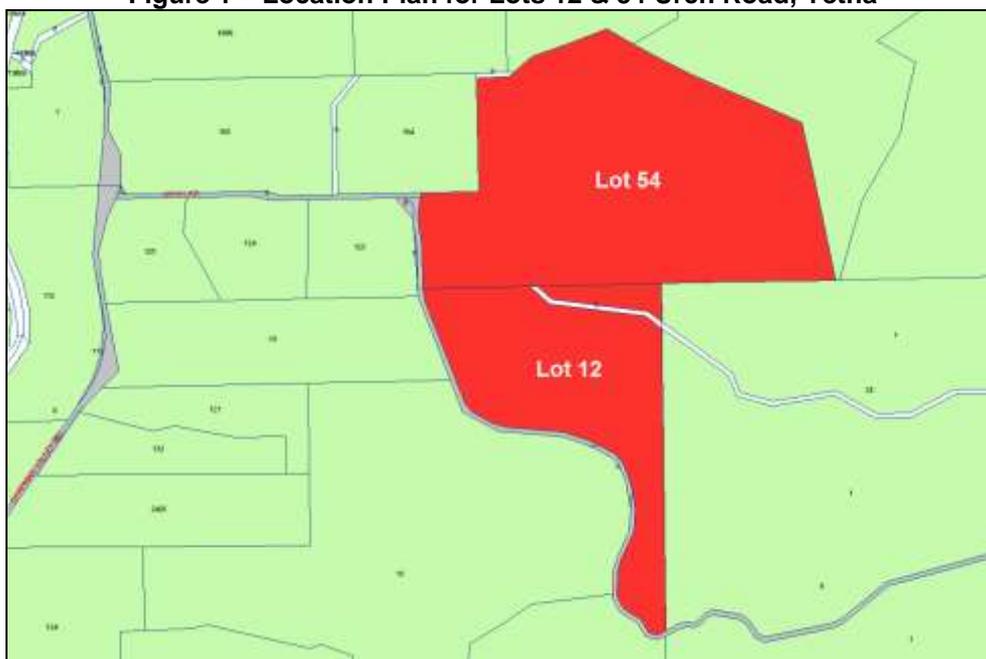
BACKGROUND

Council considered an application to establish an extractive industry (gravel and sand) upon Lots 12 and 54 Urch Road, Yetna at its 16 May 2012 meeting. The application has been returned to Council as at the 16 May 2012 meeting the application was approved subject to an approval period of one (1) year after which time the application would be returned to Council for its further consideration on whether to grant any extension to the approval period.

COMMENT

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

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



The applicant originally proposed to extract 2,000m³ of yellow sand per annum from Lot 54 and 2,000m³ of gravel per annum from Lot 12. Council approved the extraction of sand and gravel from Lot 12 only following an advertising period and amendment to the proposed development by the applicant at its 16 May 2012 meeting. A copy of the amended plan as approved by Council has been included as **Attachment 1** to this report.

The extractive industry areas required no clearing of native vegetation and approximately 500mm of top soil was to be removed prior to extraction to be replaced after each pit had expired to enable farming to be resumed. The on-site operation involves extraction to a depth of 3m for the sand quarry and 1.5m for the gravel quarry (in both instances this being additional to the 500mm removed top soil) using a loader, bulldozer, 6 wheel trucks, water truck and semi-tipper. The applicant proposed that vehicle movements would not exceed 10 truckloads per day and

the hours of operation would be 7am to 6pm Monday to Saturday over a resource life of 10 years.

Figure 2 – Aerial photo of Lot 12 and section of Urch Road back to Chapman Valley Road



Council resolved at its 16 May 2012 meeting as follows:

“That Council:

- 1 *Refuse planning approval to establish an extractive industry (sand) upon Lot 54 Urch Road, Yetna as the proposed location of the sand extractive area, when considered against the prevailing wind direction, the siting of the nearest residence, and the issues raised in objection to the proposal, is not considered consistent with objective 1.3.1(b) of the Shire of Chapman Valley Town Planning Scheme No.1, and objectives 3.3.4 and 3.3.5 of the Shire of Chapman Valley Local Planning Strategy, and policy statement 2 of the Shire of Chapman Valley Local Planning Policy 16.90 ‘Extractive Industry’.*
- 2 *Instruct the applicant to level and stabilise the disturbed sand extractive area upon Lot 54, to the requirements of the Local Government as this activity has been undertaken without the necessary approval having been obtained as required by Section 3.1.1 of the Shire of Chapman Valley Town Planning Scheme No.1.*
- 3 *That Council grant formal planning consent for the establishment of an extractive industry (gravel and sand) upon Lot 12 Urch Road, Yetna subject to compliance with the following:*

Conditions:

- (a) *Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.*

- (b) *Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.*
- (c) *The approval is valid for a period of 12 months (until 16 May 2013) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.*
- (d) *The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.*
- (e) *The installation of warning/safety signage on Urch Road on both directional approaches to the access point to the approval of the Local Government, with all costs met by the proponent.*
- (f) *The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.*
- (g) *The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.*
- (h) *Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.*
- (i) *The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.*
- (j) *Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.*
- (k) *Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.*
- (l) *The applicant is to contribute gravel to the upgrade and maintenance of the intersection of Chapman Valley Road and Urch Road to the approval of the Local Government.*
- (m) *Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant.*
- (n) *No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.*
- (o) *No blasting of material is permitted as part of extraction operations.*
- (p) *The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:*

- Monday to Saturday – 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- (q) *The development must comply with the Environmental Protection (Noise) Regulations 1997 and the Environmental Protection Act in respect to noise emissions and should noise or dust monitoring be required, all costs shall be met by the applicant.*
- (r) *The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning’s ‘Visual Landscape Planning in Western Australia’ and the Department of Water’s Water Quality Protection Note 15 ‘Extractive Industries Near Sensitive Water Resources’ (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.*
- (s) *Post closure requirements shall become applicable upon the earlier of the following events:*
- *acknowledgement by the landowner that extractive activities are completed; or*
 - *the approval period for the development having expired.*

Notes:

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

Voting
6/2

CARRIED

*Cr Beverley Davidson and Cr Trevor Royce Against
Minute Reference 05/12 – 2”*

The gravel quarry upon Lot 12 is setback 100m from Urch Road and the sand quarry 150m. The sand quarry upon Lot 12 is located 300m north-east of the nearest third party residence, this setback does not conform to the generic 500m separation distance for quarries not involving

blasting set by the Environmental Protection Authority's Buffer Distance Table as contained within the draft 'Guidelines for Environment and Planning' (1997) document. The superseding 'Guidance for the Assessment of Environmental Factors – Separation distances between industrial and sensitive land uses' (2005) prescribes a buffer distance of 300-500m for sand extraction dependant upon the size of the operation. However, it was considered that the direction of the prevailing winds would mitigate potential dust emissions. In summer the winds are generally from a south to south-easterly direction in the mornings with a strengthening south-southwesterly sea breeze in the afternoon. It is noted that winds can come from a north-easterly direction but this is generally confined to winter mornings when dust emissions would be less likely due to higher moisture content. North-easterly winds are generally confined to winter mornings and winter afternoons tend to produce variable winds that can be from any direction but with a westerly predominance. Council also imposed a condition at its 16 May 2012 meeting that operational activity be ceased when winds are from a north-easterly direction to address this issue.

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

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

Figure 3 – View of gravel extraction area upon Lot 12 from Urch Road



Figure 4 - View of sand extraction area upon Lot 12 from Urch Road



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

- 22 October 2012 Phone complaint regarding movement of trucks along Urch Road prior to 7:00am received, Shire wrote to landowner of Lot 12 who advised that they were away and that their contractor had advised they had commenced at 6:45am, landowner of Lot 12 undertook to ensure this would not occur again.
- 1 March 2013 Written complaint received dust generated by vehicles travelling along Urch Road.
- 7 March 2013 Written complaint received dust generated by vehicles travelling along Urch Road.
- 13 March 2013 Landowner presented log of vehicle movements along Urch Road for the period of 10 August 2013 till 25 February 2013, log indicated a maximum number of vehicle movements in a day of 14 (15 August 2013). Landowner also provided details of their pre-existing medical conditions.

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

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

The written complaints received on 1 March 2013 and 7 March 2013 relating to dust arising from the movement of trucks associated with extractive industries on Urch Road was previously provided to Councillors on 20 March 2013 as requested by the first complainant. Urch Road was included in the annual Road Inspection that was held on 26 March 2013 to enable Councillors to view the subject area.

The Shire wrote to the complainants on 2 April 2013 and a copy of this correspondence has been included as **Attachment 2**.

The complaints concerning dust from vehicles travelling along Urch Road relate both to the extractive industry upon Lot 13 Urch Road (Quadrio) that was approved on 28 April 2011,

following advertising, for a period of 5 years (expiry date 28 April 2016), and the extractive industry upon Lot 12 Urch Road (Ward) that was approved on 16 May 2012, following advertising, for a period of 12 months (expiry date 16 May 2013). The application in relation to Lot 12 is now returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.

Figure 5 – View of extractive industry vehicle travelling along Urch Road



Given the receipt of complaints in relation to the development upon Lot 12 the Shire wrote to the 8 landowners between the Chapman Valley Road intersection and the Urch Road extractive industry site on 15 April 2013 inviting comment upon the operation of the development in the last 12 months. 1 response was received as follows:

"I object to the granting or extension of a licence for extraction of gravel and sand on Lot 12 Urch Road, Yetna, owned by P & S Ward. The present conditions of operation, compliance and implications have not been applied by the Shire of Chapman Valley. As a close landowner I find the situation most unsatisfactory."

The response does not isolate which conditions of operation are not being enforced and in the absence of more specific detail it is difficult to ascertain the nature of the complaint. Review of the conditions of approval indicate that the applicant has made significant effort to comply with the conditions of approval, including the relocation of the access point, installation of traffic signs, installation of screening landscaping, and other actions not specifically required by Council including instructing drivers to drive slowly past the complainant's frontage.

STATUTORY ENVIRONMENT

Lot 12 Urch Road, Yetna is zoned 'General Farming' under the Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme') the Policy Statement for which reads:

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

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

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

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

"Industry - Extractive: Means an industry which involves:

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

The proposed development falls within the interpretation and was considered by Council at its 16 May 2012 meeting subject to conditions, following completion of the necessary advertising in accordance with Section 5.2 of the Scheme.

POLICY IMPLICATIONS

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

"Policy Statement:

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

- *A rehabilitation plan for the area of extraction prepared in accordance with DEC guidelines showing the re-contouring of the land and areas of re-planting.*
 - *Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.*
- 6 *Depending on the nature of the proposed extractive industry, local wind, topography and vegetation conditions, setback distances from site boundaries and existing watercourse or bodies may need to be increased. When determining such setbacks Council shall consider existing and potential land-uses on adjoining and nearby properties.*
- 7 *Council may require the preservation and/or planting of a vegetated buffer strip ensuring that the extraction activities are adequately screened from the road and adjoining properties.*
- 8 *Where an extractive industry has direct access to a sealed road and the projected number of vehicle movements from the site would justify such a requirement (as determined by Council), the Council may require crossover and vehicle access areas within 50 metres of the road to be constructed with a stable, impervious surface, with stormwater runoff being controlled. In this regard the construction of a crossover shall be in accordance with the Council's existing Crossover Policy 15.20.*
- 9 *Where an extractive industry is being developed with or without direct access to a sealed road, the Council may require assistance to upgrade and maintain the road/s that will be affected by heavy vehicle movements associated with the extractive industry. Such upgrading contributions may be financial or in-kind and shall be calculated on a case-by-case basis.*
- 10 *The Council will not support the operation of extractive industry outside of the following hours, unless it can be demonstrated the proposed extraction area/activity is at least 1000 metres from the closest neighbouring residence upon which the Council may entertain extended operating times:*
- *Monday to Saturday - 7:00 am to 6:00 pm;*
 - *Sundays and Public Holidays - no operations.*
- 11 *The Extractive industry will generally be approved for a one year period from the date of issue. Operations that continue beyond one year's duration will be subject to a renewed application for planning consent on an annual basis.
For large scale mining operations an extended period of approval may be entertained by Council, based on individual merit.*
- 12 *This Policy supersedes previous Town Planning Scheme Policy 16.90 adopted 15th July 2003.*
- 13 *Should there be any conflict between this Policy and the Shire of Chapman Valley Town Planning Scheme No.1 the Town Planning Scheme shall prevail."*

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

FINANCIAL IMPLICATIONS

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

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

Should Council approve the application it is considered that Shire resources will continue to be directed towards management of the development with particular regard for complaints concerning dust emissions from traffic using Urch Road.

Shire staff have estimated that the sealing of the bend and its approaches (to a total length of approximately 300m) would cost approximately \$28,000, the initial complainant has advised that this would not resolve their complaint. General feedback from Councillors during the road inspection was that this should not be listed in the draft 2013/2014 budget for more formal discussion.

STRATEGIC IMPLICATIONS

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

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

The Strategy lists the following economic objectives for both Precincts:

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

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

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

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

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

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

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

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

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

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

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

VOTING REQUIREMENTS

Simple Majority.

STAFF RECOMMENDATION

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

Conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.
- 3 The approval is valid for a period of 2 years (until 16 May 2015) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.
- 4 The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.
- 5 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.
- 6 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.
- 7 Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.
- 8 The activities upon Lot 12 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.
- 9 Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.

- 10 Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.
- 11 Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant.
- 12 No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.
- 13 No blasting of material is permitted as part of extraction operations.
- 14 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:
 - Monday to Saturday – 7:00am to 6:00pm;
 - Sundays and Public Holidays - no operations.
- 15 The development must comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act 1986* in respect to noise emissions and should noise or dust monitoring be required in relation to the extractive operations as they take place upon Lot 12, all costs shall be met by the applicant.
- 16 The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.
- 17 Post closure requirements shall become applicable upon the earlier of the following events:
 - acknowledgement by the landowner that extractive activities are completed; or
 - the approval period for the development having expired.

Notes:

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

COUNCIL RESOLUTION

MOVED: CR BELL

SECONDED: CR BATTEN

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

Conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.**
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.**
- 3 The approval is valid for a period of 2 years (until 16 May 2015) after which time the application shall be returned to Council for its consideration as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.**
- 4 The development must access Urch Road at a single vehicle crossover/access-point that is required to be located, constructed and maintained to the approval of the Local Government, with all costs met by the applicant.**
- 5 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.**
- 6 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.**
- 7 Landscaping is required to be installed and maintained along the western and southern perimeter of the extractive area to the approval of the Local Government for the purpose of softening the visual impact of the development and mitigating potential dust emissions.**
- 8 The activities upon Lot 12 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.**
- 9 Extractive Industry operations must be ceased when winds are from a north-easterly direction to mitigate potential dust emissions.**
- 10 Procedures being introduced to minimise dust associated with truck movements in accordance with the Environmental Protection Authority's dust control guidelines. This may include wetting down or covering of loads.**
- 11 Repairing of any damage to Urch Road including the surface is required by reason of use of the road in connection with the development to the approval of the Local Government with all costs met by the applicant.**
- 12 No remnant vegetation shall be removed as part of this extraction operation and the extractive industry shall be separated by a 50m minimum setback distance from remnant vegetation.**
- 13 No blasting of material is permitted as part of extraction operations.**
- 14 The permitted hours of operation for the development, inclusive of the on-site operation of the extractive industry and all associated vehicle movements are:**
 - Monday to Saturday – 7:00am to 6:00pm;**

- **Sundays and Public Holidays - no operations.**
- 15 **The development must comply with the *Environmental Protection (Noise) Regulations 1997* and the *Environmental Protection Act 1986* in respect to noise emissions and should noise or dust monitoring be required in relation to the extractive operations as they take place upon Lot 12, all costs shall be met by the applicant.**
 - 16 **The applicant must undertake post-closure rehabilitation of the development to the approval of the Local Government, and post-closure obligations shall have regard for the Department of Planning's 'Visual Landscape Planning in Western Australia' and the Department of Water's Water Quality Protection Note 15 'Extractive Industries Near Sensitive Water Resources' (WQPN15) to ensure that the rehabilitation of the closed extractive industry site improves the visual and conservation values of the landscape.**
 - 17 **Post closure requirements shall become applicable upon the earlier of the following events:**
 - **acknowledgement by the landowner that extractive activities are completed;**
 - or**
 - **the approval period for the development having expired.**

Notes:

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

**Voting 7/0
CARRIED
Minute Reference 5/13-3**





Shire of
Chapman Valley
Love the Rural Life

Record No PA131540

Our Ref: A1382 & 1001.1220
Enquiries: Kathryn Jackson

2 April 2013

[Redacted address block]

Dear Madam

DUST COMPLAINT – URCH ROAD, YETNA

The Shire of Chapman Valley writes to advise that a copy of your correspondence as received at this office on 1 March 2013 was provided to all Councillors. The Shire can further advise that Urch Road was included in the annual Road Inspection that was held on 26 March 2013 to enable Councillors to view the area of your complaint.

Following a meeting on site between yourself and the Shire's Environmental Health Officer in relation to your complaint, the officer has been in contact with ChemCentre, the Western Australian Government's analytical laboratory, in relation to the issue of silica. The advice received is that silica is an issue in industrial settings where silica particles are fractured or abraded into fine dust through processes such as rock crushing, sand blasting, grinding or concrete/stone cutting processes. However the advice was that the general risk from road side dust would be low compared to the industrial occupational settings where controls are necessary in sandblasting etc. Silica may be present in roadside dust from gravel roads but would be dependent on the type of gravel/rocks used and there are no environmental health guideline levels for silica only the occupational level where it is a known hazard.

Should further information be required, please do not hesitate to contact either Mrs Kathryn Jackson at the Shire office on (08) 9920 5011 or the Shire's contracted Environmental Health Officer, Mr Tom Lachlan on 0429 341 228.

Yours faithfully,

Simon Lancaster
MANAGER OF PLANNING



PO 35X 1000 www.wa.gov.au | www.chapmanvalley.wa.gov.au | www.wa.gov.au | www.wa.gov.au

Mrs Warr and Mrs Barndon left Chambers at 10.38am

AGENDA ITEM:	9.1.3
SUBJECT:	PROPOSED SALE OF 'WYNARLING'
PROPONENT:	KEYWISE PTY LTD
SITE:	LOTS 3 & 23 CHAPMAN VALLEY ROAD, MORESBY
FILE REFERENCE:	204.11.06
PREVIOUS REFERENCE:	07/10-07, 10/10-8 & 5/11-5
DATE:	6 MAY 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Shire is in receipt of correspondence from the landowner of Lots 3 & 23 Chapman Valley Road, Moresby (Mr Forbes Spillman) advising of his intention to sell the property and a copy of this correspondence has been included as **Attachment 1** for Council's information. Mr Spillman has previously expressed a willingness for his land to be publically acquired as the initial stage of a Moresby Range Park.

COMMENT

Council previously received correspondence from the Member for Geraldton, Ian Blayney MLA on 30 March 2011 seeking the Council's position on working collaboratively to approach the State Government to acquire a portion of the Moresby Range. Council subsequently resolved at its 18 May 2011 meeting:

"That Council advise the Member for Geraldton, Ian Blayney MLA that it is willing to work collaboratively with him and the City of Geraldton-Greenough to approach the State Government to purchase the property of Mr Forbes Spillman, subject to the landowner's agreeance to such an offer, as this action is in accordance with the Moresby Range Management Plan."

The correspondence received from the landowner on 17 April 2013 is seeking the Shire's support by writing to relevant government ministers and state government agencies seeking the State Government's purchase of Mr Spillman's property.

Mr Spillman, and Mr Ray Wilson of Carbon Neutral, have previously addressed Councillors about their proposal to undertake revegetation in the Moresby Range and background information related to this matter has been included as **Attachment 2** for Council's information

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

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

The Moresby Range Management Plan identifies much of the subject property as having the proposed future use as a public park, with Section 13.3 of the Plan discussing the issue of management:

"There are two distinct but overlapping development phases that will be needed to bring a Park to full operation. These phases are:

Establishment Phase – setting up a Park, organising arrangements with land owners, changing tenure of the land, modifying Planning Schemes and

Strategies, creating new titles, planning and creating the Park management structure, finding funding streams, identifying and developing business opportunities, building Natural Resource Management activities and engaging the community in the Park.

Operational Phase – running and developing a Park so that it is continually improved over time and responds to the community’s needs and requirements.”

Sections 13.4, 13.5 and 13.6 of the Plan examines six possible structures for management/governance of a potential Moresby Park

The Moresby Range Management Plan was prepared by a Steering Committee comprised of representatives from the following:

- Shire of Chapman Valley;
- City of Geraldton-Greenough;
- Department of Planning;
- Mid West Development Commission;
- Department of Environment and Conservation;
- Department of Agriculture and Food;
- Northern Agricultural Catchments Council;
- Landowner and Community Representatives; &
- Local Indigenous Representatives.

The Moresby Range Management Plan addresses the section of the Moresby Range immediately south of White Peak Road and east of Geraldton. It is this section that is under the most immediate pressure from a range of demands including urban and rural-residential development from the west, infrastructure corridor alignments to the east and north, recreational demands from the community, economic interest from renewable venture proponents and tourism possibilities.

The preparation of the Plan was strongly informed by extensive community consultation that asked the people of the Mid West ‘*what future did they want to see for the Range and how did they want to engage with the Range into the future?*’ The major finding was that the community wanted the Range to be turned into a unique and iconic park that would become an asset and a resource for the regional, Western Australian and international communities. The Plan has recognised this concept but also that the majority of the land in the Range is privately owned at present and that the realisation of this vision must be done in partnership with landowners and will be a long term project with a nominal 20 year time frame for its creation, although the Plan also recognises that this process may take longer and that the final outcome may differ from what is proposed.

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

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

Mr Spillman’s 1,450ha property is located within both the proposed community park and the surrounding area that was identified by the Plan for some future (limited) development potential. Discussions that will need to occur between all parties would have to determine exactly the area of land that might be publically acquired and its valuation.

The ecologically degraded condition of much of the Range Precinct presents a challenge to the traditional concept of parks as it is a large geographic area with generally low ecological merit.

Land management decisions by past landowners of the central and southern sections of the Range Precinct have very significantly diminished the ecological quality of the landscape and greatly accelerated erosion processes. In the northern areas, however, the long term landowners have preserved significant areas of bush land that are in reasonable ecological condition. Consequently, the approach taken in the Moresby Range Management Plan was to identify areas that may be suitable to return back to an approximation of their original species distribution, and identifying other areas, particularly in the Centre and South of the Precinct, where the objective would be to stabilise the landscape, improve visual amenity and to create new models of how people can live in the landscape.

An additional objective for a community park is to provide extensive, low key recreation opportunities that utilise the Range's natural assets. The Moresby Range Management Plan proposed to create a Central Facility on the southern side of Chapman Valley Road within Mr Spillman's property as the focus for this activity. The Facility would locate many varied, easily accessible; activities in one location thus keeping intensive uses contained which will also assist with the financial viability of the Facility. The Central Facility will serve as a "hub" from which people would move out into other parts of the Range.

STATUTORY ENVIRONMENT

The Moresby Range Management Plan was endorsed as a Local Planning Policy under the Shire of Chapman Valley Town Planning Scheme No.1 by Council at its 20 October 2010 meeting. Section 3.2.4 of Scheme No.1 states:

"3.2.4 Binding of Council

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

POLICY IMPLICATIONS

Local Planning Policies are generally 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 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.

Mr Forbes Spillman's property is situated across a local government boundary and the City of Geraldton-Greenough also adopted the Moresby Range Management Plan as a Local Planning Policy at its 17 August 2010 meeting of Council.

FINANCIAL IMPLICATIONS

Deputy President Councillor Batten (who also served as the Chair of the Moresby Range Management Plan Committee) and the Shire's Chief Executive Officer and Manager of Planning attended a meeting at the Mid West Development Commission on 7 February 2013.

The meeting had been requested by Mr Spillman and was attended by Council and staff representatives of the Shire of Chapman Valley and the City of Greater Geraldton, and representatives of the Mid West Development Commission.

Mr Spillman outlined his vision for the Moresby Range and that his preference remained for his farm to enter into public ownership as a regional park. All parties present at the meeting expressed support for the concept of Mr Spillman's property becoming a regional park and open to public access.

Mr Spillman also advised that he has held discussions with Carbon Neutral Limited over their potential acquisition of his property and that he was looking to sell the property in October, and this could impact upon the potential for public access into the Range in future.

The representatives of both the Shire and City all made comment that the potential purchase of the property for \$4.5million was not feasible within their budgeting. Shire representatives also

made comment that the necessary rehabilitation works to restore this section of the Range to a re-vegetated state would require considerable further long term financial outlay.

The representatives of the Mid West Development Commission did make some commitment to explore the possibilities for land acquisition but it was generally expressed that this would be a difficult issue.

In the event that Mr Spillman's property was to be sold to another private party this would not necessarily prevent some form of greater exposure of this section of the Moresby Range. The Moresby Range Management Plan provides a framework for controlled development of the Moresby Range and a future landowner might view commercial potential in some of the land uses identified by this document that would also enable some form of access into this area. The potential developments included subdivision of key areas of the lower slopes, short stay accommodation nodes, guided bush walks, potential for sporting and community events to be held on the Range, and an identified node for a function centre/restaurant/interpretative centre type development.

STRATEGIC IMPLICATIONS

Based on the feedback from the community consultation the long term strategic vision of the Moresby Range Management Plan is to create a park that is underpinned by the idea of 'people finding new ways to be in the landscape' with three priority activities:

- Creating new and different landscapes;
- Giving access for people;
- Living the transitions.

Section 2 of the Plan elaborates upon this strategic vision with it being noted in part that:

"The Mid West Region is on the cusp of major change. Historically the region has been about farming and fishing; now mining, tourism and science, through the Square Kilometre Array, are being added to the mix. The City of Geraldton-Greenough has the vision of becoming the State's second major city capable of sustaining a population of 80,000 – 100,000. This is a huge vision and represents dramatic change for the whole region. The Moresby Range provides a backdrop and context for the City. They are a marker point for travel into and out of the region in which these changes are occurring. This Plan seeks to reflect these dynamic times through tangible and significant changes to the Range that will produce, in the long term, an iconic asset for the community in the form of a publicly owned Park.

...A number of different management options were considered for the Range Precinct including leaving the lands in private ownership and assisting landowners with improving their ecological management of the landscape. Such measures may be appropriate in the short term, however there was a general consensus that in the long term the Range Precinct should be in public ownership to allow the landscape to be developed in different directions and give more access for a diverse range of activities.

The community also recognised that the current landowners should receive a fair and reasonable exchange for giving up control of their land and placing it into a Park. This process of exchange should occur at a pace that suits the landowners and they should not be coerced into giving up their land through legislatively enforced acquisition measures. In this context the creation of a Park may take many years."

The strategic vision of the Plan is reflective of the directions of the 1976 Geraldton Region Plan that identified an area of approximately 5,000ha of the Moresby Range as future open space, and the 1989 Geraldton Region Plan that identified the Range as a Landscape Protection Area with recommendations that areas with recreation and tourism potential be acquired. The 1999 Geraldton Region Plan recommended that a management strategy be prepared to protect the landscape value of the Moresby Range.

The Western Australian Planning Commission's Moresby Range Management Strategy was prepared in 2009 and provides the overarching planning framework for the Plan. The Strategy addressed the larger Moresby Range with a 55,000ha study area from Isseka in the north, to Mount Erin to the east (27km inland) and the Geraldton-Mount Magnet Road to the south. The Strategy recognised that there were particular issues relating to the southern section of the Range that were of particular importance to the regional community, and recommended that a Management Plan be prepared for this area, with Section 5.1 noting that:

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

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

VOTING REQUIREMENTS

Single majority

STAFF RECOMMENDATION

That Council write to the Member for Geraldton, Ian Blayney MLA and the Minister for Planning, Hon. John Day MLA advising of its support for the State Government purchasing the property of Mr Forbes Spillman (Lots 3 & 23 Chapman Valley Road, Moresby) subject to the landowner's agreeance to such an offer, as this action is in accordance with the Moresby Range Management Plan prepared jointly by the Department of Planning, City of Greater Geraldton and the Shire of Chapman Valley.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council write to the Member for Geraldton, Ian Blayney MLA and the Minister for Planning, Hon. John Day MLA advising of its support for the State Government purchasing the property of Mr Forbes Spillman (Lots 3 & 23 Chapman Valley Road, Moresby) subject to the landowner's agreeance to such an offer, as this action is in accordance with the Moresby Range Management Plan prepared jointly by the Department of Planning, City of Greater Geraldton and the Shire of Chapman Valley.

Voting 7/0

CARRIED

Minute Reference 5/13-4

CR 137080

204-11-06



Chapman Valley Shire Council,
P.O. Box 1,
Nabawa, W.A. 6532.

Dear Councilors,

I am writing to advise the Chapman Valley Shire Council that the property known as "Wynarling" which has been identified in the Moresby Range Management Plan as the central hub of the Moresby Ranges and the most desirable portion to be put into public ownership is to be placed on the market. A valuation in 2010 placed the market value at \$4,720,000

Over the years both myself and the Chapman Valley Shire have worked hard in the process of trying to preserve the Ranges. Indications by Government prior to the elections lead us to believe that the Government is supportive of the Moresby Range Regional Park. In previous conversations with Council I believe the council is in no position to take on the lead role in this project due to the fact of not having the resources to achieve the best outcome.

However the intent of placing the property in public ownership is still paramount and it is for this reason that I urge the council to forward its support to the relative Government Ministers, Departments and Agencies by way of correspondence so that the opportunity of acquiring this property for the betterment of the people and generations to come is not lost. The property will be sold in 2013. I trust that the Council sees the merit of this request.

Yours Truly,
Forbes Spillman



Moresby - Reforesting the Range

Join our project to reforest 140 hectares of the Moresby Range. Carbon Neutral and Forbes Spillman, the landowner, want to plant a wide selection of biodiverse native trees and shrubs this year to rehabilitate the area, lock in carbon and provide habitat for animals, plants and birds.



With much of Western Australia's natural landscapes lost to deforestation, this is a unique opportunity to revive Geraldton's local environment.

As well as helping to rehabilitate the Range, this planting will also sequester carbon through the growth of large trees and shrubs.

Carbon Neutral already has a biodiversity grant, but extra funds for planting costs and maintenance need to be raised. This project will only be possible with your support.

carbonneutral 

How you can help...

Spread the word:

Pass on this flyer to friends and tell everyone you know about the Moresby reforestation project and the vision to create the Moresby Ranges Regional Park.

Keep up-to-date:

Sign up to receive the latest project news and tips about how to help.

Volunteer with us:

Take part in future opportunities to volunteer for planting days.

Get your business involved:

Companies that donate towards trees will be able to offset the carbon emissions from their car fleets, electricity and other business emissions — a great way to give something back to the local environment. All business supporters will receive recognition, the option to participate in volunteer days, planting reports and updates, offset certificates, and marketing materials to promote their good environmental work.

For more information email moresby@carbonneutral.com.au

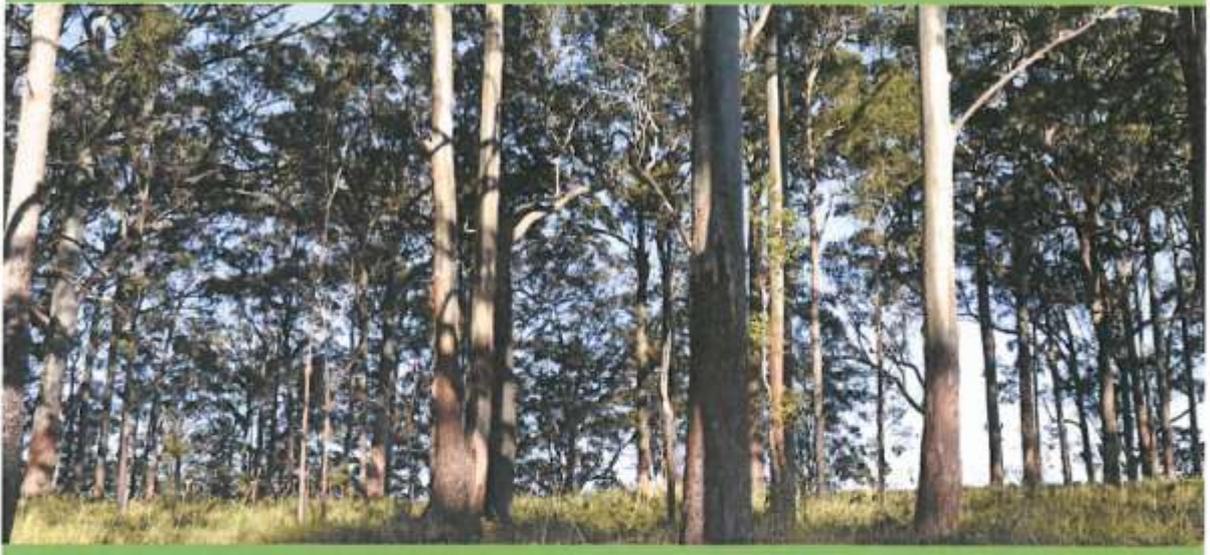


Moresby Ranges Regional Park

About Carbon Neutral

Carbon Neutral is a reforestation developer and carbon solutions provider. We're passionate about our Australian landscape and we're proud to say we've planted over 3 million native trees - and counting! Our plantings are designed to enhance biodiversity and offset carbon emissions.





Working with you to
**benefit the
environment
and your
business.**



www.carbonneutral.com.au

Carbon Neutral is a carbon solutions provider and reforestation offset developer.

We offer a range of carbon reduction services that assist organisations to achieve more sustainable business practices. We also specialise in biodiverse native tree planting.

Our services include:

- Carbon and sustainability consulting
- Energy reduction strategies
- Carbon footprint calculators
- Carbon neutral certification
- Carbon offsets
- Travel, event and vehicle fleet inventory assessments
- Plant-a-Tree Programmes
- Biodiverse reforestation projects

Headquartered in Perth, Carbon Neutral has a network of clients and operations across Australia.

Carbon Neutral has an extensive knowledge of the carbon markets. With over ten years experience, we work closely with our clients to ensure our work fits seamlessly with your carbon, environmental, and corporate social responsibility strategies.

More: 

Carbon Management

As one of Australia's leading carbon solutions providers, Carbon Neutral helps clients minimise their impact on our environment by working with them to measure, reduce and offset their greenhouse gas emissions. By putting in place a robust carbon strategy your business will be able to reduce emissions, make costs savings, address supply chain requirements, strengthen client relations and increase brand value.

Biodiverse Reforestation

Australia is one of the world's biodiversity hotspots. Through supporting Carbon Neutral's tree plantings you can help protect this incredible natural wealth. We plant trees and shrubs that are native to the area, with a diverse species mix to revive the landscape and recreate natural habitats.

Plant-a-Tree Programmes

Our Plant-a-Tree Programmes allow you to establish trees for every customer, product or service to demonstrate your commitment to the environment. We'll work with you to structure a programme that's right for your business and get your staff involved via corporate planting days.

Energy Efficiency and Reduction

Tangible, cost-effective solutions that include technological and behavioral change are developed after an assessment and audit. Determine the way energy is used in your organisation and practical ways to increase efficiency.

Travel, Event and Offset strategies

Carbon Neutral is a specialist provider of travel, vehicle fleet and event carbon inventory measurements. Our footprint calculators are updated regularly to accurately measure and record emission sources.

Carbon Neutrality

It is a great achievement to claim that your company has a zero footprint. Carbon Neutral can assist your organisation to make a service or product 'carbon neutral' and to pursue the Government's National Carbon Offset Standard (NCOS) certification.

Carbon Offset Projects

Carbon offsets allow you to support projects that help reduce greenhouse gas emissions. Every offset project we provide makes a real difference and has a unique story. Carbon Neutral clients have helped revegetate Australia with native trees, supported wind farms in developing countries, converted biomass waste to energy and more. With an in-depth knowledge of the compliance and voluntary markets, we can customise a cost-competitive offset portfolio that is relevant to your business and matches your carbon reduction goals.

Why Carbon Neutral?

- Over ten years experience
- Recognised logo and trusted environmental partner
- Consultancy of choice for over 1000 organisations
- Superior marketing assistance to positively engage your staff, stakeholders and customers



www.carbonneutral.com.au

1300 851 211

contact@carbonneutral.com.au

9/7 Hector Street West, Osborne Park, Perth, WA, 6017

AGENDA ITEM:	9.1.4
SUBJECT:	PROPOSED ASSEMBLY BUILDING
PROPONENT:	NAAGUJA WARANKARRI ABORIGINAL CORPORATION
SITE:	LOT 2075 OLD NABAWA-NORTHAMPTON ROAD, NABAWA
FILE REFERENCE:	A1528
PREVIOUS REFERENCE:	05/12-3
DATE:	3 MAY 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council considered an application for the reclassification of a portion of an existing structure from a Class 1a habitable building (dwelling) to a Class 9b (assembly) building upon Lot 2075 Old Nabawa-Northampton Road, Nabawa at its 16 May 2012 meeting. The application sought to undertake the following activities within the main area of the building:

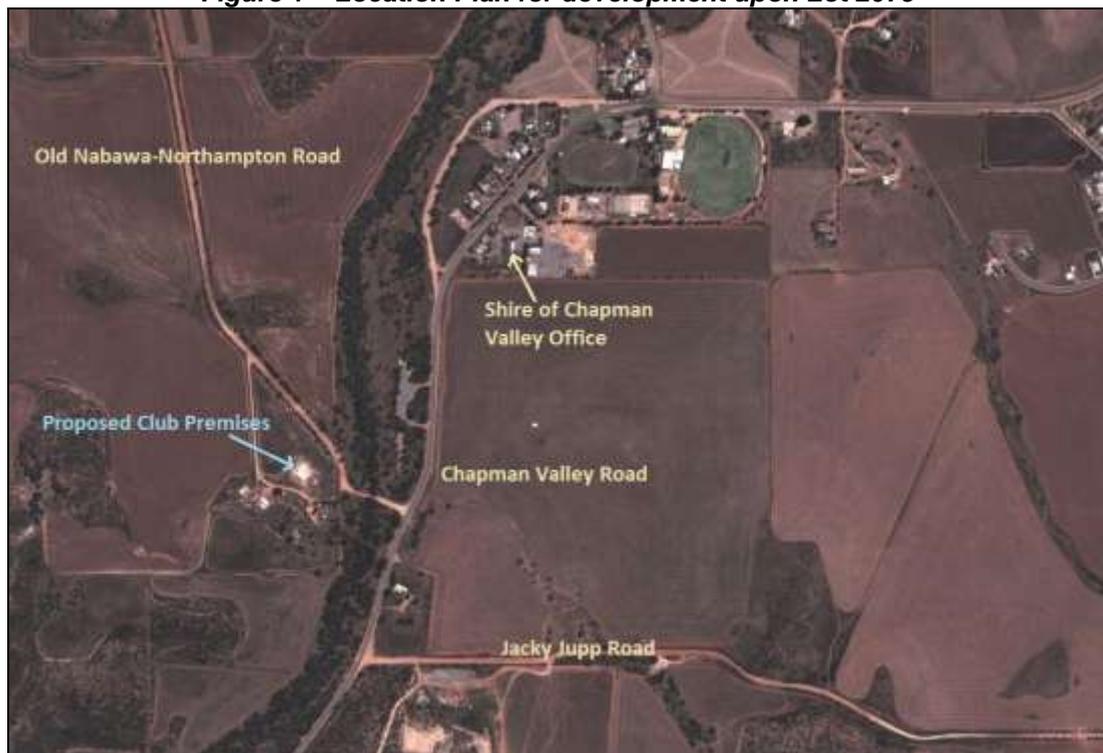
- cultural awareness workshops with approximately 10 to 15 people at any one sitting;
- corporate meetings; and
- working group meetings for Naaguja native title.

The application has been returned to Council as at the 16 May 2012 meeting the application was approved subject to an approval period of one (1) year after which time the application would be returned to Council for its further consideration on whether to grant any extension to the approval period.

COMMENT

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

Figure 1 – Location Plan for development upon Lot 2075



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

Figure 2 – Aerial Photograph of existing buildings upon Lot 2075



The applicant sought to use the 135.79m² main area of the building to hold meetings, with the existing kitchen area and two toilets (one being constructed to a disabled access standard) supporting the use.

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

Figure 3 – Building used for meeting purposes as viewed from the road



On presentation of this application to Council at its 16 May 2012 meeting the application was approved subject to the following resolution:

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

Conditions

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

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

Notes:

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

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

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



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



Prior to Council's 16 May 2012 resolution the application was advertised for public comment from 2 April 2012 until 30 April 2012 with the following actions being undertaken inviting comment:

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

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

During the 12 month period of approval of the application the Shire has not received any written or verbal complaints regarding the operation or use of the property. Should Council be satisfied with the operation of the development and given the absence of complaints, it may be considered appropriate to approve the application as a 'permanent' approval under Section 5.3.2 of the Scheme rather than a further time-limited period. However, in the event that Council wishes to give further consideration to this matter it may resolve to write directly to the surrounding landowners inviting comment prior to reaching its determination.

STATUTORY ENVIRONMENT

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

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

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

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

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

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

It should be noted that the terminology 'Club Premises' is provided by the Scheme and was not the requested terminology of the applicant. It is recognised that the terminology of the Scheme can give the connotation that this application is for a liquor licence. The application as received, and advertised, and before Council for its deliberation, does not include a liquor licence component. Should the application seek to acquire a liquor licence for the land use this will require the lodgement of a separate application to both the Shire of Chapman Valley and the Department of Racing, Gaming & Liquor.

Section 5.3.4 of the Scheme states:

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

Section 5.3.2 of the Scheme states:

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

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

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

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

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

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

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

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

VOTING REQUIREMENTS

Simple majority

STAFF RECOMMENDATION

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

Conditions

- 9.. Development shall be in accordance with the attached approved plan(s) dated 16 May 2012 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.

- 3 The 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 approval is NOT for a liquor licence and should the applicant/landowner seek to undertake any activities requiring a liquor licence then this will require the lodgement of a separate application to both the Local Government and the Department of Racing, Gaming & Liquor.
- 5 This planning approval does NOT extend to signage for the development, for which a separate application will be required, and consultation with Main Roads WA is recommended prior to any sign application being lodged given that the Chapman Valley Road is under the control of Main Roads WA and directional signage must be to their requirements.
- 6 The design, construction, drainage and maintenance of the internal roads, vehicle manoeuvring and car parking areas associated with the development shall be to the approval of the Local Government, with all costs met by the applicant.
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- 11 The development must be connected to an on-site effluent disposal system(s) located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.
- 12 The submission of all necessary information by the applicant as required by the Local Government to enable the issue of a building approval and final classification of the building as Class 9b.
- 13 The structure must not be used for any meeting purposes until such time as the Local Government has undertaken a final inspection of the structure and confirmed in writing that the structure meets the requirements of a Class 9b classification.
- 14 The applicant is to provide at a minimum a 92,000 litre rain water storage facility for the development or alternatively provide satisfactory evidence that an adequate on-site potable water source exists.
- 15 Landscaping is required to be installed and maintained along the frontage of Lot 2075 for the purpose of softening the visual impact of the structure upon the landscape, and as viewed from Old Nabawa-Northampton Road.

Notes:

- 9.. The applicant is advised that the *Environmental Protection (Noise) Regulations 1997* establish the maximum noise levels that are acceptable as received at a neighbouring residence, and the acceptable level varies according to time of day and the day in the week. The applicant must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* irrespective of any approvals or conditions applied by the Local Government.

- ii. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, *Building Act 2011*, *Building Regulations 2012*, *Health Act 1911* and *Health (Public Buildings) Regulations 1992*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- iii. If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

COUNCIL RESOLUTION

MOVED: CR BATTEN SECONDED: CR BELL

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

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- 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 approval is NOT for a liquor licence and should the applicant/landowner seek to undertake any activities requiring a liquor licence then this will require the lodgement of a separate application to both the Local Government and the Department of Racing, Gaming & Liquor.**
- 5 This planning approval does NOT extend to signage for the development, for which a separate application will be required, and consultation with Main Roads WA is recommended prior to any sign application being lodged given that the Chapman Valley Road is under the control of Main Roads WA and directional signage must be to their requirements.**
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- 9 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.**

- 10 All lighting devices must be positioned in such a way as to not cause glare to neighbouring residences and the road to the approval of the Local Government.
- 11 The development must be connected to an on-site effluent disposal system(s) located, designed, installed and operated to the requirements of the Department of Health and the approval of the Local Government.
- 12 The submission of all necessary information by the applicant as required by the Local Government to enable the issue of a building approval and final classification of the building as Class 9b.
- 13 The structure must not be used for any meeting purposes until such time as the Local Government has undertaken a final inspection of the structure and confirmed in writing that the structure meets the requirements of a Class 9b classification.
- 14 The applicant is to provide at a minimum a 92,000 litre rain water storage facility for the development or alternatively provide satisfactory evidence that an adequate on-site potable water source exists.
- 15 Landscaping is required to be installed and maintained along the frontage of Lot 2075 for the purpose of softening the visual impact of the structure upon the landscape, and as viewed from Old Nabawa-Northampton Road.

Notes:

- 9.. The applicant is advised that the *Environmental Protection (Noise) Regulations 1997* establish the maximum noise levels that are acceptable as received at a neighbouring residence, and the acceptable level varies according to time of day and the day in the week. The applicant must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* irrespective of any approvals or conditions applied by the Local Government.
- ii. The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, *Building Act 2011*, *Building Regulations 2012*, *Health Act 1911* and *Health (Public Buildings) Regulations 1992*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- iii. 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 5/2
CARRIED
Minute Reference 5/13-5

A1528

Joldamoo Farm
13 Old Northampton-Nabawa Road
NABAWA WA 6532



Naaguja Warangkarni Aboriginal Corporation
ABN: 63 490 084 731
169 Chapman Valley Road, WAGGRAKINE WA 6530
Ph: 08 99382948 Email: radcliffe2@bigpond.com

29 February 2012

Shire of Chapman Valley
Chapman Valley Road
NABAWA WA 6532

RE: Joldamoo Farm Cultural Residence – Reclassification

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

This building can then be used for such activities as:

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

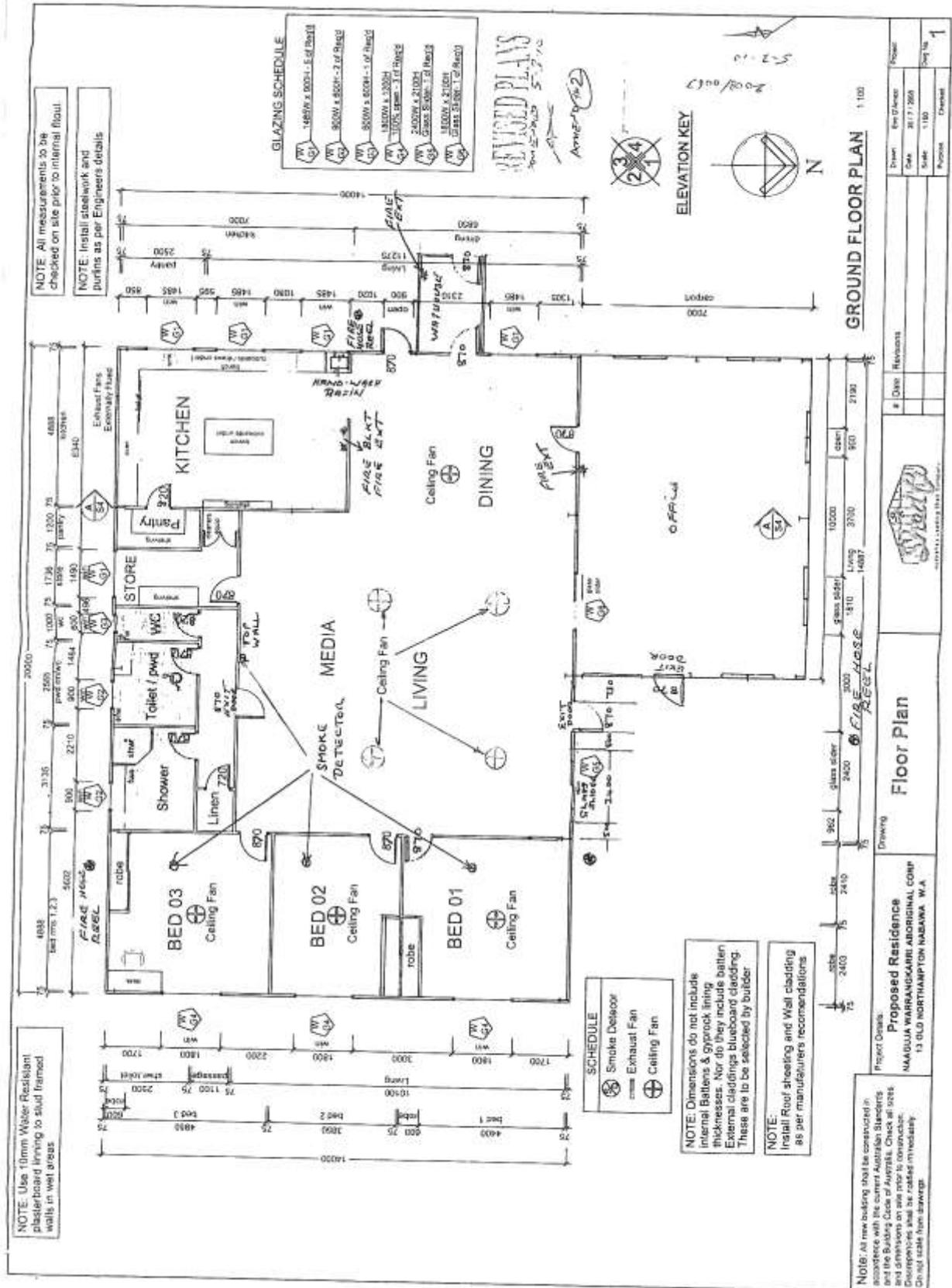
The Building has the following:

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

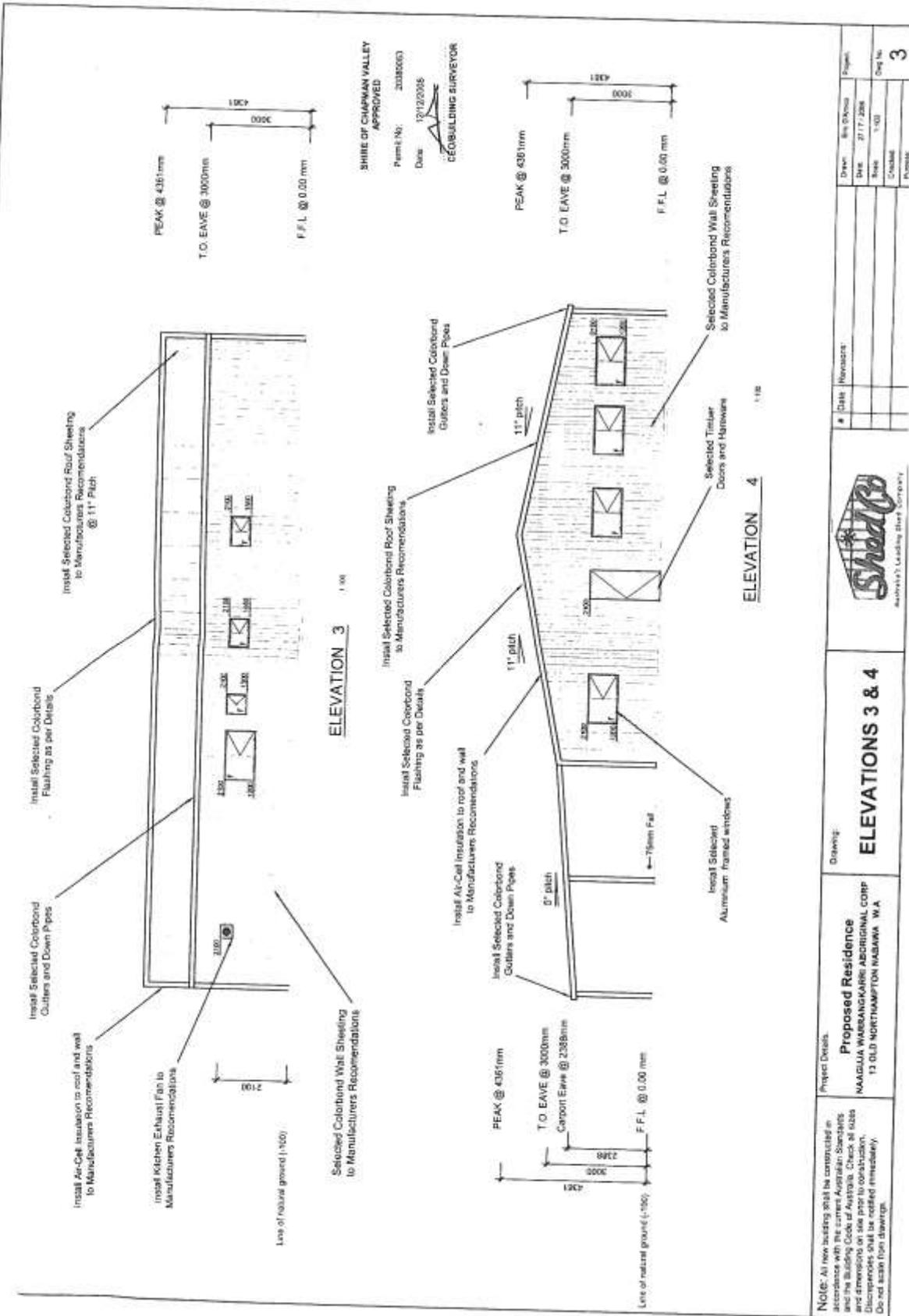
Yours sincerely

Clayton Radcliffe
NWAC Board of Director

Kathy Councillor
NWAC Board of Director



Project Name		Proposed Residence
Project Date		20/11/2008
Project Scale		1:100
Project Sheet No.		1
Project Location		13 OLD NORTHAMPTON ROAD, W.A.
Project Architect		MAJULIA WARRACKARRI ARCHITECTURAL COMP
Project Engineer		
Project Designer		
Project Checker		
Project Approver		



Note: All new building shall be constructed in accordance with the current Australian Standards and the Building Code of Australia. Check all sizes and dimensions on site prior to construction. Discrepancies shall be notified immediately. Do not scale from drawings.	Project Details Proposed Residence NAAGLUA WAABANGARRI ABORIGINAL CORP 13 OLD NORTHAMPTON INABAWA WA		Drawing: ELEVATIONS 3 & 4	 Australia's Leading Sheet Metal Company	# Date Remarks _____ _____ _____	Drawn: Ben O'Keefe Date: 27/11/2018 Scale: 1:100 Checked: _____ Project: _____
	3					

AGENDA ITEM:	9.1.5
SUBJECT:	PROPOSED SUBDIVISION, WAGGRAKINE
PROPONENT:	LANDWEST FOR J & S WEBB
SITE:	LOT 167 COOPER STREET, WAGGRAKINE
FILE REFERENCE:	A17
PREVIOUS REFERENCE:	11/10-16 & 5/11-4
DATE:	6 MAY 2013
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to subdivide Lot 167 Cooper Street, Waggrakine. This report recommends conditional support for the subdivision application.

COMMENT

Lot 167 is 8.6122ha in area, with its southern boundary fronting Cooper Street, and its eastern and northern boundaries fronting Dolbys Drive. Lot 167 is a cleared property that contains two residences, one located close to the western boundary that has vehicle access off Cooper Street, and a more recent residence also accessing Cooper Street. The property slopes across its 280m width from the 55m contour at the eastern boundary to the 45m contour at the western boundary.

Figure 1 – Location Plan for Lot 167 Cooper Street, Waggrakine



Council resolved at its 18 May 2011 meeting to support the rezoning of Lot 167 from the 'General Farming' zone to the 'Rural Residential' zone and Scheme Amendment No.50 was subsequently approved by the Minister of Planning on 22 November 2011.

Council also resolved at its 18 May 2011 meeting to adopt the Subdivision Guide Plan as contained within the Scheme Amendment No.50 documentation. The Subdivision Guide Plan (included as **Attachment 1**) proposed that Lot 167 be subdivided into 5 lots ranging in area from 1.5441ha to 2.0667ha. The WAPC advised on 14 June 2012 that it would endorse the Subdivision Guide Plan upon removal of the proposed battleaxe access leg.

The applicant has submitted an application proposing that Lot 167 be subdivided into 6 lots ranging in area between 1.324ha to 1.919ha, all with existing road frontage. The submitted

subdivision plan (WAPC No.147844) varies from the Subdivision Guide Plan previously adopted by Council, however, it is considered that the revised plan is an improvement on the previous plan, doing away with the battleaxe access leg with all proposed lots over 1ha in area and possessing a broad road frontage. The submitted subdivision plan and covering letter have been included as **Attachment 2** for Council's further information.

Figure 2 – Aerial photograph of Lot 167 Cooper Street, Waggrakine



Figure 3 – View of Lot 167 looking west from Dolbys Drive



STATUTORY ENVIRONMENT

Lot 167 Cooper Street, Waggrakine is zoned 'Rural Residential' under Shire of Chapman Valley Town Planning Scheme No.1 ('the Scheme') and the proposed subdivision would accord with this zoning and the Scheme text. The land immediately to the east, north and north-west of Lot 167 is zoned 'Special Rural' under the Scheme and the land 100m further east is zoned 'Rural Residential' under the Scheme. The land to the south of Lot 167, on the opposite side of Cooper Street, is zoned 'Rural Residential' under the neighbouring City of Geraldton-Greenough Local Planning Scheme No.5.

The Policy Statement under the Scheme for the 'Rural Residential' zone is as follows:

"It is the intention of the Council to provide a variety of opportunities for rural/residential lifestyles. It is also the intention of Council to ensure that the activities undertaken within the areas so zoned, maintain a rural character and the areas as a whole do not have a detrimental effect on nearby farming and other land uses. The standards and requirements of this table are general in nature and may be modified by Clause 3.1.20 and Appendix 10."

Lot 167 also falls within the 'Place of Heritage Value Zone 3 – Moresby Flat Topped Ranges and associated valleys' zone, the Policy Statement under the Scheme for which reads:

"The places described in Appendix 5 and situated on the land shown as Places of Heritage Value on the Scheme Map are considered by the Council to be of historic, architectural, scientific and scenic or other value that should be retained in their present state or restored to their original state or to a state acceptable to Council."

The intensive research undertaken for the Moresby Range Management Plan (2010) and provided in Figure 4.3 of the Management Plan did not identify the rezoning area as being amongst the more visible aspects of the Moresby Range as viewed from the highway and selected high points in the city.

POLICY IMPLICATIONS

Lot 167 Cooper Street, Waggrakine is located within Precinct No.7 – South West of the Shire of Chapman Valley Local Planning Strategy (2008). Figures 4 and 11 of the Local Planning Strategy identify Lot 167 as being suitable for 'Proposed Rural Residential (1-4ha)', the rezoning application accords with this strategic direction.

The subdivision application accords with the following objectives of the Local Planning Strategy:

- "7.1.2 Encourage the rezoning and subdivision of land into Rural Smallholdings and Rural Residential lots in accordance with Figure 4 as a rounding off the greater northern Geraldton area."*
- "7.2.3 Ensure that Urban and Rural Residential development are adequately serviced by existing services and infrastructure that includes connection to a potable scheme water supply."*
- "7.4.3 Identify, support and facilitate the efficient and coordinated use of existing road linkages."*

The subdivision of the property has the potential to meet the following objective of the Local Planning Strategy:

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

Given that Lot 167 is surrounded by lots capable of being subdivided to 1ha it is considered that the proposed subdivision will not be detrimental to the existing visual landscape, indeed the subdivision of the land is likely to facilitate subsequent residents revegetating their lots to provide shade, privacy and wind breaks.

It is recommended that the subdivision be required to meet the following objectives of the Local Planning Strategy through the application of conditions of approval:

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

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

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

The following relevant strategy applies for Precinct No.7 South West within the Local Planning Strategy:

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

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

In assessing this application it is generally accepted that this proposal meets the required objectives and subdivision criteria specified in Planning Precinct No.7 of the Shire’s Local Planning Strategy, as follows:

- The subject property falls within the designated area for Rural Residential;
- The proposed lots are consistent with the minimum lot size of 1ha as commonly required for the Rural Residential designation;
- The proposed development has access to required infrastructure including reticulated water and power and frontage to the existing road network on three frontages (Cooper Street being constructed to a bitumen standard and Dolbys Drive requiring subdivider contribution to its upgrade from gravel to bitumen standard); and
- The property is considered to have no significant topographical or environmental constraints that would prohibit or severely constrain subdivision as proposed.

FINANCIAL IMPLICATIONS

The Shire will receive additional rate revenue as a result of the subdivision creating an additional 5 lots, however, it will also receive a demand for additional services.

Dolbys Drive is currently formed to a gravel standard and it is appropriate that the subdivider be responsible for upgrading the road to a sealed standard given that the release of additional lots fronting the road will lead to additional traffic generated upon it.

The subdivider of Lot 170 Dolbys Drive was required to make contribution of \$10,000 towards the sealing of the road at the time of their subdivision, and this money is held in Shire reserve pending the contribution of the subdivider on the opposite side of the road (this being Lot 167). Given that the subdivision of Lot 170 created an additional 4 lots that will access Dolbys Drive, it is considered appropriate that the subdivision of Lot 167 (that will create an additional 5 lots that will access Dolbys Drive) should require contribution to be made by the subdivider of \$12,500. The Shire will hold this money in reserve with the previously lodged amount and expend it upon the specific purpose of sealing Dolbys Drive at the appropriate juncture. Dolbys Drive was included in the annual Road Inspection that was held on 26 March 2013 to enable Councillors to view the subject area.

STRATEGIC IMPLICATIONS

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

“Rural-residential areas, immediately to the east of the residential development areas in a band two to three 70ilometers wide, include...the Cooper Street Precinct and White Peak in the Shire of Chapman Valley. The larger lot sizes

provide the opportunity for rural and recreational uses, such as horse riding and hobby farming, not accommodated in conventional residential subdivisions. The rural-residential areas relate to natural features, including the rivers and the Moresby Range.

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

The 2011 update to the Greater Geraldton Structure Plan identifies Lot 167 and the surrounding area as ‘Rural Living’.

The draft Northern Geraldton District Structure Plan (2005) identifies the subject land as being ‘Future Rural Residential’ noting that:

“R17 No subdivision is to be approved until Local Structure Plans have been approved by the Council and the WAPC. The Local Structure Plans are to be supported by a visual impact assessment in terms of the Moresby Range.”

The Scheme Amendment No.50 documentation contained a Subdivision Guide Plan that was advertised concurrently with the rezoning for public and agency comment, the proposed modification to the Subdivision Guide Plan is considered relatively minor and attends to the removal of the battleaxe access leg as required by the WAPC.

VOTING REQUIREMENTS

Simple majority.

STAFF RECOMMENDATION

That Council advise the Western Australian Planning Commission that it approves Plan No.13119-01 (WAPC date stamped 24/4/13) as the Subdivision Guide Plan for Lot 167 Cooper Street, Waggrakine, as required by Appendix 10 – Rural Residential Area 1 (1) of Shire of Chapman Valley Town Planning Scheme No.1, and supports the proposed subdivision subject to the following conditions and advice notes:

- 9.. Arrangements being made at the applicant/landowner’s cost for the upgrading of Dolbys Drive to the requirements of the Local Government.
- 2 Arrangements being made at the applicant/landowner’s cost for the upgrading of the intersection of Cooper Street and Dolbys Drive to the requirements and approval of the Local Government.
- 3 The land is to be provided with an adequate outlet drainage system at the applicant/landowner’s cost to the requirements of the Local Government.
- 4 The road reserve network being widened in accordance with the approved plan of subdivision by the applicant/landowner transferring the land required to the Crown free of cost for the purpose of widening as follows:
 - (a) the north-eastern corner of Lot 167 is to be truncated on the ‘inside’ bend of the 90 degree corner of Dolbys Drive to the requirements of the Local Government;
 - (b) the Dolbys Drive cul-de-sac head is to be truncated southwards to the requirements of the Local Government; &
 - © the intersection of Cooper Street and Dolbys Drive is to be truncated to the requirements of the Local Government.
- 5 The land being filled and/or drained at the applicant/landowner’s cost to the requirements of the Local Government.
- 6 The land being graded and stabilised at the applicant/landowner’s cost to the requirements of the Local Government.

- 7 Uniform fencing along the boundaries of all proposed lots is to be constructed at the applicant/landowner's cost to the requirements of the Local Government.
- 8 Suitable arrangements being made with the Water Corporation so that provision of a reticulated scheme water supply service will be available to all lots shown on the approved plan of subdivision.
- 9 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.
- 10 A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:

“Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot.”
- 11 Fire hydrants to be installed and identified at the applicant/landowner's cost to the requirements of the Local Government and the Department of Fire and Emergency Services.
- 12 Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of an underground electricity supply service to all lots shown on the approved plan of subdivision.
- 13 Arrangements being made for the removal, relocation and/or replacement of overhead electricity supply infrastructure, including plant and/or equipment located on the lots shown on the approved plan to the requirements of Western Power and to the approval of the Western Australian Planning Commission.
- 14 The applicant/landowner making suitable arrangements to ensure prospective purchasers of the lots are advised of those provisions of the Town Planning Scheme (Rural Residential – Area 1) which relate to the use and management of the land to the approval of the Local Government.

Advice Notes:

- 9.. In regards to condition 7, the proposed fencing shall be installed at the subdivider's cost to a minimum standard of pine post and 7 line ring lock fencing along road frontages, and 7 line ring lock with pine post strainers on each lot corner for the side and rear lot boundaries to the requirements of the Local Government.
- b) In regards to conditions 12 and 13, if an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision satisfactory arrangements will need to be made for the removal and relocation of that cable.
- c) Approval for any on-site effluent disposal system(s) is required to be issued by the relevant authority prior to implementation. Generally, such system(s) are required to maintain a 2 metre vertical separation between the base of the system and the highest known ground water level or impermeable layer of bedrock, and a 100 metre horizontal separation from the nearest water body. Written confirmation of compliance with this condition should be obtained from the Local Government on the advice of the Health Department.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council advise the Western Australian Planning Commission that it approves Plan No.13119-01 (WAPC date stamped 24/4/13) as the Subdivision Guide Plan for Lot 167 Cooper Street, Waggrakine, as required by Appendix 10 – Rural Residential Area 1 (1) of Shire of Chapman Valley Town Planning Scheme No.1, and supports the proposed subdivision subject to the following conditions and advice notes:

- 9.. Arrangements being made at the applicant/landowner's cost for the upgrading of Dolbys Drive to the requirements of the Local Government.
- 2 Arrangements being made at the applicant/landowner's cost for the upgrading of the intersection of Cooper Street and Dolbys Drive to the requirements and approval of the Local Government.
- 3 The land is to be provided with an adequate outlet drainage system at the applicant/landowner's cost to the requirements of the Local Government.
- 4 The road reserve network being widened in accordance with the approved plan of subdivision by the applicant/landowner transferring the land required to the Crown free of cost for the purpose of widening as follows:
 - (a) the north-eastern corner of Lot 167 is to be truncated on the 'inside' bend of the 90 degree corner of Dolbys Drive to the requirements of the Local Government;
 - (b) the Dolbys Drive cul-de-sac head is to be truncated southwards to the requirements of the Local Government; &
 - © the intersection of Cooper Street and Dolbys Drive is to be truncated to the requirements of the Local Government.
- 5 The land being filled and/or drained at the applicant/landowner's cost to the requirements of the Local Government.
- 6 The land being graded and stabilised at the applicant/landowner's cost to the requirements of the Local Government.
- 7 Uniform fencing along the boundaries of all proposed lots is to be constructed at the applicant/landowner's cost to the requirements of the Local Government.
- 8 Suitable arrangements being made with the Water Corporation so that provision of a reticulated scheme water supply service will be available to all lots shown on the approved plan of subdivision.
- 9 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation.
- 10 A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows:

“Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot.”
- 11 Fire hydrants to be installed and identified at the applicant/landowner's cost to the requirements of the Local Government and the Department of Fire and Emergency Services.
- 12 Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specifications of Western Power for the provision of an

underground electricity supply service to all lots shown on the approved plan of subdivision.

- 13 Arrangements being made for the removal, relocation and/or replacement of overhead electricity supply infrastructure, including plant and/or equipment located on the lots shown on the approved plan to the requirements of Western Power and to the approval of the Western Australian Planning Commission.
- 14 The applicant/landowner making suitable arrangements to ensure prospective purchasers of the lots are advised of those provisions of the Town Planning Scheme (Rural Residential – Area 1) which relate to the use and management of the land to the approval of the Local Government.

Advice Notes:

- 9.. In regards to condition 7, the proposed fencing shall be installed at the subdivider's cost to a minimum standard of pine post and 7 line ring lock fencing along road frontages, and 7 line ring lock with pine post strainers on each lot corner for the side and rear lot boundaries to the requirements of the Local Government.
- b) In regards to conditions 12 and 13, if an existing aerial electricity cable servicing the land the subject of this approval crosses over a proposed lot boundary as denoted on the approved plan of subdivision satisfactory arrangements will need to be made for the removal and relocation of that cable.
- c) Approval for any on-site effluent disposal system(s) is required to be issued by the relevant authority prior to implementation. Generally, such system(s) are required to maintain a 2 metre vertical separation between the base of the system and the highest known ground water level or impermeable layer of bedrock, and a 100 metre horizontal separation from the nearest water body. Written confirmation of compliance with this condition should be obtained from the Local Government on the advice of the Health Department.

**Voting 7/0
CARRIED
Minute Reference 5/13-6**



Our Ref: 13119

RECEIVED

26 APR 2013

22 April 2013

Regional Manager
Western Australian Planning Commission
PO Box 68
GERALDTON WA 6531

A17
Record No CP137128

Dear Sir

**PROPOSED SUBDIVISION LOT 167 ON PLAN 7556 COOPER STREET, WAGGRAKINE
SHIRE OF CHAPMAN VALLEY**

On behalf of the owners of the above property, application is now made for the subdivision of the property. Please find enclosed –

- form 1A application form;
- eight (8) copies of Landwest Plan 13119-01 dated 16/04/2013;
- certificate of title 1275/403; and
- payment of \$1,743.00, being the prescribed application fee.

The landholding is located on Cooper Street in the locality of Waggrakine. Cooper Street is fully constructed. The lot also derives two frontages to Dolbys Drive, on the eastern and northern boundaries of the lot. Dolbys Drive is constructed but not sealed. The property contains two existing dwellings and associated outbuildings. The lot is cleared of all remnant vegetation, having historically been farming property. The property is serviced with reticulated power, telecommunications and water services from Cooper Street. Some service infrastructure is also located in Dolby Drive. There are two crossovers to Cooper Street, to each existing dwelling.

The proposed subdivision is consistent with the objectives of the Shire of Chapman Valley Local Planning Strategy precinct in which is located – *Precinct No 7 – South West*. Following previous rezoning of the property to the Rural Residential zone, and endorsement of a subdivision guide plan, the proposal will facilitate *"planned expansion of the south west area of the Shire...."*.

The landholding is zoned "Rural Residential - Area 1" in the Shire of Chapman Valley Town Planning Scheme No 1. Scheme provisions require the endorsement of a subdivision guide plan, prior to approval for subdivision. Provisions also delineate minimum lot size and additional land management requirements specific to the zone.

A previous subdivision guide plan was presented to the Council and Western Australian Planning Commission at time of scheme amendment application. However, the guide plan was not endorsed by the WAPC at that time.

66 Chapman Road (Opposite Railway Station) Geraldton WA 6530 | PO Box 1597 Geraldton WA 6531
Telephone: (08) 9965 0550 | Fax: (08) 9965 0559 | Email: info@landwest.net.au
Landwest Holdings Pty Ltd | ABN 43 122 886 748

Land Appraisal | Rezoning/Scheme Amendments | Small & Large Scale Subdivisions | Strata Schemes | Development Applications | Project Management



For the purposes of support for this current subdivision application, approval is similarly sought from the WAPC and the Shire of Chapman Valley for endorsement as a subdivision guide plan.

Approval is sought for the creation of 6 (six) lots in accordance with the provisions of the scheme. Lots will range in size from 1.32 hectares to 1.91 hectares with all lots achieving greater than the minimum frontage requirement to existing roads, being 50 metres.

Road widening is indicated to provide for truncations to the Dolby Drive road reserve to assist with road upgrading design and construction.

Proposed Lots A & B will contain the existing building envelopes and derive frontage to Cooper Street and Dolby Drive respectively. The proposed boundary between Lot A and F/E will follow an existing fence line, as will boundary between Lot A and B/C (partly fenced). Some rationalisation of existing services infrastructure will be required to service these proposed lots and ensure all internal services are located wholly within the proposed lot/s.

Extensions and/or upgrading of existing services will be required to service proposed Lots C through F, together with road upgrading contributions to the Shire of Chapman Valley for the future upgrading of Dolbys Drive. The local authority may also require the construction of crossovers (including drainage) to the individual lots. Fencing of the proposed lots may also be required.

There is an expectation that a Fire Management Plan and/or financial contribution to the local authority will be required to identify and address fire risk for the proposed lots. In addition, as a condition of the subdivision, the Shire of Chapman Valley may require prospective purchasers to be advised of the scheme provisions which relate to the use and management of the land, including (but not limited to) – approved land uses; stocking rates; clearing and re-vegetation requirements; effluent disposal; fencing requirements; landscaping; and fire management.

The proposal is consistent with the strategic direction envisioned for the landholding in various strategic planning documents. This is complemented by a subdivision guide plan and subdivision proposal which acknowledges both scheme provisions and the development in-situ.

Please do not hesitate to contact our office with any further queries.

Yours faithfully

Gail Bermingham

enc

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

Attention: Mr Simon Lancaster

66 Chapman Road (Opposite Railway Station) Geraldton WA 6530 | PO Box 1597 Geraldton WA 6531
Telephone: (08) 9965 0550 | Fax: (08) 9965 0559 | Email: info@landwest.net.au
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Land Appraisal | Rezoning/Scheme Amendments | Small & Large Scale Subdivisions | Strata Schemes | Development Applications | Project Management



AERIAL PHOTOGRAPHY
SOURCE - LANDGATE 2010



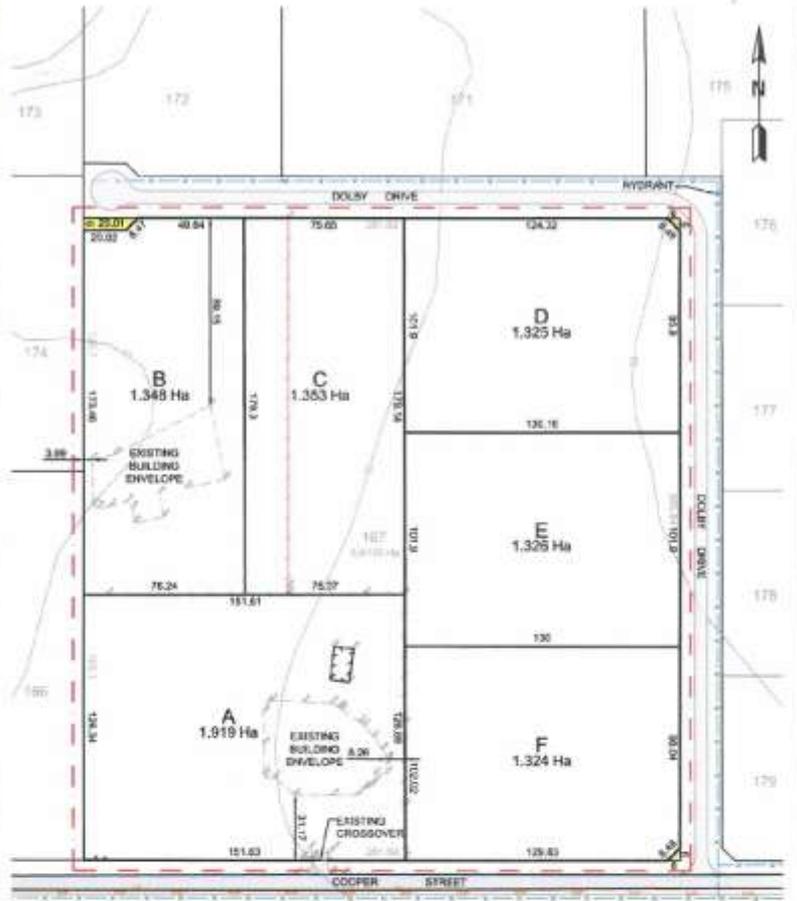
LOCALITY SKETCH
SOURCE - GOOGLE MAPS



ZONING EXTRACT
SHIRE OF CHAPMAN VALLEY TOWN PLANNING
SCHEME No. 1 - Rural Residential 1

SUBDIVISION CALCULATIONS

GROSS SUBDIVISIONAL AREA	8.6133
PROPOSED LOT YIELD	6 LOTS
MINIMUM LOT SIZE	1.324 Ha
SHIRE OF CHAPMAN VALLEY TOWN PLANNING SCHEME No 1 ZONING Rural Residential 1	
RR1 MINIMUM LOT SIZE	1 Ha
FRONTAGE & SETBACK REQUIREMENT	50m



- - - - - SUBJECT LAND BOUNDARY
- - - - - POWER POLE
- - - - - OVER HEAD POWER
- - - - - UNDERGROUND POWER
- - - - - WATER MAIN
- - - - - EXISTING BUILDING ENVELOPE (ALL BUILDINGS IN BUILDING ENVELOPE TO BE RETAINED)
- - - - - EXISTING STRUCTURE (TO BE RETAINED)
- - - - - EXISTING FENCELINE
- - - - - PROPOSED ROAD WIDENING (COMBINED AREA 74m²)

NOTES:

1. Dimensions and areas are subject to lot pre-calculation and survey.
2. The plan is prepared for planning approval from the Western Australian Planning Commission and should not be used for any other purpose. No liability will be accepted where the plan is used for purposes other than that indicated, including marketing of the proposed lots.
3. This plan is prepared using information provided by Landgate. The data extracted from Geospatial Databases is intended for informational purposes only.
4. All service information as provided by relevant agencies via DBYD service.
5. Survey information provided by Quantum Surveys.

<p>66 Chapman Road Geraldton WA 6530 PO BOX 1597 Geraldton WA 6531 Email : info@landwest.net.au Phone : (08) 9965 0550 Fax : (08) 9965 0559</p>	<p>CLIENT: JW & SM WEBB</p>				
	<p>TITLE: PROPOSED SUBDIVISION LOT 167 ON PLAN 7556 COOPER STREET WAGGRAKINE</p>				
<p>CERTIFICATE OF TITLE 1275 / 403</p>	<p>DATE LAST MODIFIED: 16/04/2013</p>	<p>PREP. DATE: 16/04/2013</p>	<p>DESIGNER: GMB</p>	<p>DRAWN: DSH</p>	<p>PLAN 13119 - 01</p>
<p><small>* This plan remains the property of Landwest and must not be used for any purpose other than which it was prepared for, in relation to the land it describes. Landwest accepts no responsibility for any losses or damages caused to any persons who rely on the information for a purpose for which it was not intended.</small></p>					

9.2 Accountant May 2013

Contents

9.2 AGENDA ITEMS

9.2.1 Financial Reports for April 2013

Mrs Raymond, Mr Shane Hill and Ms Jessica Rock entered Chambers at 10.45am

AGENDA ITEM:	9.2.1
SUBJECT:	FINANCIAL REPORTS FOR APRIL 2013
PROPONENT:	ACCOUNTANT
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	7 MAY 2013
AUTHOR:	BOB WADDELL (CONSULTANT) & STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

Attached to this report are the monthly financial statements for April 2013 for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

Policy 5.70 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

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

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

FINANCIAL IMPLICATIONS

As presented in April 2013 financial statement.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

That Council receive the financial report for the months of April 2013 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

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR BATTEN

That Council receive the financial report for the months of April 2013 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 5/13-7**

Mr Hill from One Life WA gave a presentation to Council on supporting the suicide prevention strategy. The Shire of Chapman Valley signed a pledge between One Life and the State Government.

Mr Hill and Ms Rock left Chambers at 10.47am

9.3

Works Supervisor

May 2013

Contents

9.3 AGENDA ITEMS

- 9.3.1 Disposal of Plant – 2002 Holden Rodeo Ute

Cr Forrester left Chambers at 11.03pm

AGENDA ITEM:	9.3.1
SUBJECT:	SHIRE OF CHAPMAN VALLEY - DISPOSAL OF PLANT – 2002 HOLDEN RODEO UTE
PROPONENT:	WORKS SUPERVISOR
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	P396
PREVIOUS REFERENCE:	
AUTHOR:	NAOMI O'BRIEN

DISCLOSURE OF INTEREST

Nil

BACKGROUND

We have received a request from Mr. Ricky Bones of Moresby (an employee) to purchase the ex gardener's 2002 4x2 Holden rodeo LX turbo diesel single cab ute for \$1,500 GST inclusive.

This item is presented to Council seeking advice on which way Council wishes to dispose of the ex gardeners 2002 4x2 Holden rodeo turbo diesel single cab ute by either Private Treaty to Mr. Ricky Bones for \$1,500 GST inclusive, highest bidder at public auction or a public tender process.

Asset #248 – has 2002 4x2 Holden rodeo turbo diesel single cab ute listed with a written down value of zero.

Red book value is \$1,400 - \$3,000 trade-in.

The 2002 4x2 Holden rodeo turbo diesel single cab ute was in the budget for replacement this year. Since the new vehicle has been purchased there is no longer a use for this plant.

Highway Auto Barn of Geraldton is also interested in this vehicle and has given an estimated value of \$2,500 to \$3,000 depending on a test drive.



COMMENT

Section 3.58 of the *Local Government Act 1995* "Disposing of Property" sets out the three methods by which a Local Government may dispose of Council property.

- To the highest bidder at a public auction – 3.58 (2)(a)
- Public Tender process – 3.58 (2)(b)
- Private Treaty – Local public notice – 3.58 (3)

The *Local Government Act 1995* s.3.58 (3) states;

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *It gives local public notice of the proposed disposition —*
- (i) *Describing the property concerned; and*
 - (ii) *Giving details of the proposed disposition; and*

- (iii) *Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3) (a) (ii) include —*
 - (a) *The names of all other parties concerned; and*
 - (b) *The consideration to be received by the local government for the disposition; and*
 - (c) *The market value of the disposition —*
- (i) *As ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) *As declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

It is recommended that Council as laid out under Section 3.58(3) and (4) of the *Local Government Act 1995* approve Asset #248 for disposal by one of the above methods

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Shire of Chapman Valley Plant Replacement Program – This item of plant has been replaced by asset number MV05, P43 a new Ford PX Ranger 4x2 on the Shire of Chapman Valley 10 Year Plant Replacement Program.

FINANCIAL IMPLICATIONS

Future income from the disposal of between \$1,500 to \$3,000.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Vote

STAFF RECOMMENDATION

That Council advertise the sale of Asset # 248, 1 x 2002 4x2 Holden rodeo LX turbo diesel single cab ute by public tender under Section 3.58 (2) (b) of the *Local Government Act 1995*.

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR BATTEN

That Council advertise the sale of Asset # 248, 1 x 2002 4x2 Holden rodeo LX turbo diesel single cab ute by public tender under Section 3.58 (2) (b) of the *Local Government Act 1995*.

**Voting 6/0
CARRIED
Minute Reference 5/13-8**

9.4

Chief Executive Officer

May 2013

Contents

9.4 AGENDA ITEMS

- 9.4.1 Chapman Valley Bushfire Brigades Group Management Advisory Committee Unconfirmed Minutes
- 9.4.2 Chapman Valley Agricultural Society Inc – Gifting Of Building
- 9.4.3 Differential Rates 2013/14
- 9.4.4 Shire of Chapman Valley – Strategic Community Plan
- 9.4.5 Review of Council Policies
- 9.4.6 Environment & Landcare Reconciliations
- 9.4.7 Resignation of Accountant

Cr Forrester re-entered Chambers at 11.08pm

AGENDA ITEM:	9.4.1
SUBJECT:	CHAPMAN VALLEY BUSHFIRE BRIGADES GROUP MANAGEMENT ADVISORY COMMITTEE UNCONFIRMED MINUTES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	601.08
PREVIOUS REFERENCE:	
DATE:	22 APRIL 2013
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Chapman Valley Bushfire Brigades Group Management Advisory Committee met at the Shire of Chapman Valley Council Chambers on Tuesday 9 April 2013.

COMMENT

The minutes and recommendations from the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting date 9 April 2013 are presented for Council consideration as **Attachment 1** and the bushfire notice as **Attachment 2**.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council

- 1 Receives the minutes of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 9 April 2013.
- 2 Adopts the 2013/2014 Firebreak notice as presented.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR HUMPHREY

That Council

- 1 Receives the minutes of the Chapman Valley Bushfire Brigades Group Management Advisory Committee meeting of 9 April 2013.
- 2 Adopts the 2013/2014 Firebreak notice as presented.

**Voting 7/0
CARRIED
Minute Reference 5/13-9**



**UNCONFIRMED MINUTES OF THE ANNUAL GENERAL MEETING OF THE
CHAPMAN VALLEY BUSHFIRE BRIGADES GROUP MANAGEMENT ADVISORY
COMMITTEE HELD AT THE COUNCIL CHAMBERS, NABAWA
TUESDAY 9TH APRIL 2013 AT 7.10PM**

MINUTES

1.0 ATTENDANCE

Cr John Collingwood	President - Shire of Chapman Valley
Stuart Billingham	CEO – Shire of Chapman Valley
Cr Trevor Royce	Howatharra Brigade
Forbes Spillman	Yetna Brigade
Neil Kupsch	Nabawa Brigade
Andrew Vlahov	Chief Bushfire Control Officer (CBFCO)
Marshall Gould	Nabawa Brigade
Craig Mincherton	Naraling Brigade
Paul Southam	Department Fire & Emergency Services (DFES)
Chris Phoebe	Department of Environment & Conservation (DEC)
Earl O'Donnell	Senior Ranger – Shire of Chapman Valley

APOLOGIES

John Piggott	Durawah/Valentine Brigade
Gerard Williamson	Yuna Brigade

2.0 OPENING ADDRESS

Cr Collingwood welcomed those in attendance and declared the meeting open.

3.0 CONFIRMATION OF MINUTES

MOVED: MR ANDREW VLAHOV

SECONDED: MR FORBES SPILLMAN

That the minutes of the Annual General Meeting of the Bushfire Group Management Advisory Committee held on 10 April 2012 be confirmed as a true and accurate record.

CARRIED

4.0 CORRESPONDENCE

Nil

5.0 ELECTION OF OFFICERS FOR COUNCIL APPROVAL – ALL ONE YEAR TERMS

MOVED: CR COLLINGWOOD

SECONDED: MR MARSHALL GOULD

5.1	Chief Fire Control Officer	Current Position Holder	A Vlahov
5.2	Deputy Chief Bushfire Control Officer	Current Position Holder	F Spillman
5.3	Fire Prevention Officer	Current Position Holder	E O'Donnell
5.4	Group Training Officer	Current Position Holder	E O'Donnell
5.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
5.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov
5.7	Fire Weather Officer	Current Position Holder	A Vlahov
	Deputy Fire Weather Officer	Current Position Holder	F Spillman

(Note: All terms of office will commence upon endorsement by Council.)

CARRIED

6.0 FIRE BREAK NOTICE

6.1 Review of current Bush Fire Notice

- Remove Minnie Mincherton and replace with Craig Mincherton for the Naraling Brigade.
- Height of 7.5cms to be increased to 10cms.
- Council to decide on amending notice to address trees, shrubs and plants in established gardens are not required to be removed in the Parkfalls Estate.
- Mr Southam to provide a copy of the City of Greater Geraldton firebreak notice detailing the treatment of black wattles.

6.2 Annual Inspections

- The CBFCO made a brief verbal report on the aerial inspection on areas of concern were identified for follow up by the Senior Ranger
- The Senior Ranger and Chief Executive Officer undertook on the ground inspections after the Chief Bushfire Control Officer undertook aerial inspections.

7.0 REPORTS – ANNUAL REPORT FOR THE PERIOD APRIL 2012 TO APRIL 2013

7.1 Chief Bush Fire Control Officer (CBFCO) - Mr Andrew Vlahov

The CBFCO made a brief verbal presentation on the 2012/2013 bushfire season.

Mr Vlahov thanked the volunteers, the Shire (particularly Mr Earl O' Donnell and Mr Ken Barndon), DFES and DEC for their assistance and cooperation in fighting fires in what was considered a quiet bushfire season.

General discussion was held over several of the more recent fires at White Peak and the Moresby Ranges including several fires started by lightning. Mr Vlahov commented on the Wandana Reserve fire which was well attended by DEC Officers.

Mr Vlahov advised the meeting the new WAERN radios were a great improvement and provided better coverage than the previous bushfire radios.

7.2 Department Fire and Emergency Services (DFES) – Mr Paul Southam

Mr Southam addressed the meeting advising he was representing DFES on behalf of Mr Steve McDonald.

Mr Southam commented that it had been a quiet bushfire season with no major fires in the district and with a good response from volunteers when required.

Mr Southam thanked the volunteers including the CBFCO, Shire and other Government Agencies for their assistance in controlling fires in the district for 2012/2013 fire season.

Mr Southam advised FESA had a name change to DFES and no longer being an Authority but rather a Department. He further commented this has given rise to improved standards of training for volunteers.

Mr Southam made comment on the current proposal to amalgamate the three Acts of Parliament – Bushfires Act 1954, Fire Brigades Act 1942, Fire and Emergency Services Act 1998. State Government is seeking public comment on the proposal. A recent meeting of the DOAC saw a powerpoint presentation to attendees.

Mr Southam advised the meeting of the new State Minister for Emergency Services is Mr Joseph (Joe) Francis.

Templates to Shires to be circulated to Brigades – **Action: Mr Billingham.**

Total fire ban – Mr Southam advised of changes to the process for the implementation of a total fire ban, requiring consultation with all affected Local Government Authorities. Mr McDonald has written to all Local Government CEO's in the district of the preset parameters to streamline the approval process required to implement a total fire ban in the district. (65 Fire Danger Index consider TFB, 35 Grass fire Index consider harvest vehicle movement ban)

7.3 Department of Environment and Conservation (DEC) – Mr Chris Phoebe

Mr Phoebe addressed the meeting thanking the volunteers, the shire and DFES for their assistance in fighting fires in DEC reserves for the 2012/2013 fire season.

He briefly discussed DEC's fire mitigation works at East Yuna and Wandana installing firebreaks.

He advised DEC have water tanks at Wandana and Moresby and a third tank to be installed in the near future.

General discussion was held regarding the outlet fittings on these tanks were not compatible with many farmer and shire appliances.

Mr Phoebe advised the shire was more than welcome to arrange the installation of the correct fittings / adaptors to the spare outlets available on these tanks –
Action: Mr O'Donnell.

Mr Phoebe addressed the meeting regarding the increased requirement for volunteers at DEC fires to have suitable Personal Protective Equipment (PPE). Volunteers not suitably attired in PPE may be asked to leave the fire ground until suitably attired in PPE – eg Long pants, long sleeve shirt and closed in shoe. This is as a result of a recent fatality near Albany of DEC officer, Wendy Barefoot.

Cr Royce raised the matter of incurring costs at a DEC fire.

Mr Phoebe advised the meeting that all costs to be incurred are to be approved in advance by either a DEC officer or DFES officer and a COMCEN incident number to be obtained. Expenditure cannot be approved in retrospect as per DFES guidelines. A quick phone call to DEC or DFES will ensure no confusion for the payment of accounts in the future.

7.4 Fire Prevention Officer / Training Officer Report

Vehicles

All FESA vehicles have been serviced before the fire season.

One new Fast Attack was taken delivery of during the past 12 months and is based at Nabawa.

A new 4.4 is expected in the near future to replace the 2.4.

Radios

The new WAERN Radios have been installed at the base and in the FCO vehicles and are providing a much improved service as far as distance and clarity is concerned. Some officers need further training in their use.

Water Points.

Several additional water supplies for firefighting have been provided.

We have the water supply at the following:

- Jacksons – Durawah Road
- A tank and supply at the Nabawa Showground
- A tank and supply at Trevor Coopers
- Tanks at the tree farms on Coonawah and Wandana
- A tank in the DEC Reserve at the end of Wandana Road

We are getting better supplied with water sources for firefighting.

All FCO's have been trained completing the training required. Nearly all FCO's attended the refresher course also conducted during the last twelve (12) months.

A high percentage of the brigade members have attended at least the basic training provided so at this stage we do not have any training planned for this year but if there is anyone interested please let me know and I will endeavor to arrange a course with FESA or fit them in to another course in Geraldton.

Where static water supply fittings are not compatible volunteers are using a suction hose over the top of the tanks through the top tank cover..

Mr Southam advised he would provide the CEO with the standard for static water supplies, to assist in the standardisation of camlock fittings throughout the Shire.

8.0 CAPITAL REPLACEMENT PROGRAM

Review of Council's current Vehicle & Capital replacement programme.

Mr Billingham addressed the meeting on the 2013/2014 replacement program for the Shire of Chapman Valley. The listed 2.4 rural appliance for the Nabawa Brigade has been requested to be changed to a 4.4 rural tanker for the 2012/2013 financial year after discussion with Mr McDonald and the Shire Chief Executive Officer. The Yuna light tanker is also due for replacement in the 2012/2013 financial year.

Mr Billingham queried Mr Southam on the expected delivery dates for these appliances.

Mr Southam responded that the build program is on track with delivery dates yet to be confirmed.

Mr Southam advised the meeting that any new appliances fitted with the diesel particulate diffuser (DPD) should have regular burns conducted to ensure the appliance does not go into limp mode (30km's / hour). Appliances usually give three warnings to the driver a burn is required before going into limp mode.

9.0 FUTURE CAPITAL EXPENDITURE FROM FESA LEVY

- 9.1 Protective clothing
- 9.2 Equipment
- 9.3 Other

10.0 FUTURE CONTROL BURNING OF RESERVES

Mr Phoebe addressed the meeting on the new extensive processes required by DEC to plan for future burn projects. This is a result of the fallout from the Margaret River bushfire inquiry.

High risk areas identified include the Kalbarri National Park.

Lightning strikes in DEC reserves to be allowed to burn to reduce fuel load.

11.0 GENERAL BUSINESS

11.1 Training and Education – Refresher Courses for Fire Officers

Mr Earl O'Donnell advised the meeting as the Training Officer any training requirements that he can arrange for any of the Brigades.

This includes the new burn over guidelines and procedures produced by Mr Comben from DFES. All new appliances to be fitted with drop down fire curtains and personal fire protection blankets. All existing shire appliances to be retrofitted with fire curtains and personal fire blankets in the near future.

- 11.2 Mr Billingham addressed the meeting over concerns of the number of fires emanating from Western Power drop out fuses, expressing concern that Western Power need to manage this known risk by replacing this old technology with new trip out fuses to manage this risk in the district.

12.0 NOMINATIONS FOR PRESENTATION OF LONG SERVICE MEDALS

Mr Earl O'Donnell – National Service Medal

13.0 MEETING CLOSURE

Cr Collingwood thanked everyone for their attendance and declared the meeting closed at 9.20pm.

BUSH FIRE CONTROL OFFICERS

Chief Bush Fire Control Officer & Fire Weather Officer

Andrew Vlahov, Ph: 9920 5144 Mob: 0427 205 144, UHF: 5

Yetna Brigade, Deputy Chief Bush Fire Control Officer & Deputy Fire Weather Officer

Local Bush Fire Control Officer: Forbes Spallman
Ph/Fax: 9938 1361, Mob: 0428 381 361

(in the absence of the Chief Bush Fire Control Officer/Fire Weather Officer, the Deputy becomes the Acting Chief Bush Fire Control Officer/Fire Weather Officer)

Naraling Brigade:

Local Bush Fire Control Officer: Craig Mincherton
Ph: 9920 3033, Mob: 0417 957 075, UHF: 33

Howatharra Brigade

Local Bush Fire Control Officer: Trevor Royce
Ph: 9925 1026, Mob: 0493 251 080, UHF: 29

Nabawa Brigade

Local Bush Fire Control Officer: Neil Kupsch
Ph: 9920 5050, Mob: 0429 108 289, UHF: 4

Yuna Brigade

Local Bush Fire Control Officer: Gerard Williamson
Ph: 9931 1018, Mob: 0428 648 494, UHF: 3

Durawah/Valentine Brigade

Local Bush Fire Control Officer: John Piggott
Mob: 0407 193 041, UHF: 11

Shire and Emergency Two-way Radio Channel

UHF: 11 Senior Ranger: 0428 948 073



Bush Fire Services
FESA
Ph: 9956 0000

CONTRACTORS

- Parkfalls Mowing, Slashing & Firebreak 0429 416 681
- Braddon Mulching 0408 080 739
- Graham Hancock 0408 230 421
- Midwest Mulching & Mowing 0429 341 306
- Aussie Tree Services 0428 382 800
- Ivey Contracting (Grading only) 0428 840 935

Tree plantations of more than 3 hectares but less than 10 hectares

Construct a 10 m wide mineral earth firebreak with a vertical clearance of 4m high; clear of all inflammable material immediately surrounding the plantation (adjacent areas of the same property subject to provisions as for rural land)

Plantations larger than 10 hectares

Must comply with the Code of Practice for Timber Plantations in the Western Australia Guideline for Plantation Fire Protection Shire of Chapman Valley Local Planning Policy 'Agroforestry'

PENALTIES

- Failure to maintain a firebreak as per firebreak order \$250
- Offence relating to lighting a fire in the open air \$250
- Setting fire to bush during prohibited burning period \$250
- Failure of Occupier to extinguish a bushfire \$250
- Refusal to state name and abode or stating a false name and abode \$100
- Failure to produce permit to burn \$100

Fire Control Officers are not obliged to issue permits. Permits cannot be issued over the phone and should a Fire Control Officer refuse to issue a permit, it's a breach of the Bush Fires Act 1954 to request a permit from another Fire Control Officer.
You MUST have a copy of the permit on you during the burn



First and Final Fire Break Notice 2013/14 Period
Section 33 Bush Fire Act

Prohibited Burning Period
YUNA (Zone 2)
1 October to 31 January
ALL OTHER AREAS (Zone 4)
21 October to 14 February

Restricted Burning Period
YUNA (Zone 2)
14 August to 30 September
1 February to 14 March
ALL OTHER AREAS (Zone 4)
7 September to 20 October
15 February to 29 March
PERMITS ARE REQUIRED

Compulsory Firebreaks
(Zone 4) Nabawa / Yetna / Howatharra Brigades
21 October to 29 March

FIRST AND FINAL NOTICE IS HEREBY SERVED TO ALL RESIDENTS AND RATEPAYERS
Failure to install and maintain firebreaks in accordance with this notice may result in a \$5,000 fine.

Harvesting Operations

- No harvesting operations are permitted on **Christmas Day, Boxing Day and New Years Day**. A separate fire fighting fire appliance is required to be present in any paddock being harvested, churning, raking, stubble straw baling and associated allied activities during restricted and prohibited periods. The fire fighting unit must be in a state of readiness and have a minimum capacity of 400 litres of water, a powered pump and hose. The farm fire fighting unit should be parked on bare ground in or near the harvesting or working area.
- A Harvesting and Movement Ban and Use of Internal Combustion Engines (except for the watering and movement of stock) will be imposed when the actual weather conditions reach a Fire Danger rating of thirty five (35) on the maximum wind speed at the weather stations of two (2) bush fire brigades. All such bans are at the discretion of the Chief Bush Fire Control Officer or a duly appointed person.

HARVEST BAN INFORMATION LINE

08 9478 5677

If a ban has been imposed, all persons registered will be sent a text message advising of details. All bans will still be broadcast on radio.

ABC State wide AM

WAFM 90.9

Radio West 864 AM

Note - Attention of landowners is drawn to the fact that this order allows for provision of firebreaks in situations other than immediately with property boundaries subject to approval. The Chief Bush Fire Control Officer and appointed Fire Control Officers have been authorised to act for Council in this matter.

FAILURE TO INSTALL AND MAINTAIN FIREBREAKS IN ACCORDANCE WITH THIS NOTICE MAY RESULT IN A \$5,000 PENALTY

BUSH FIRES ACT 1954 AS AMENDED

Notice is hereby given to all landowners/occupiers within the Shire of Chapman Valley that fire-breaks must be installed for Zone 2 by 1st October and Zone 4 by 21st October and maintained of flammable material as per requirements in relation to Section 33 of the above

PROPERTIES WILL BE INSPECTED TO ENSURE COMPLIANCE WITH COUNCILS REQUIREMENTS

TOWNSITES

(Including Parkfalls Estate, Dolby Creek Estate, Harbour Lights Estate, Coffee Pot Estate and Waggrakine locality)

On or before 21st October all town lots within the town sites of Chapman Valley are required to be treated as follows. Where the area of the land is 3,000m², the property must be cleared, mowed, slashed to a MAXIMUM height of 10 cm of all flammable material.

Where the area of the land is 3000m² or more, a firebreak must be provided not less than 2 metres in width inside and along the whole of the external boundaries of the properties owned or occupied and all flammable material must be cleared a distance of 3 metres from all buildings and/or haystacks situated on the land and maintained free of such material until the 15th March.

In Parkfalls Estate no ploughed or rotary hoed breaks to be permitted

For the purpose of this notice trees, shrubs and plants do not constitute flammable material. All wattle bush must be removed from block unless application is made to retain wattle prior to 21 October and approved. Exemptions will only be considered if presented in writing by 21 October 2013. If it is considered for any reason to be impracticable to clear firebreaks as required by this notice, or if you consider natural features render firebreaks unnecessary, you may make your case in writing to the Shire. Flammable material does not include distinct clusters of vegetation remote from boundaries and assets that in the opinion of the Fire Control Officer do not constitute an unacceptable fire risk.

FUEL PUMPS (FUEL DEPOTS)

On or before the 21st October all grass and similar material is to be cleared from such places where drum pumps are located and where drums, empty or full, are stored and such areas to be maintained cleared of grass and similar flammable material until 15th March

FARM BUILDINGS AND UNATTENDED ELECTRIC MOTORS AND HAY STACKS

Fire breaks at least 2 metres in width completely surrounding and not more than 20 metres from the perimeter of any building, group of buildings or haystacks. All flammable material must be removed from an area 3 metres in width immediately surrounding the building. All flammable material must be removed from an area 3 metres in width immediately surrounding an unattended electric motor site

UNATTENDED FUEL OPERATED MOTORS

All flammable material must be removed from an area 2 metres in width immediately surrounding an unattended fuel operated motor whether the motor is intended to be used or not.

RURAL LAND

Firebreaks must be provided not less than 2 metres in width inside and along the whole of the external boundaries of the properties owned or occupied; where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries

BARBEQUES AND INCINERATORS

Gas and electric barbecues are permitted any time. Solid fuel barbecues and incinerators are **PROHIBITED** on days of VERY HIGH FIRE DANGER or above.

PENALTY

The penalty for failing to comply with this notice is a fine of up to \$250 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work in this notice, if it is not carried out by the owner or occupier by the date required by this notice



AGENDA ITEM:	9.4.2
SUBJECT:	CHAPMAN VALLEY AGRICULTURAL SOCIETY INC – GIFTING OF BUILDING
PROPONENT:	CHAPMAN VALLEY AGRICULTURAL SOCIETY INC
SITE:	NANSON SHOWGROUNDS
FILE REFERENCE:	803.06
PREVIOUS REFERENCE:	13/4-15
DATE:	2 MAY 2013
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire received correspondence dated 18 March 2013 from the Chapman Valley Agricultural Society Inc. ('Ag Society') requesting that Council accept the gifting of the Ag Society building (Old Geraldton Port building). This was presented at the 17 April 2013 Council meeting.

The Shire also received a letter from the Department of Regional Development and Lands dated 29 November 2012 regarding the ownership of buildings upon Managed Reserves, under a Vesting Order.

COMMENT

At the 17 April 2013 Council meeting it was resolved that the item be laid on the table to allow for further investigation.

Attachment 1 is correspondence received on 29 April 2013 from McLeod's Barristers and Solicitors regarding the ownership of improvements on Crown reserves.

The Shire may wish to enter into a maximum 21 year lease with the Ag Society for the buildings mentioned in the Ag Society letter of 18 March 2013 for a minimal amount per annum including a CPI index each year. Possible figures may include covering the cost of insurance etc.

A Lease agreement would make the Lessee responsible for all minor maintenance and utilities connected with the building.

The Shire currently insures the buildings at the Nanson Showground.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Possible future budget allocation for insurance and maintenance.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

That Council:

- 1 Accept the buildings from the Chapman Valley Agricultural Society Inc; and
- 2 Delegate authority to the CEO to negotiate a lease with the Chapman Valley Agricultural Society Inc. for a term up to 21 years.

COUNCIL RESOLUTION

MOVED: CR DAVIDSON

SECONDED: CR ROYCE

That Council:

- 1 Accept the buildings from the Chapman Valley Agricultural Society Inc; and**
- 2 Delegate authority to the CEO to negotiate a lease with the Chapman Valley Agricultural Society Inc. for a term up to 21 years.**

**Voting 6/1
CARRIED
Minute Reference 5/13-10**



Our Ref
Your Ref

DM:SM:CHAP-33687

204.07.01

29 April 2013

Mr Simon Lancaster
Acting Chief Executive Officer
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532



Stirling Law Chambers
220-222 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

Denis McLeod
Neil Douglas
Fiona Grgich
David Nadebaum
Geoff Owen
Andrew Roberts
Craig Starks
Peter Wilkufin
David Nicholson
Peter Gittell
Elisabeth Stevenson (Special Counsel)
Trudi Firth (Associate)
Tim Beckett (Associate)

By email: ceo@chapmanvalley.wa.gov.au

Dear Simon

Lease Agreements

Thank you for the instructions in your letter of 22 April.

I have referred the instruction in regard to the standard lease agreement template to Leah Christie to deal with under the immediate supervision of my partner Fiona Grgich, but also under my general oversight. I will ensure that your request is complied with as promptly as possible.

Ownership of improvements on Crown reserves

You have posed a question for advice in your 22 April letter, which I might mention incidentally was not received at this office until 29 April.

The question on which you require advice is -

'Who owns buildings constructed upon [managed] reserves?'

I note the comments in the 29 November 2012 letter from State Land Services - Mid West Lands Division. The comments in that letter accord with my experience of the State's approach to this issue. I will however give some further comments so that you and your Councillors can put the matter into an appropriate context.

- 1 As a matter of strict law, in the absence of agreement, or of course any statutory provision, to the contrary, where improvements are made to land, and the improvements are in the nature of fixtures, then they belong to the owner of the land. In the present case, the owner of the absolute title to the land is the Crown. This is an application of the doctrine of fixtures, which is a well established principle of the common law. The owner of land owns anything fixed to the land, in the absence of an

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MIDLAND OFFICE: 35 SPRING PARK ROAD, MIDLAND
ALL CORRESPONDENCE TO CLAREMONT OFFICE

effective agreement to the contrary, and of course in the absence of any statutory provision to the contrary.

- 2 While there is nothing in the *Land Administration Act 1997 (WA)* (LA Act) which specifically states that improvements made to a managed reserve by the management body remains the property of the management body, there is a provision which comes close to that in s.50(3) of the LA Act which provides as follows -

'On the revocation of a management order ... the former management body may claim compensation under Part 10 for any improvement made on the relevant reserve in accordance with the management order ... as if that revocation were a taking under Part 9.'

- 3 The fact that compensation rights are given to the management body is an indirect but nevertheless significant recognition of the fact that the management body retains the property in an improvement made by the management body to the managed reserve.
- 4 You will note the qualification in s.50(3) in the reference to any improvement made on the relevant reserve 'in accordance with the management order'. It would not be common for a management order to specifically provide that the management body is to make or can make building or other improvements to a managed reserve. However if the management order vests the reserve, eg. for the purpose of a town hall, and a town hall is constructed on the land, then in my opinion the town hall would be an improvement made in accordance with the management order. A similar consequence would flow if the management order vested the land for recreation grounds, and if ablutions and a club room were constructed on the land, or if the vesting order vested the reserve for community centre purposes, and a community centre building was constructed on the land.

I hope the above comments and advice will settle the question in the minds of the relevant Shire staff and Councillors.

Quite apart from the issue of ownership of improvements, it would seem to me prudent for the Shire to insure improvements on a reserve under the Shire's care, control and management, or at least to make sure that the lessee or occupier of the improvements maintains valid insurance for an appropriate amount.

I can see no reason why your lease agreements should not provide for the lessee to pay building insurance costs and utility costs. That is common in commercial leases, and even in community leases, there will generally be a sound justification for the lessee or occupier paying those costs, except in those cases where the Council thinks it is appropriate to subsidise the lessee/occupier.

I might mention also that it is not at all uncommon for community leases to provide for the lessee to pay rates imposed in regard to the subject land. Simply the fact that the land is Crown land does not remove the obligation to pay rates. However some community lessees

may be charitable organisations, and may be able to rely on one of the heads of exemption in s.6.26(2) of the *Local Government Act 1995 (WA)*. In any case where you want to ensure that the lessee, even if it is for instance a charitable organisation, will nevertheless bear the burden of rates on a lease managed reserve, then you will need to ensure that the provision in the lease imposes an obligation not just to pay rates imposed, but to pay an amount equivalent to the rates which would have been imposed had there not been a valid exemption. Appropriate terminology for such a provision can be provided if you require it. Without such a provision, if you simply provide in your lease that the lessee will pay the rates imposed, and if the land is exempt from rates under s.6.26(2) by reason of the nature of the use and the lessee, then in that case no rates are imposed by reason of the exemption, and the provision for payment of the contribution in regard to rates will have no effect. Don't hesitate to contact me if you require any further advice on that point.

Yours sincerely



Denis McLeod

Direct line: 9424 6226
Email: dmcleod@mcleods.com.au

AGENDA ITEM:	9.4.3
SUBJECT:	DIFFERENTIAL RATES 2013/14
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	N/A
FILE REFERENCE:	301.03
PREVIOUS REFERENCE:	
DATE:	8 MAY 2013
AUTHOR:	MRS DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

To streamline rating methods last year Council adopted a simple process of one rating category for Gross Rental Valued properties. This method of rating does not require Ministerial approval as long as the model complies with the Local Government Act 1995. The unimproved valued properties have a differential Oakajee rating category and a general Unimproved Value Rural category. The differential rating category requires Ministerial approval prior to budget adoption as the rate in the dollar is more than twice the general rating category rate in the dollar.

COMMENT

The Local Government Act 1995 s.6.35 (4) allows a minimum rate to be imposed on not more than 50% of the total number of separately rated properties in each category. The 2013/2014 proposed budget is compliant with this section of the Act for both Gross Rental and Unimproved Valued properties. As detailed below it is proposed that the Shire will have three (3) rating categories for 2013/2014 with the percentage of minimums clearly below 50% complying with the Act.

Draft Rate Model 2013/2014						
Rating Category	Basis	Rate in \$ 2012/2013	Minimum 2012/2013	Proposed Rate in \$ 2013/2014	Proposed Minimum 2013/2014	Percentage of Properties on Minimums
GRV	GRV	9.7946	\$ 630.00	10.4802	\$ 650.00	33%
UV Rural	UV	0.7711	\$ 300.00	0.8251	\$ 320.00	5%
UV Oakajee	UV	1.7195	\$ 300.00	1.8399	\$ 320.00	0%

The Draft Rates Model for 2013/2014 has been prepared based on a 7% increase to the rate in the dollar with compliant minimums.

Rate Revenue from Adopted Budget 2012/2013	\$ 1,933,054
Proposed 7% increase	\$ 140,512
Proposed Rate Revenue 2013/2014	\$ 2,073,566

STATUTORY ENVIRONMENT

Local Government Act 1995

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The annual budget identifies how funds will be sourced and allocated in the forthcoming year, and allows for the imposition of rates as an income stream from which services and upcoming projects may be funded. For the 2013/2014 draft Budget it is proposed to raise a total of \$2,073,566 from GRV and UV rateable properties.

STRATEGIC IMPLICATIONS

Annual Budget 2013/2014

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council:

- 1 Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential general rates for the 2013/2014 financial year as listed below.
- 2 Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2013/2014 Draft Annual Budget.

Draft Rate Model 2013/2014						
Rating Category	Basis	Rate in \$ 2012/2013	Minimum 2012/2013	Proposed Rate in \$ 2013/2014	Proposed Minimum 2013/2014	Percentage of Properties on Minimums
GRV	GRV	9.7946	\$ 630.00	10.4802	\$ 650.00	33%
UV Rural	UV	0.7711	\$ 300.00	0.8251	\$ 320.00	5%
UV Oakajee	UV	1.7195	\$ 300.00	1.8399	\$ 320.00	0%

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR BELL

That Council:

- 1 Provides 21 days local public notice, as required by s6.36 (1) of the Local Government Act 1995, of its intention to impose differential general rates for the 2013/2014 financial year as listed below.
- 2 Agrees to staff using the following rates in the dollar and minimum rates as the basis for the preparation of the 2013/2014 Draft Annual Budget.

Draft Rate Model 2013/2014						
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UV Oakajee	UV	1.7195	\$ 300.00	1.8399	\$ 320.00	0%

**Voting 7/0
CARRIED
Minute Reference 5/13-11**

AGENDA ITEM:	9.4.4
SUBJECT:	SHIRE OF CHAPMAN VALLEY – STRATEGIC COMMUNITY PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	313.00
PREVIOUS REFERENCE:	
DATE:	7 MAY 2013
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

In the April 2013 Forum Session Council were provided with a draft copy of the Strategic Community Plan (**Attachment 1**) as prepared by Morrison Low Consultants, who conducted the Community Engagement meetings at Batten Hall, Yuna Hall and Nabawa Hall on 19 and 20 February 2013.

The draft Strategic Community Plan has been advertised for 30 days seeking feedback from the community on the draft document. At the date of preparation of the agenda no public submissions or comments had been received by the Shire of Chapman Valley.

COMMENT

The 10 year Strategic Community Plan is now presented for Council final adoption by an absolute majority.

The Strategic Community Plan and Corporate Business Plan will replace the Shires Plan for the Future as set out by the transitional provisions in the *Local Government (Administration) Regulations 1996*. Regulation 19C (7) states a Council is to consider a Strategic Community Plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications. * Absolute majority required.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 5.56 Planning for the Future

- (1) A local government is to plan for the future of the district
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Strategic Community Plan has a direct impact with Councils Annual Budget document. It should be noted that any plan may be changed and this document is not a guarantee that the particular project will be completed in any given year as circumstances change. It is essential that Council is flexible in its approach and review this document at least on a bi-annual basis in accordance with Section 5.56 of the *Local Government Act 1995*.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

That Council adopts the Strategic Community Plan as presented and to be forwarded to the Department of Local Government.

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR DAVIDSON

That the Staff recommendation not be adopted and that the item lay on the table till the June Council meeting to allow for further document development.

Voting 7/0

CARRIED

Minute Reference 5/13-12



ml
MorrisonLow



The Shire of Chapman Valley Strategic Community Plan

March 2013



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Message from the President

The Shire of Chapman Valley's Strategic Plan for 2011/2012 to 2021/2022 has been developed in conjunction with the Community, Councillors and Staff. Our aim is to provide a vision for the district to assist both current and future Councillors and Staff to achieve the objectives of our Community. We want to build infrastructure for this community to enhance the rural lifestyle of our residents and ratepayers.

This is the Strategic Plan as adopted by Council at its 17 August 2011 meeting following careful consideration and consultation. The document has been created based on previous versions of our "Plan for the Future", the "Forward Capital Works Plan" and in consultation with the Community during a series of public meetings held in April 2011. This is a living document which will be reviewed each year in conjunction with the Annual Budget. As a part of the review process performance monitoring and reporting on Council's ability to meet the objectives of the Community will also occur.

The Strategic Plan focuses on existing assets, when they need to be replaced and what it will cost. Additionally, any proposed new assets have been fully costed to take into account the ongoing cost of such an asset. The majority of assets and infrastructure are only affordable to Council with the assistance of State and/or Federal funding. This can be unpredictable and uncertain which makes it difficult to determine the exact timing of being able to afford new infrastructure. However, it is important to not lose sight of the Community's aims.



The Shire of Chapman Valley
Strategic Community Plan

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Preface

The Shire of Chapman Valley is located within the Mid-West Region of Western Australia. It is approximately 30 minutes north-east of Geraldton and extends from the coast of Coronation Beach, eastward to the Greenough River, north to the Rabbit Proof Fence and south to the East Chapman River. The Shire consists of a main town site: Nabawa, and two smaller townships located at Yuna and Nanson which support vast agricultural areas surrounding the towns.

Our Shire encompasses an area of 3,982 square kilometres and is predominantly a broadacre agricultural area but is also known for the flat-topped Moresby Ranges, pristine coastline and wildflowers that make an appearance from July through to October.

Our economy is reliant on a range of agricultural pursuits including intensive farming, grain production and wool growing, but in parts is increasingly becoming more semi-rural.

The latest Census (2011) reported a Shire population of 1,174 people, up from 912 in 2006. The next 15 years are expected to see another 680 people living in the Shire of Chapman Valley if current trends persist. By 2026 the age profile will see the largest groupings of people living in the Shire, being in three age groups, those aged 5-9, 35-39 and 60-64 years old.

Key areas of interest in our community are:

- Mills Lookout
- Moresby Range
- Fig Tree Crossing Picnic Area
- Chapman Valley Museum
- Coronation Beach





How to use the strategic community plan

The Strategic Community Plan is a long term plan that sets out the Council's vision and strategies to achieve it. This is part of WA's Integrated Planning and Reporting Framework illustrated below:



- The new framework aims to ensure that:
- The community is involved in significant decisions
- The organisation is focused on the right priorities
- Assets are affordable and support the right services
- The Plan can be adapted while maintaining sustainability; and
- Other agencies are engaged on how to achieve better outcomes with and for the community.



Introduction

There were three key phases in developing this Strategic Community Plan.

Community Profiling

Before community engagement could be conducted, extensive research and analysis was conducted to understand where the Chapman Valley community has been and where it is now. A wide range of information was reviewed to inform the community engagement process. That information has been critical to build a base profile which will be used for ongoing monitoring and reporting.

Community Engagement

Most of the community engagement to develop the plan occurred in the Shire in February 2013. The community engagement approach utilised a range of methods including targeted stakeholder discussions including with social and community organisations, businesses and Shire staff, public meetings in key locations throughout the Shire, surveys distributed at the A and P show and an online survey.

Feedback and input was sought on the vision for the Shire, the aspirations of the residents, the issues and challenges being experienced across the Shire, the opportunities and priorities for the next ten years, measurements for success and possible partners to the plan.

The input received covered all aspects of community life including social, economic, environment and leadership.

Over the period of community engagement, more than 10 percent of the community across the Shire provided input into the development of the plan.

Planning

The input received formed the basis of the focus areas for the Strategic Community Plan. The Strategic Community Plan will inform all of the Shire's operational plans, including the Corporate Business Plan. The Corporate Business Plan is a four year plan, which will outline all of the services and projects the Shire will deliver. These services and projects will support the achievement of the goals and strategies in the Strategic Community Plan.



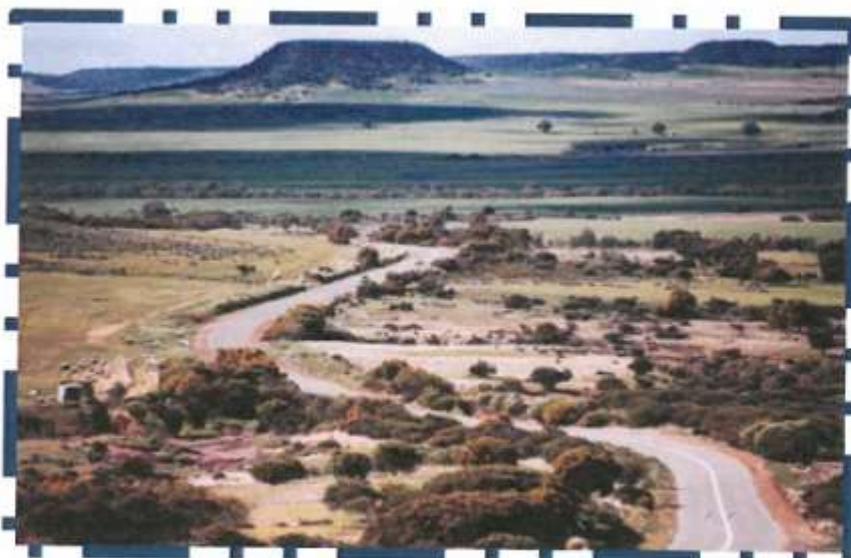
Our vision

The Shire of Chapman Valley comprises a diverse range of people, communities and landscapes. It is imperative that the vision captures the diversity of the area, but is inclusive of all as the Shire moves forward. The community's vision has been developed with a range of input received through the community engagement process. It reflects clear community aspirations for the ten-year period of the Strategic Community Plan.

“We are a thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper.”

The Shire of Chapman Valley's Council vision that was adopted in the 10 Year Future Plan in 2011 is: *“To maintain and enhance sustainable growth and prosperity in accordance with the Chapman Valley traditional rural and natural values.”*

The Shire's vision complements the community's vision developed for the Strategic Community Plan.



The Shire of Chapman Valley
Strategic Community Plan

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Key focus areas—Economic

Focus area one: Economic—Business Development and Attraction

The community said that there had been a decline in population in rural parts of the Shire and they wanted to focus on economic development opportunities to try to address this. The community believed that in the past planning across the Shire had been a little reactionary and that developing facilities to respond to the range of economic opportunities across the Shire would help to build the local economy. There was a strong recognition that the growing population in the semi-urban parts of the Shire presents economic opportunities for communities throughout the whole of Chapman Valley.

Goal One: We want to be able to spend our money locally and encourage others to do the same

Strategy	Outcome	Partners
Investigate options to establish a store in the heart of the shire	We can help grow the local economy	<ul style="list-style-type: none"> Community Chapman Valley business community Shire of Chapman Valley
Develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	<ul style="list-style-type: none"> Chapman Valley business community Shire of Chapman Valley
Develop short-term and overnight accommodation options across the Shire	Visitors stay longer in our community Short-term employees can reside in the Shire	<ul style="list-style-type: none"> Chapman Valley business community Chapman Valley farming community Shire of Chapman Valley

Goal Two: Utilise the land available in the area for a range of new businesses

Strategy	Outcome	Partners
Develop the semi-rural parts of the Shire to attract light industry and retail	Increased customer spending and employment in the Shire	<ul style="list-style-type: none"> Chapman Valley business community Residents associations Local developers Shire of Chapman Valley



Key focus areas—Leadership

Focus area two: Leadership—Engagement and Communication

The community said they wanted more opportunity to provide input into Council decision-making processes. They also wanted an increased understanding of why and how the Council makes key decisions. The community wants to be governed by a Council that reflects the range of resident's aspirations, it wants to grow and consolidate as an area and it wants to strengthen its independence into the future.

Goal Three: We want a representation and governance model that reflects our communities unique attributes

Strategy	Outcome	Partners
The President and councillors are representative of the community and provide strong leadership	Community confidence and trust in council	<ul style="list-style-type: none"> Community Shire of Chapman Valley

Goal Four: Transparent decision-making is important to us

Strategy	Outcome	Partners
Active engagement with the community to inform decision-making	Contribution to how local issues are managed	<ul style="list-style-type: none"> Community Shire of Chapman Valley
Maintain a strong customer focus	Effective communication on key decisions	<ul style="list-style-type: none"> Shire of Chapman Valley Community

Goal Five: We want to strengthen our community's position for the future

Strategy	Outcome	Partners
Maintain a resilient and independent Shire	A sustainable and progressive local government	<ul style="list-style-type: none"> Community Shire of Chapman Valley



Key focus areas—Community

Focus area three: Community—Maintaining and Growing the Population

The community said a range of services in the area were below the standard that they should be and they wanted support to change this. The community saw opportunities to develop facilities across the region to help create community 'hubs' and to try to attract more people to live in the Shire. The community recognised a need to act inclusively to encourage a greater diversity of involvement in the community and to help develop more leadership the community organisations in the Shire.

Goal Six: We need good services to support our development as a Shire

Strategy	Outcome	Partners
Maintain existing services and facilities	Essential services help us to grow and prosper as a community	<ul style="list-style-type: none"> • State government • Industry • Community • Shire of Chapman Valley
Increase mobile phone coverage and improve power, roading and water services	Essential services help us to grow and prosper as a community	<ul style="list-style-type: none"> • State government • Industry • Community • Shire of Chapman Valley
Investigate bus transportation options to provide greater access to the city	Our community can more easily access the range of services they need	<ul style="list-style-type: none"> • Shire of Chapman Valley • Community
Improve early childhood education and schooling options	Young people are retained in our community	<ul style="list-style-type: none"> • State Government • Community organisations • Community • Shire of Chapman Valley
Investigate the establishment of aged care facilities in the area	We can care for our elderly locally	<ul style="list-style-type: none"> • Shire of Chapman Valley • Community • State Government



Key focus areas—Community (cont.)



Goal Seven: We want inclusive communities

Strategy	Outcome	Partners
Develop community facilities to provide gathering places, including community centre, swimming pools	Stronger, inclusive communities across the Shire	<ul style="list-style-type: none"> • Shire of Chapman Valley • Community

Goal Eight: We are committed to supporting growth in our towns

Strategy	Outcome	Partners
Make the right land available to increase housing	More people and families move into the Shire	<ul style="list-style-type: none"> • Shire of Chapman Valley • Local developers





Key focus areas— Environment



Focus area four: Environment – Protection and Sustainability

The community recognised the importance of the agricultural sector as traditionally being the backbone of the Shire, but also understood that this would change over time as more residents moved to the semi-rural parts of the Shire. There was a strong desire to continue to professionalise the farming sector in the Shire and adopt innovative practices to help to sustain the land and broader farming industry. The community aspires to turn around the current declining population in the rural parts of the Shire and use the farming sector to try to attract more people into the area. There was widespread recognition of the value of the range of natural features across Chapman Valley.

Goal Nine: Sustainability and protection of our farm land is important to the future of the area:

Strategy	Outcome	Partners
Provide support to increase innovative farming practices in the area	Our land will be more productive now and into the future	<ul style="list-style-type: none"> Community organisations Farming community
Ensure we adequately protect and manage the land across the Shire, including weed eradication, mining developments and fire management services	Protection of our land to maintain and increase productivity	<ul style="list-style-type: none"> Farming community Shire of Chapman Valley Community organisations Industry

Goal Ten: We want to make the most of our environment, including the ranges and coastline

Strategy	Outcome	Partners
Explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics	We recognise and uphold the value of our natural landscape	<ul style="list-style-type: none"> Shire of Chapman Valley Community organisations



Implementation

The Strategic Community Plan is the overarching planning document for the community. The Shire is committed to implementing its part of the Strategic Community Plan, through the development of a four year Corporate Business Plan. The Corporate Business Plan will be a set of priorities and actions, which directly relate to the goals and strategies in the Strategic Community Plan. A series of informing plans will also be developed which underpin the Corporate Business Plan, all of which will enable the activation of the Strategic Community Plan.





Measuring success

The Shire will conduct a part review of the ten-year Strategic Community Plan every two years and a full review of the plan every four years. The Shire will monitor the plan to track the progress towards achieving the goals and outcomes. Every two years, the Shire will report to the community against the strategies in this plan, providing an update on progress. The reviews will allow the plan to be a living document that continues to reflect the ongoing aspirations and priorities of the residents of the Shire of Chapman Valley. The following Key Performance Indicators provide a broad framework to measure success against the outcomes in the Strategic Community Plan:

Focus Areas	Outcomes	Key Performance Indicators
Economic	<ul style="list-style-type: none"> We can help grow the local economy Showcasing our attractions increases the number of people visiting the area Visitors stay longer in our community Short-term employees can reside in the Shire Increased customer spending and employment in the Shire 	<ul style="list-style-type: none"> New business start ups Number of jobs in the Shire of Chapman Valley per 100 resident workers Increase in building approvals Number of visitors to the Shire
Leadership	<ul style="list-style-type: none"> Community confidence and trust in council Contribution to how local issues are managed Effective communication on key decisions A sustainable and progressive local government 	<ul style="list-style-type: none"> Proportion of people who have trust and confidence in council Proportion of people who felt confident that their say was taken into consideration
Community	<ul style="list-style-type: none"> Essential services help us to grow and prosper as a community Our community can more easily access the range of services they need Young people are retained in our community We can care for our elderly locally Stronger, inclusive communities across the Shire More people and families move into the Shire 	<ul style="list-style-type: none"> Growth in Shire of Chapman Valley population Proportion of houses with access to internet at home Residents satisfaction with Council services Persons undertaking voluntary work for an organisation or group
Environment	<ul style="list-style-type: none"> Our land will be more productive now and into the future Protection of our land to maintain and increase productivity We recognise and uphold the value of our natural landscape 	<ul style="list-style-type: none"> Number of residents employed in the agricultural industry Active management of 100% of Local Government natural areas of conservation value Proportion of people who feel a sense of pride in their natural landscape



Appendix I

Community Engagement in Chapman Valley

Community engagement is critical in developing the Strategic Community Plan. A range of methods were used to obtain community feedback for the integrated planning process for the Shire of Chapman Valley.

Community and Stakeholder Discussions

Face to face meetings were a key vehicle for obtaining community input. 38 people attended a series of community engagement meetings across the Shire between 18 and 20 February 2013 as follows:

- 18 February, Shire of Chapman Valley Council Meeting, Council Chambers
- 19 February, Public Community Meeting, Batten Hall Drummond Cove
- 19 February, Public Community Meeting, Yuna Hall
- 20 February, Public Community Meeting, Nabawa Community Centre
- 20 February, Stakeholder Meeting Community Groups, Council Chambers
- 20 February, Shire staff meetings

In addition, ten business owners in the Shire of Chapman Valley were contacted by phone and/or email.

Surveys

The Shire of Chapman Valley conducted a paper-based survey at the Agricultural Society's Annual Show on 8 September 2012, to seek input for the Strategic Community Plan. 41 respondents completed the show survey.

A community survey was made available online and in hard copy to seek input for the Strategic Community Plan. Forty-six plus four respondents completed the community survey.

Shire of Chapman Valley staff were also invited to complete an online survey to provide input into the Strategic Community Plan. Eleven respondents completed the online staff survey.

Appendix II

Related Strategies and Plans



State Planning Framework

The State Planning Strategy provides the overall vision and will be further articulated and applied by policies and plans dealing with particular planning issues or regions of the State. The State Planning Strategy identifies the five key principles which further define this primary aim and describe the considerations which influence good decision-making in land use planning and development. Planning should take account of and give effect to, these principles and related policies to ensure integrated decision-making throughout government. Environment: To protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles; Community: To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities; Economy: To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles; Infrastructure: To facilitate strategic development by making provision for efficient and equitable transport and public utilities; and Regional Development: To assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

Action agenda for regional development

An action agenda for regional development entitled The Regional Development Policy Framework was released by the Regional Development Council in January 2011. The action agenda is structured around six key priority areas: Housing and Services; Employment, Infrastructure and Skills; Health; Education; Social and Environmental Amenity; and Leadership and Decision Making.

Water reform in WA

The Department of Water is reforming the way water is managed. The need for change in water management is highlighted by the increasing number of issues and challenges that arise with the use and supply of water. Water reform will deliver a series of policies, systems and internal processes capable of managing water in the present days, which are flexible and progressive enough to manage water into the future. The department is working with stakeholders to update policy and inform government on legislative reform.

Mid-West Regional Planning

The draft Mid West Regional Planning and Infrastructure Framework (the Framework) has been prepared for an area that covers approximately 470,000 square kilometres – almost one fifth of the land area of Western Australia and comprises 17 local governments. The objectives of the Framework are to provide the regional context for land-use planning in the Mid West, provide an overview of the major regional economic, social, cultural and environmental issues, identify the priority actions required to enable comprehensive regional and sub-regional planning and identify the priority regional infrastructure projects to facilitate economic and population growth in the Mid West.

Mid West Investment Plan

The Mid West Investment Plan (MWIP) the region's strategic infrastructure priorities and has become the region's ten year blueprint for enabling economic and social development. The MWIP will guide the spending of \$220 million in Royalties for Regions funding over five years, announced in 2011-12 State budget (19 May 2011). Projects funded under the MWIP will provide a substantial economic stimulus to the region over the five year period and potentially generate employment opportunities for local businesses in the planning, construction and operational stages of the proposed projects/initiatives. The objectives of the MWIP and the proposed investment in the priority regional projects clearly link to Royalties for Regions objectives and policy.

Regional Education, Skills and Jobs Plan – Mid West Gascoyne

The Australian Government announced the Regional Education, Skills and Jobs Plans initiative in the 2011-12 Budget, as part of the Building Australia's Future Workforce package. The initiative addresses four key areas of the Australian Government's productivity and social inclusion agendas: early childhood education and care; Year 12 attainment; participation in vocational and higher education; and local job opportunities.

Shire of Chapman Valley Local Planning Strategy

This strategy includes planning measures for the town sites of Nanson, Nabawa and Yuna and the provision of rural smallholdings and rural residential development based on proximity and access to Geraldton, existing settlement pattern and land-use trends opportunity to lifestyle, agricultural diversification and tourism ventures, topographical and geographical constraints, opportunity to preserve natural features and access to existing services/infrastructure.

AGENDA ITEM:	9.4.5
SUBJECT:	REVIEW OF COUNCIL POLICIES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	N/A
PREVIOUS REFERENCE:	6/11-15
DATE:	22 APRIL 2013
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The Chief Executive Officer has recently completed a review of all Council policies. All existing policies remain in place with the amendments to the document shown in blue.

No policies have been identified as requiring significant changes by the CEO in the current review period and any changed during the past twelve (12) months are reflected within the new policy document as presented to Council.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 9.59

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

POLICY IMPLICATIONS

The Shire of Chapman Valley Policy Manual

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council review and adopt the Policy Manual with changes as identified during the meeting.

Meeting adjourned at 11.58am

Meeting recommenced at 1.02pm

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR FORRESTER

That Council review and adopt the Policy Manual with changes as identified during the meeting.

**Voting 7/0
CARRIED**

Minute Reference 5/13-13

2.4 Shire of Chapman Valley Policy Manual Review

The Shire of Chapman Valley Policy Manual has been reviewed by the Chief Executive Officer and was provided to Councillors as a separate document with the December 2012 Council Agenda and subsequently discussed at the 12 December 2012 Forum Session with feedback being provided on areas where Council wished further modifications to be undertaken.

The draft Policy Manual was presented with tracked changes displayed so that Councillors could view the sections where the suggested modifications have been undertaken. The review of the Policy Manual identified amongst others the following Shire Policies warranting modification:

- Building Applications – Procedure Policy 2.10
(With the introduction of the *Building Act 2011* this policy has been updated to reflect the changes with the new Act)
- Corporate Credit Policy 5.120
(For operational efficiency it is recommended that the existing Credit Card Limit of \$10,000 be split between two Corporate Credit Cards i.e. CEO - \$6,000 and the Manager of Planning - \$4,000. As corporate credit cards are issued to the individual, it is considered appropriate that the Manager of Planning be granted a credit card for operational efficiency to permit credit card payments to be possible in times of leave by the CEO)
- Management of Investments Policy 5.40
(suggested delete old Policy and replace with revised new policy based on Department of Local Government Operational Guideline Number 19 Appendix A (February 2008) and incorporating recent legislative changes to the *Local Government (Financial Management) Regulations 1996* gazetted on 20 April 2012 with the introduction of Reg 19C restricting certain investments)
- Staff Housing Policy 14.219
(Inserted as not picked up from 21 April 2010 Council Meeting - Minute Reference 04/10-15)
- Staff Housing Water Consumption Policy 14.120
(Recommended this amount be increased from \$350 to \$550 as this figure has not been increased for many years and the cost of water each year is increasing. Council policy should reflect an allowance that will encourage tenants to maintain the existing gardens and lawns. Also reference to Fringe Benefits tax on water deleted as under FBT legislation water is exempted from FBT calculations)
- Interest to be written off Policy 5.130
(Amendment recommended including legal fees up to \$50 to improve operational efficiency)
- Roads of Regional Significance Policy 15.40
- Heavy Haulage Vehicle Permits Policy 15.110
- Review of Chapter 10 to better address the Shire's role in Natural Resource Management including the proposed inclusion of Weed Management Policy 10.70 & Landcare Policy 10.80.

The feedback from the 12 December 2012 Forum Session also raised the issue of staff housing and a draft policy is included as **Attachment 5** for Councillor discussion prior to later consideration in the draft Policy Manual that would be presented to a future meeting of Council for formal consideration.

Responsible Officer	Suggested action to be taken
CHIEF EXECUTIVE OFFICER	THAT COUNCIL PROVIDE FEEDBACK ON MODIFICATIONS IT MAY WISH TO UNDERTAKE TO THE SHIRE OF CHAPMAN VALLEY POLICY MANUAL AND A REPORT BE PRESENTED TO A FUTURE MEETING OF COUNCIL FOR FORMAL CONSIDERATION.

AGENDA ITEM:	9.4.6
SUBJECT:	ENVIRONMENT & LANDCARE RECONCILIATIONS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	207.06 & 403.08
PREVIOUS REFERENCE:	6/11-27 through 6/11-32 & 13/4-6
DATE:	22 APRIL 2013
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the 17 April 2013 Council meeting it was resolved that Item 9.2.1 lay on the table till the 15 May 2013 Council meeting.

This agenda item related to the full review and audit of Landcare grants and financials.

COMMENT

The Chief Executive Officer, Office Manager and Landcare and Environmental Coordinator have worked through the financials and submitted acquittals to the funding bodies in accordance with their requirements.

As the 2012/2013 projects are nearing completion it has been deemed appropriate to report on a per grant basis. The General Ledger at the moment represents amalgamated grants.

There are sufficient internal controls and processes in place to provide monthly reconciliations or information on an as required basis.

The Chief Executive Officer supports the Landcare bank account to be consolidated into the Municipal bank account.

Further, Council resolved at its 22 June 2011 meeting to contract a Natural Resource Management Officer for a period of 12 months. The employment of the NRMO (Jim Gales at the time) was subject to NACC funding. The contribution of Landcare activities to the Shire's base operations has been significant. As such, there is a need to recognise the position of NRMO in the staff structure and fund it accordingly using municipal funds, should third party grants such as NACC not be available.

2013 represents the end of a five year Federal government Caring for our Country program and is a transition time for new funding. There is currently no commitment from NACC to enter into contractual arrangements with the Shire until their organisation has successfully sourced sufficient funds from the Federal or State Governments.

In the last three years, external grants totalling over \$ 2 million dollars have been spent in the community. Of this, the expenditure of just under half of these grants were coordinated by Shire officers and the administration undertaken by NACC directly.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Reconciliation of Landcare funds is now complete with works focused on expending the current year's grants.

Sufficient funds to employ a NRMO should be allocated in the 2013/14 budget to enable ongoing project work, liaison with NACC and development of new Landcare grant applications, with supplementary funds sought through third party grant organisations. Council resolve to list \$50,000 for Landcare in the Draft 2013/2014 budget as recommended by the Landcare Committee recently.

STRATEGIC IMPLICATIONS

Annual Budget 2013/2014

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION (1)

That item 9.2.1 from 17 April 2013 Council meeting be raised from the table

STAFF RECOMMENDATION (2)

- 1 The Report prepared by the Chief Executive Officer, Office Manager & dated 3 April 2013 be received.
- 2 Council acknowledges the Landcare bank reconciliation is finalised as a true and correct record as at 12 March 2013 and consider this matter now at conclusion.
- 3 That the Shire of Chapman Valley close Landcare bank account and consolidate into Municipal account as required by the *Local Government Act 1995*.
- 4 Council formally recognise the Natural Resource Management Officer position and provision of sufficient funds, if required, to ensure continuity of the position.
- 5 Council rescind motion 6-11/27? stating "the NRMO Jim Gales be employed subject to NACC funding and at no cost to Council."

THIS ITEM LAPSED FOR WANT OF A MOVER AND WAS REPLACED WITH ITEM 9.4.6 (B)

Cr Royce declared a financial interest and left Chambers at 1.47pm

AGENDA ITEM:	9.4.6 (b)
SUBJECT:	ENVIRONMENT & LANDCARE MATTERS
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	207.06 & 403.08
PREVIOUS REFERENCE:	6/11-27 through 6/11-32 & 13/4-6
DATE:	22 APRIL 2013
AUTHOR:	STUART BILLINGHAM

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley has supported Landcare for a number of years with a NRMO position held by the Shire and funded by NACC since 2003. For the 2012/2013 budget Council allocated \$50,000 to supplement the matching NACC grant funding for the first six months of the financial year. The Landcare and Environmental Coordinator has been able to secure an additional \$37,000 to offset Councils budgeted allocation to meet the cost of the NRMO position. Additional funds are being sought for the last two months of the financial year.

Advice received from the Landcare and Environmental Coordinator is that at this point in time, NACC cannot enter into a contract with the Shire of Chapman Valley to fund a NRMO position in 2013/2014 year. The way that NACC is likely to fund the position in the future is through milestone agreements as has occurred in 2011/12 and 2012/13 years, rather than funding for an officer as such. NACC is still awaiting the outcome of their baseline funding applications, which are likely to remain unresolved until after the Federal election.

Council has resolved to list \$50,000 on the draft 2013/2014 budget for the cost associated with a NRMO position. The Landcare and Environmental Coordinator and a contractor Marieke Jansen are currently assisting Council to cover the vacant NRMO position to 30 June 2013.

COMMENT

2013 represents the end of a five year Federal government "Caring for our Country" program and is a transition time for new funding.

With the uncertainty of the future of external funding for a NRMO position, Council needs to decide if it wishes to continue with the NRMO position funded 100% by the Shire out of the Municipal Account. A six-month provisional sum of \$50,000 listed on the draft 2013/2014 budget would provide sufficient interim funding to permit the position to operate until NACC has determined it's capacity to continue to support the Shire.

Council resolved at its 22 June 2011 meeting to contract a Natural Resource Management Officer for a period of 12 months the employment of the NRMO (Mr Jim Gales at the time). With the understanding this was subject to NACC funding and being at no cost to Council.

The Landcare and Environment services are now considered embedded in the Shire of Chapman Valley's operations and the Shire of Chapman Valley community now has a high expectation for these services to continue. In recognition of this, the Shire of Chapman Valley Draft Workforce Plan recognises the Landcare and Environmental Coordinator / Consultant and NRMO positions (page 5 Council's Organisational Structure).

Council now needs to determine if it wishes to continue funding the position until external grant funding can be secured. A grant application has been submitted for \$890,000 which includes \$40,000 towards the NRMO position through the Federal Government's Biodiversity Fund.

In the last three years, external grants totalling over \$ 2 million dollars have been spent in the Chapman Valley district on Landcare and Environmental issues. Of this, the expenditure of just under half of these grants were coordinated by Shire officers and the administration undertaken by NACC directly.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Prospective New Policies 10.60 Landcare; 10.70 Weeds Management

FINANCIAL IMPLICATIONS

Any unspent Landcare funds will be quarantined at 30 June 2013 into the unspent grants reserve to ensure the correct calculation of the end of year carried forward surplus.

Sufficient funds to employ a NRMO are allocated in the 2013/2014 budget to enable ongoing project work, liaison with NACC and development of new Landcare grant applications, with supplementary funds sought through third party grant organisations. Council resolved to list \$50,000 for Landcare in the Draft 2013/2014 budget as recommended by the Landcare Committee recently.

STRATEGIC IMPLICATIONS

Annual Budget 2013/2014, Long Term Financial Plan, Workforce Plan, Community Strategic Plan and Corporate Business Plan.

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council:

- 1 Formally recognise the Natural Resource Management Officer (NRMO) position in the Shire of Chapman Valley Organisation Chart; and
- 2 Supports the provision of sufficient funds, if required, to ensure the continuity of the NRMO position into the future.

COUNCIL RESOLUTION

MOVED: CR BATTEN

SECONDED: CR FORRESTER

That Council:

- 1 **Formally recognise the Natural Resource Management Officer (NRMO) position in the Shire of Chapman Valley Organisation Chart; and**
- 2 **Supports the provision of sufficient funds, if required, to ensure the continuity of the NRMO position into the future.**
- 3 **Council acknowledges the Landcare bank reconciliation is finalised as a true and correct record as at 12 March 2013 and consider this matter now at conclusion.**
- 4 **That the Shire of Chapman Valley close Landcare bank account and consolidate into Municipal account as required by the *Local Government Act 1995*.**

**Voting 6/0
CARRIED
Minute Reference 5/13-14**

Cr Royce re-entered Chambers at 1.50pm.

Mrs Raymond, Mr Maluish and Ms Wood left Chambers at 2.15pm

Meeting adjourned at 2.15pm

Meeting recommenced at 2.35pm without Cr Humphrey

**** CONFIDENTIAL ITEM ****

AGENDA ITEM	9.4.7
SUBJECT:	RESIGNATION OF ACCOUNTANT
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NOT APPLICABLE
FILE REFERENCE:	908.133
PREVIOUS REFERENCE:	NOT APPLICABLE
AUTHOR:	STUART BILLINGHAM

COMMENT

In accordance with the Local Government Act 1995 Section 5.23(2)(b) it is appropriate for Council to resolve, by procedural motion, to “Meet Behind Closed Doors” as this Agenda Item should be considered as being a matter affecting the personal affairs of any person.

It is a requirement of the Freedom of Information Act, 1992, that all this information is returned to the Chief Executive Officer at the completion of this item for appropriate filing to maintain confidentiality.

Once all negotiations have been completed this will be considered an “exempt document” in accordance with Schedule 1 of the Freedom of Information Act, 1992, denying public access.

Information related to this Item has been provided as a separate attachment.

STAFF RECOMMENDATION

That Council:

- 1 Resolve to “Meet behind Closed Doors” to discuss Agenda Item 9.4.7 as it is considered to be a matter that affects personal affairs; and
- 2 Reopen the meeting once discussion and voting on Item 9.4.7 is complete.

COUNCIL RESOLUTION

MOVED: CR FORRESTER SECONDED: CR BELL

That Council:

- 1 **Resolve to “Meet behind Closed Doors” to discuss Agenda Item 9.4.7 as it is considered to be a matter that affects personal affairs; and**
- 2 **Reopen the meeting once discussion and voting on Item 9.4.7 is complete.**

**Voting 6/0
CARRIED
Minute Reference 5/13-15**

Cr Humphrey entered Chambers at 2.45pm

COUNCIL RESOLUTION

MOVED: CR BATTEN SECONDED: CR BELL

The CEO seek quotes from various suitable accounting firms for the provision of accounting services to the Shire of Chapman Valley.

**Voting 7/0
CARRIED
Minute Reference 5/13-16**

**** CONFIDENTIAL ITEM ****

AGENDA ITEM	9.4.8 – LATE ITEM
SUBJECT:	RESIGNATION OF CHIEF EXECUTIVE OFFICER
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NOT APPLICABLE
FILE REFERENCE:	908.130
PREVIOUS REFERENCE:	NOT APPLICABLE
AUTHOR:	STUART BILLINGHAM

COMMENT

In accordance with the Local Government Act 1995 Section 5.23(2)(b) it is appropriate for Council to resolve, by procedural motion, to “Meet Behind Closed Doors” as this Agenda Item should be considered as being a matter affecting the personal affairs of any person.

It is a requirement of the Freedom of Information Act, 1992, that all this information is returned to the Chief Executive Officer at the completion of this item for appropriate filing to maintain confidentiality.

Once all negotiations have been completed this will be considered an “exempt document” in accordance with Schedule 1 of the Freedom of Information Act, 1992, denying public access.

Information related to this Item has been provided as a separate attachment.

STAFF RECOMMENDATION

That Council:

- 1 Resolve to “Meet behind Closed Doors” to discuss Agenda Item 9.4.8 as it is considered to be a matter that affects personal affairs; and
- 2 Reopen the meeting once discussion and voting on Item 9.4.8 is complete.

COUNCIL RESOLUTION

MOVED: CR ROYCE

SECONDED: CR BELL

That the Shire President and Deputy President work with the CEO to advertise in the West Australian weekend edition for the CEO position with the current package.

**Voting 7/0
CARRIED
Minute Reference 5/13-17**

**** CONFIDENTIAL ITEM ****

AGENDA ITEM	9.4.9 – LATE ITEM
SUBJECT:	RESIGNATION OF WORKS SUPERVISOR
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	NOT APPLICABLE
FILE REFERENCE:	908.28
PREVIOUS REFERENCE:	NOT APPLICABLE
AUTHOR:	STUART BILLINGHAM

COMMENT

In accordance with the Local Government Act 1995 Section 5.23(2)(b) it is appropriate for Council to resolve, by procedural motion, to “Meet Behind Closed Doors” as this Agenda Item should be considered as being a matter affecting the personal affairs of any person.

It is a requirement of the Freedom of Information Act, 1992, that all this information is returned to the Chief Executive Officer at the completion of this item for appropriate filing to maintain confidentiality.

Once all negotiations have been completed this will be considered an “exempt document” in accordance with Schedule 1 of the Freedom of Information Act, 1992, denying public access.

Information related to this Item has been provided as a separate attachment.

STAFF RECOMMENDATION

That Council:

- 1 Resolve to “Meet behind Closed Doors” to discuss Agenda Item 9.4.9 as it is considered to be a matter that affects personal affairs; and
- 2 Reopen the meeting once discussion and voting on Item 9.4.9 is complete.

COUNCIL RESOLUTION

MOVED: CR BELL

SECONDED: CR ROYCE

That Council authorise the CEO to advertise the position of Works Supervisor with the proposed remuneration.

**Voting 7/0
CARRIED
Minute Reference 5/13-18**

COUNCIL RESOLUTION

MOVED: CR FORRESTER

SECONDED: CR DAVIDSON

That Council come out from behind closed doors.

**Voting 7/0
CARRIED
Minute Reference 5/13-19**

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Elected Member Reports

Cr Forrester attended the meeting of the Yuna Community Centre.

**12.0 GENERAL BUSINESS
(of an urgent nature introduced by decision of meeting)**

12.1 Elected Members

COUNCIL RESOLUTION

MOVED: CR BATTEN SECONDED: CR BELL

That Council nominate Cr Pauline Forrester for the WALGA Long and Loyal Service Award.

**Voting 6/0
CARRIED
Minute Reference 5/13-20**

12.2 Officers

13.0 CLOSURE

The Chairman thanked the elected members and staff for their attendance. The meeting was declared closed at 4.18pm.