



Shire of
Chapman Valley
Love the Rural Life

ORDINARY COUNCIL MEETING

Notice is hereby given that an Ordinary Meeting
of Council will be held on Wednesday 15 February 2017
at the Shire Chambers, Nabawa, commencing at 9:00am.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

AGENDA

FEBRUARY 2017

DISCLAIMER



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

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

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on **WRITTEN CONFIRMATION** of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read 'M. Battilana', is positioned above the name of the Chief Executive Officer.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

INDEX

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS
- 2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER
- 3.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)
 - 3.1 APOLOGIES
 - 3.2 PREVIOUSLY APPROVED LEAVE OF ABSENCE
- 4.0 PUBLIC QUESTION TIME
 - 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
 - 4.2 PUBLIC QUESTION TIME
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 6.0 DISCLOSURE OF INTEREST

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

Section 5.60A:
*"a person has a **financial interest** in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."*

Section 5.60B:
*"a person has a **proximity interest** in a matter if the matter concerns –*
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality):
*"**interest** means an interest that could, or could reasonably be perceived to, adversely affect the **impartiality** of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."*
- 7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS
 - 7.1 PETITIONS
 - 7.2 PRESENTATIONS
 - 7.3 DEPUTATIONS

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council – 14 December 2016
(Previously provided under separate cover)

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

PAGE NO.

10.1 MANAGER OF PLANNING

6

- 10.1.1 Proposed Paintball Fields, Lot 1 David Road, White Peak
- 10.1.2 Dolbys Drive Structure Plan
- 10.1.3 Development Assessment Panels

10.2 FINANCE

- 10.2.1 Financial Reports for December 2016 & January 2017 **76**
- 10.2.2 Annual Budget Review 2016/2017

10.3 CHIEF EXECUTIVE OFFICER

83

- 10.3.1 Finance, Audit & Risk Committee Minutes
- 10.3.2 Annual Electors Meeting Minutes
- 10.3.3 Vehicle Licence Concessions
- 10.3.4 Emergency Services Review
- 10.3.5 Chapman Valley Tennis Club Grants

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13.0 DELEGATES REPORTS

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

- 15.1 Honorary Freeman of the Shire
- 15.2 Tender 4-16/17 – Supply One Steel Drum Roller

16.0 CLOSURE

ORDER OF BUSINESS:

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

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

3.1 Apologies

3.2 Previously Approved Leave of Absence

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions On Notice

4.2 Public Question Time

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

6.0 DISCLOSURE OF INTEREST

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

7.2 Presentations

7.3 Deputations

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 Ordinary Meeting of Council held on Wednesday 14 December 2016

That the minutes of the Ordinary Meeting of Council held Wednesday 14 December 2016 be confirmed as a true and accurate record.

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

10.1

Manager of Planning

February 2017

Contents

10.1 AGENDA ITEMS

- 10.1.1 Proposed Paintball Fields, Lot 1 David Road, White Peak
- 10.1.2 Dolbys Drive Structure Plan
- 10.1.3 Development Assessment Panels

AGENDA ITEM:	10.1.1
SUBJECT:	PROPOSED PAINTBALL FIELDS
PROPONENT:	R & N LEFEVRE
SITE:	LOT 1 DAVID ROAD, WHITE PEAK
FILE REFERENCE:	A55
PREVIOUS REFERENCE:	Nil
DATE:	6 FEBRUARY 2017
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council is in receipt of an application to seeking to operate paintball fields from Lot 1 David Road, White Peak. The application has been advertised for comment and is now presented to Council for its consideration. The applicant has requested that their application be withdrawn and this report recommends that Council accept this withdrawal of the application.

COMMENT

Lot 1 is a 40.3553ha rectangular property located on the eastern side of David Road, opposite Dolby Creek Estate and south-east of the bend where David Road becomes Eliza Shaw Drive.

Figure 10.1.1(a) – Location Plan for Lot 1 David Road, White Peak



Lot 1 has a 476.16m frontage to David Road on its western boundary and an 847.52m depth.

Lot 1 does not contain any buildings, and is largely cleared and used for stocking purposes with remnant vegetation existing along the Dolby Creek and tributaries that run east-west through the property.

A copy of the submitted application is provided as **Attachment 10.1.1(a)**.

Figure 10.1.1(b) – Aerial Photograph of Lot 1 David Road, White Peak



The application is seeking to establish 3 paintball fields, and 2 viewing areas, with the closest of the paintball fields to be setback approximately 200m from the David Road frontage. The facility would be accessed via gravel driveway leading to a gravel car park. An administration/reception outbuilding would front the car park and this would contain equipment and visitor toilet facilities.

The application proposes to construct their residence, and associated outbuildings, west of/in front of the paintball fields to assist in their screening and to improve the ability to manage operations and access to the site. The application intends to plant further trees to assist in screening the development.

The paintball fields would operate Friday to Sunday and public holidays from 8:00am to 6:00pm, with it anticipated that there would be set game times twice a day and with approximately 20 to 30 players per game time.

The paintball facility would be owner-operated by the resident, with potentially 2 employees visiting the site to act as game marshals when required.

Figure 10.1.1(c) – View looking east from David Road along proposed access alignment



Figure 10.1.1(d) – View looking west towards David Rd along proposed access alignment



Figure 10.1.1(e) – View looking north along David Road from proposed access location



Figure 10.1.1(f) – View looking south along David Road from proposed access location



Figure 10.1.1(g) – View looking north across proposed Paintball Field 1



Figure 10.1.1(h) – View looking north-east across proposed Paintball Field 2



If, after reviewing the application, Council considers that the application should be approved it may consider the following alternative wording appropriate in its determination. This alternative has been prepared with regard for the conditions of approval applied by Council at its 20 May 2009 meeting to a paintball facility that operated upon (and has since closed) at 195 (Lot 1) Murphy-Yetna Road, Yetna.

“That Council grant formal planning approval for a Recreation-Private development (Paintball Fields) upon Lot 1 David Road, White Peak, subject to compliance with the following conditions:

- 1 Development shall be in accordance with the attached approved plan(s) dated 15 February 2017 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 development must access David Road at a 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.*
- 4 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.*
- 5 The applicant is responsible to ensure that no parking of vehicles associated with the development occurs within a public carriageway, including the road verge.*
- 6 The installation of warning/safety signage in the vicinity of the access point onto David Road during times of operation shall be to the approval of the local government.*
- 7 The activities upon Lot 1 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.*

- 8 *The applicant shall, prior to commencement of the development, submit (and subsequently adhere to) a Management Plan to the approval of the local government.*
- 9 *The operating times for the paintballing course shall be limited to the hours of 8am to 6pm, unless otherwise approved by the local government.*
- 10 *The installation and maintenance of landscaping about the development to the approval of the local government.*
- 11 *The removal/clearing of existing remnant vegetation on the property is not permitted, except for the establishment of a fire break or the internal access road, car park set out on the attached approved plan, unless otherwise approved in writing by the local government.*
- 12 *Noise emissions from the development shall at all times comply with Environmental Protection (Noise) Regulations 1997.*
- 13 *The local government may require the applicant/landowner to undertake a Noise Level Assessment at their expense, to be undertaken by a member of the Association of Australian Acoustical Consultants, which may include noise monitoring and acoustic analysis, to assist in ascertaining whether the development is in compliance with the preceding condition. If the Noise Level Assessment recommends that any measure(s) be taken to ensure compliance with the preceding condition, the applicant/landowner shall comply with any such recommendation at their expense.*
- 14 *The paintballing fields courses are required to be fenced, clearly marked and sign posted.*
- 15 *A First Aid Certificate holder must be present at all times while the paintballing fields are in use. The applicant is to ensure that the location of the First Aid Kit and First Aid Certificate holder are identified to all visitors to the property.*
- 16 *No activities are to occur within the Dolby Creek and associated tributaries and every attempt should be made to protect the banks from erosion and the degradation of existing vegetation.*
- 17 *All stormwater is to be managed on-site to ensure run-off from the paintballing fields, access ways and car park do not enter the Dolby Creek and associated tributaries.*

Advice Notes:

- (a) *This approval is valid for a period of two (2) years from the date of approval and will deemed to have lapsed if the development has not substantially commenced before the expiration of this period.*
- (b) *The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.*
- (c) *The applicant is reminded that this application does not involve the retailing or preparation of food and should they wish to provide this service are required to lodge an additional application with the local government.*
- (d) *In relation to condition 8 the applicant/landowner is advised that the Management Plan (which at the outset is considered to be as per the information provided by the applicant to accompany the development application) shall outline how the site will be managed with items to be addressed including (but not limited to) fire, noise, stormwater and waste management. The applicant/landowner is thereafter to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a complaint being received the*

applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.

- (e) *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.”*

If, after reviewing the application, Council considers that the application should be refused it may consider the following alternative wording appropriate in its determination.

“That Council refuse the application for Recreation-Private (Paintball Fields) upon Lot 1 David Road, White Peak for the following reasons:

- 1 In its consideration of the application Council is not satisfied that the development satisfies the matters under Section 10.2 of the Shire of Chapman Valley Local Planning Scheme No.2.*
- 2 In its consideration of the application Council is not satisfied that the development satisfies the matters under Section 4.2(b) of the Shire of Chapman Valley Local Planning Policy ‘Rural Tourism’.*
- 3 Approval of this application may well set an undesirable precedent for future variation to the Shire’s statutory and policy requirements, which in time could prove to be detrimental to the amenity of the locality.*
- 4 The Greater Geraldton Structure Plan (2011), Shire of Chapman Valley Local Planning Strategy (2008), and the Moresby Range Management Plan (2010) set a strategic direction of rural-residential intensification for Lot 1 and the lots to the immediate north, south and east of Lot 1, and the development of a paintball operation will give rise to potential land use conflicts should the surrounding landowners pursue rezoning and subdivision (noting that the landowner to the north has already commenced this exploration through the initiation of Scheme Amendment No.4).*
- 5 The objections received during the public consultation period for the application, and the issues raised therein, do not indicate a level of support for a variation to be considered by Council.*

Advice Note:

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

STATUTORY ENVIRONMENT

Lot 1 David Road, White Peak is zoned ‘Rural’ under Shire of Chapman Valley Local Planning Scheme No.2 (‘the Scheme’).

Section 4.2.6 of the Scheme lists the objectives for the ‘Rural’ zone as being to:

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

The proposed development is located within the overlying ‘Special Control Area 2 - Moresby Range Landscape Protection’ zone, for which Section 6.3 of the Scheme notes the following:

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

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

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

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

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

The proposed paintballing operation would meet with the definition of ‘Recreation-Private’ which is listed as a ‘D’ use within the ‘Rural’ zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Schedule 1 of the Scheme lists the definition for ‘Recreation-Private’ as being:

“means any land or buildings used for indoor or outdoor cultural or sporting activities which are not usually open to the public without charge”.

Section 10.2 of the Scheme lists the following relevant matters to be considered by the Local Government in considering a development application:

- “(a) the aims and provisions of the Scheme...*
- ...(f) any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;...*
- ...(i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;...*
- ...(l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the proposal;*

- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...
- ... (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) whether the proposal is likely to cause soil erosion or land degradation;...
- ...(y) any relevant submissions received on the application...
- (za) any other planning consideration the Local Government considers relevant.”

Irrespective of any conditions set by Council (were the development to be approved) the development would be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

POLICY IMPLICATIONS

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

The Shire’s ‘Rural Tourism’ Local Planning Policy has the objective of providing for a range of accommodation and other tourist related uses in the rural areas of the Shire in a manner that is complementary and sensitive to the agricultural and environmental fabric of the municipality.

Whilst the policy does not provide specific guidelines relating to ‘Recreation-Private’ developments it does provide criteria against which to assess ‘Experiential Use’ which can be considered relevant. ‘Experiential Use’ is defined by the policy as being “*means any land or buildings used for nature based outdoor activities including guided and self-guided tours, leisure and recreation activities operated for profit or gain, but does not include sporting and cultural events*”.

The Policy requirements for ‘Experiential Use’ are as follows, and the proposed development can be assessed as being capable of meeting with these siting and servicing criteria:

Experiential Use	
Public Road Access	Type 3 – 12m form/8m gravel paved
Potable Water Supply	46,000L storage (10,000 gallons)
Ablutions	As per <i>Health Act 1911</i> including provision for disabled
Car Parking	As determined by Council at the time of application – gravel standard/Council specifications
Lot size	30ha
Setback	30m from the front boundary and 75m from water features with all other boundaries to comply with Local Planning Scheme requirements unless otherwise determined by Council
Siting	Away from sand dunes, ridge lines and side slope/breakaway areas
Clearing	No removal of remnant vegetation
Screening	As determined by Council at the time of application
Design & Materials	Buildings to be complementary with landscape – earth tones – no reflection
Management	On site manager’s residence

The ‘Rural Tourism’ Local Planning Policy notes that:

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

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

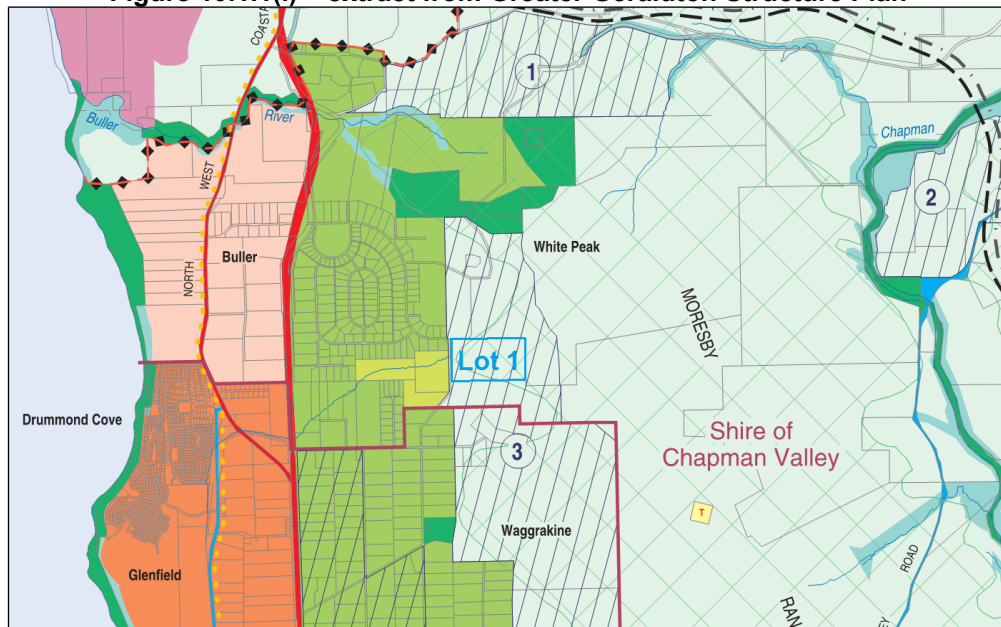
- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

The Greater Geraldton Structure Plan was updated in 2011 by the WAPC to provide a framework for the future management, protection and coordination of regional planning in the region. The Region Plan incorporates a Structure Plan for the Greater Geraldton area which identifies Lot 1 David Road (and the adjoining land to the north and south) as being within 'Development Investigation Area 3 – Rural land adjacent to the Moresby Range'.

Figure 10.1.1(i) – extract from Greater Geraldton Structure Plan



Section 3.11.3 of the Greater Geraldton Structure Plan (2011) notes that:

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

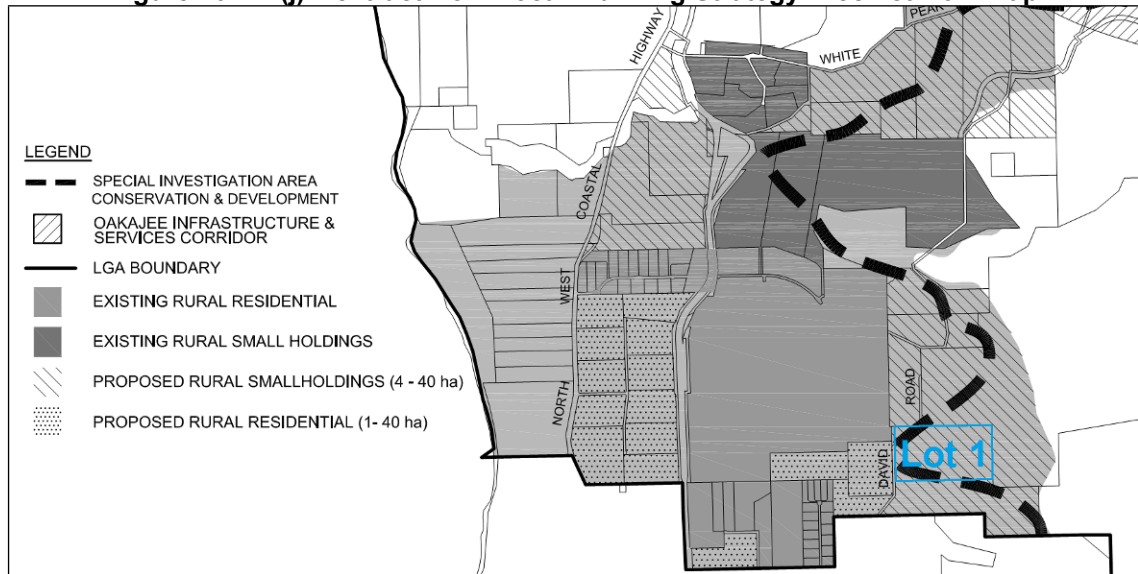
General farming currently constitutes the predominant land use and as such most of the land is extensively cleared. Significant remnant vegetation however, does remain in parts of the development investigation area. The surrounding area is of significant visual landscape value and it is essential that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

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

Lot 1 David Road, White Peak is located within 'Precinct No.7 – South West' of the Shire of Chapman Valley Local Planning Strategy ('the Strategy') the vision for which is:

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

Figure 10.1.1 (j) – extract from Local Planning Strategy Precinct No.7 Map



Figures 4 & 11 of the Strategy identifies Lot 1 David Road (and the adjoining land to the north and south) as 'Proposed Rural Smallholdings (4-40ha)'. It may be considered that the establishment of paintball fields in an area that is identified for further subdivision, could lead to subsequent land use conflicts. At present, the closest third party residence (i.e. excluding the proponent's own proposed residence location) to the proposed development (Paintball Field 1) would be 240m to the west. However, there is potential for third party residences to be developed closer than this were Lot 8 David Road, to the south of the proponent's property, to be rezoned and subdivided for further rural-residential development.

Precinct 7 lists 'Tourism (Low-Medium Key) as a land use appropriate within Precinct 7 subject to compliance with the provisions of the Scheme and specific policies of Council.

The Strategy lists the following economic objectives for Precinct 7:

- "7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning.*
- 7.2.2 Promote tourist related uses/development and encourage agricultural diversification in appropriate areas where there will be no detrimental impact to the surrounding land and existing uses.*
- 7.2.3 Ensure that urban and rural-residential development are adequately serviced by existing services and infrastructure that includes connection to a potable scheme water supply."*

The Strategy lists the following environmental objectives for Precinct 7:

- "7.3.1 Encourage re-vegetation and retention of existing vegetation in order to minimise soil erosion and to stabilise existing landforms along the coast and the western portion of the Moresby Ranges.*
- 7.3.2 Protect and enhance the visual amenity in areas of visual prominence.*
- 7.3.3 Ensure that land use and development adjacent to and in proximity to coastal and river areas incorporate appropriate environmental protection based on natural resource management measures.*

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

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

The Strategy lists the following infrastructure objectives for Precinct 7:

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

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

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

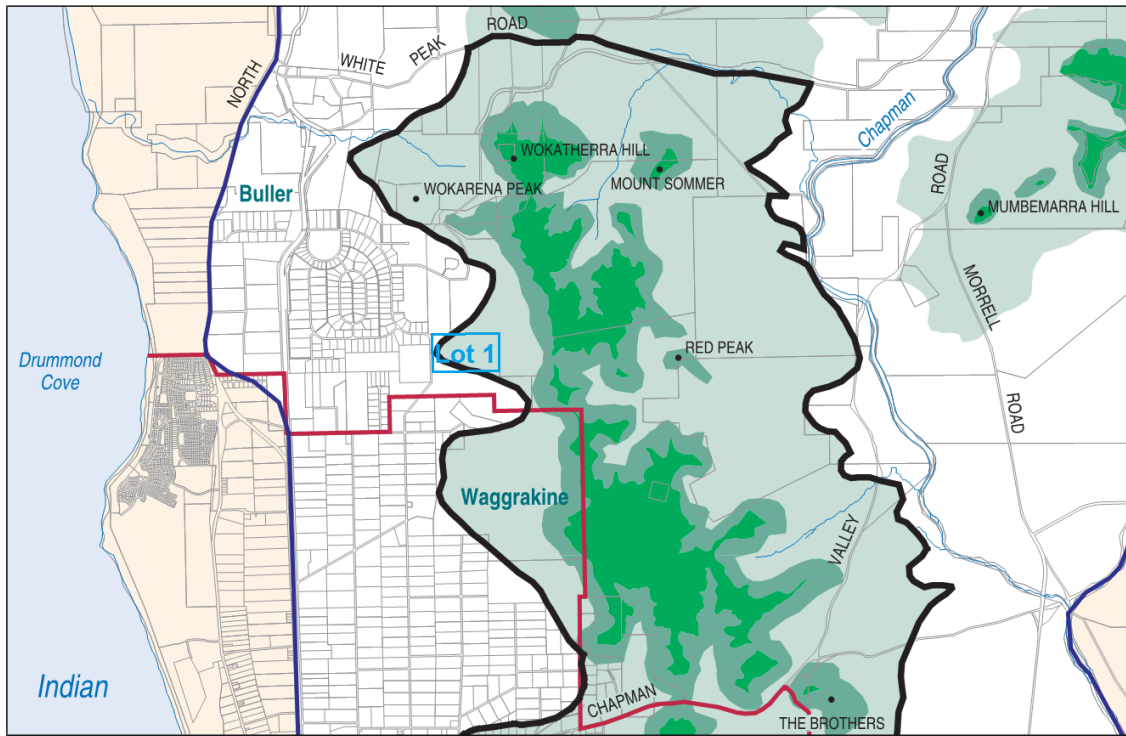
Lot 1 falls within the ‘Development Investigation Area’ boundary and Moresby Range footslopes area as identified by the WAPC’s Moresby Range Management Strategy (2009).

The Moresby Range Management Strategy addressed a 55,000ha study area from Isseka in the north, to Mount Erin to the east (27km inland) and the Geraldton-Mount Magnet Road to the south. The Strategy recognised that there were particular issues relating to the southern section of the Range (which includes Lot 1 David Road) that were of particular importance to the regional community, and recommended that a Management Plan be prepared for this area, with Section 5.1 noting that:

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

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

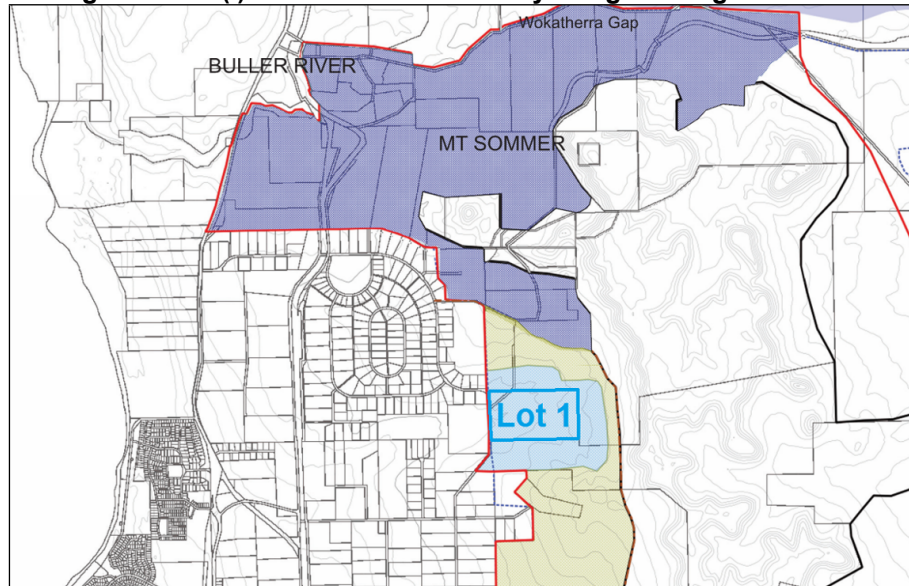
Figure 10.1.1(k) – extract from Moresby Range Management Strategy



Lot 1 David Road falls outside the area identified as 'Range Precinct' by the Moresby Range Management Plan (2010), and is identified in Figure 4.1 of the Management Plan as being a "lower visibility area, lots typically larger than 1ha". Section 4.6 of the Management Plan notes that "While lots of 1ha and above may be appropriate here because the area sits lower in the landscape this will have to be balanced with better quality of design that respects and enhances the ecological quality of the area."

The Moresby Range Management Plan sets a strategic direction of sensitive rural-residential development for Lot 1 and the lots to the immediate north, south and east, and the development of a paintball operation might give rise to land use conflicts at a later stage should the surrounding landowners pursue rezoning and subdivision (noting that the landowner to the north has already commenced this exploration through the initiation of Scheme Amendment No.4).

Figure 10.1.1(l) – extract from Moresby Range Management Plan



• **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting.

The Strategic Community Plan has the following economic strategies:

Objective	Strategy	Outcome	Partners
We want to be able to spend our money locally and encourage others to do the same	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Showcasing our attractions increases the number of people visiting the area	Chapman Valley business community Shire of Chapman Valley
Utilise the land available in the area for a range of new businesses	Ensure planning and procedures are in place to promote and develop tourism in the Shire, including cottage industries, caravan park and events	Increased customer spending and employment in the Shire	Chapman Valley business community Community Private enterprise Shire of Chapman Valley

The Strategic Community Plan also has the following relevant environmental strategies:

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

CONSULTATION

The application, being a 'D' use under the Scheme was not required to be advertised for comment prior to being presented to Council for its consideration.

However, Section 9.4.2 of the Scheme does provide the Shire with the ability to advertise any application, and given that Lot 1 David Road adjoins an established rural residential area immediately to the west it was considered warranted to advertise the application for comment.

The application was advertised from 13 December 2016 until 13 January 2017 inclusive of the following actions:

- placement of an advisory sign on-site,
- copy of the application being made available for viewing on the Shire website;
- letters being sent to the 28 surrounding landowners within 500m of the development site inviting comment.

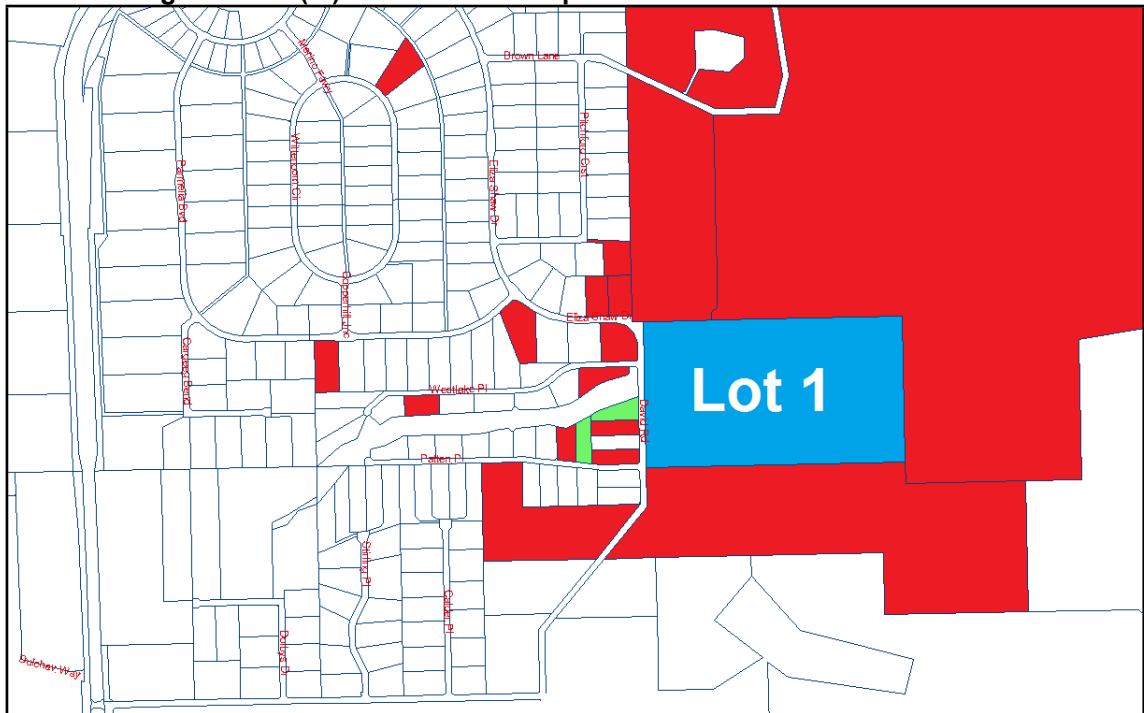
At the conclusion of the advertising period 17 submissions had been received, with 2 being in support of the application, and 15 opposed.

A Schedule of Submissions that identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues, has been included as **Attachment 10.1.1(b)**.

Copies of the received submissions have been provided as a **separate Attachment 10.1.1(c)**.

The applicant was provided with a copy of the received submissions and invited to make comment upon the issues raised therein. The applicant has requested that their application be withdrawn and a copy of the applicant's correspondence is provided as **Attachment 10.1.1(d)**.

Figure 10.1.1(m) – Location of respondents and nature of submission



RISK ASSESSMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority of Council.

STAFF RECOMMENDATION

That Council accept the applicant's request to withdraw their application for Recreation-Private (Paintball Fields) upon Lot 1 David Road, White Peak, as per their correspondence received on 1 February 2017.

ATTACHMENT 10.1.1(a)

ATTN: Planning Department
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

To Whom it May Concern,

Please find enclosed application for planning approval and supportive documents for your consideration. This application is regarding the establishment of a recreational paintball park at Lot 2664 David Road (North), White Peak.

If we were to get approval for the business to operate at this address, we predict it would take approximately six to eight months to complete the proposed works and begin trade.

Proposed works associated with the operation of this business are (as marked on aerial photo's supplied):

- Crossover with drainage suitable for rural use (separate application)
- Compacted gravel driveway and car parking area including an allocated Disabled parking bay near to the 'Admin' shed
- Large shed to house vehicles, farm maintenance equipment, an Admin/Reception area for the Paintballing business and a disabled access bathroom for visitors (separate application)
- Three paintball playing fields
- Two 'Safe Zones' for paintball players

If we were to receive approval for the business at this address we would also begin the process of building a home on site. The approximate location of the house is shown on the aerial photos attached, but we understand that this approval does not encompass the building of a dwelling and that it would require a separate approval. It is worth noting that the proposed location of the house and shed will screen the view of the playing fields from David Road almost completely.

A paintball park provides a safe and controlled environment for visitors to play paintball activities such as 'capture the flag' and 'last man standing' on allocated fields.

Making the most of the natural lay of the land, paintball 'fields' will be established with the addition of some man-made obstacles to be used a cover by players during the games. Such man made obstacles will be constructed using materials such as sandbags, pine poles, concrete blocks and 44 gallon drums – all of which are easily removed if need be. Please find attached examples of field layout and man-made obstacles.

Paintball 'markers' are powered by compressed air and emit very little sound – often likened to the sound of a tennis ball hitting the face of a tennis racquet. Unlike an actual firearm, there is no internal explosion to propel the 'ammunition' and so the markers don't produce a loud sound like a real firearm would.

A privately commissioned study has shown that a paintball game involving twelve players emitted 35.5 decibels at a distance of 300 meters. The nearest neighbor (directly south) would be approximately 300 meters from the proposed fields. A pin drop measures at 15 decibels, and a refrigerator hum measures at 40 decibels. Your average conversation between two people at 1 meter away measures at 60 decibels. Please see the decibel reading comparison chart attached for more information.

The composition of paintballs will vary slightly between manufacturers, but given the nature in which they are used, they will always be non-toxic. They have a liquid non-toxic, food grade center encapsulated by a gelatin based outer shell. This type of soft gel capsule is commonly used for medicines, vitamins and bath oil beads. Please see attached document for further information regarding paintball composition.

It is a manufacturing requirement that paintball markers shoot their paintballs at a maximum of around 280 feet per second (just under 90 meters per second). Taking into account this maximum velocity, and if you were to 'lob' the paintball from the gun (aim upwards to get maximum flight), the maximum range of the paintball would be approximately 90 meters. Deliberately 'lobbing' paintballs out of the playing field would not be allowed, but even so, our proposed paintball fields would be a minimum of 90 meters from any boundary fence and the games would be run in such a way to encourage a majority of the shooting in desired directions (parallel to the nearest boundary fence as opposed to shooting towards it) These factors will ensure that no paintballs would travel onto the neighboring property.

We also plan to plant additional trees to provide an additional barrier. This will be aesthetically pleasing, provide a physical, noise and visual barrier and blend with the natural state of the land. All planting of trees will take into account the fire and safety recommendations for firebreaks.

Signs reading 'paintball game in progress – do not enter' will be placed along fence lines that are accessible by the general public (West/David Road boundary)

The proposed location of the Admin shed (and dwelling) would shield the view of the playing fields from David Road.

The hours of operation of the business will be Friday to Sunday and public holidays, 8am to 6pm. There will be set game times and limited player 'positions' available within those times. We foresee two game times available per trading day, with approximately 20-30 players per game time.

The business would be an owner-operator set up with potentially two employed games marshals who would not reside at the property.

Other than paintball markers, no other machinery or vehicles will be used in the operation of the business.

The proposed entrance to the property has been assessed by way of an on-site meeting with the Shire of Chapman Valley's manager of Works & Services. The entrance meets the Shires requirements with regards to sight distances.

We understand that a majority of Lot 2664 David Road is a part of the 'Moresby Range Landscape Protection Special Control Area' and also is identified as a Bush Fire Prone Area by DFES.

The only vehicles that would exceed what would be used on any other small farm would be those of the visitors to the business who would all be using the designated gravel driveway and car park. The property would also be a no smoking zone.

Again, paintball markers use compressed air to propel the paintballs – no heat or internal explosion is required and so they pose no fire risk.

Fire breaks around the perimeter of the property, around the proposed shed and home and also where the creek reserve meets the paddocks within the block will be maintained within the requirements. Grasses will be kept mowed to a tidy length year round. In the establishment of our proposed business, we would not be clearing any trees/bushes that are present unless they are dead or unstable – posing as a risk to occupiers and/or visitors or if they are obstructing a firebreak zone.

We plan to have rainwater tanks connected to the shed and/or home, but mains water would also be run into the block as well to service the house and shed.

It is worth noting that the Waggrakine Volunteer Bushfire Brigade center is based within 6 minutes drive from the property, on Sutcliffe Road.

In compliance with the Public Health requirements, bathroom facilities will be provided at the Admin/Reception shed.

Bottled water will be available for purchase from the Admin/Reception shed, where it will be kept in a fridge.

Protective clothing and equipment will be supplied to players, including work wear style cover all's, protective face masks and goggles. Protective breast plates will be available for female players and single use protective cups will be available for purchase by male players.

The cover-all's will be washed on-site using hot water, and dried in the sun after each use. Goggles/masks will be cleaned and disinfected between each use.

Two 'Safe Zones' will be provided. One will be located at the Admin/Reception shed, and the other will be located between playing field two and three.

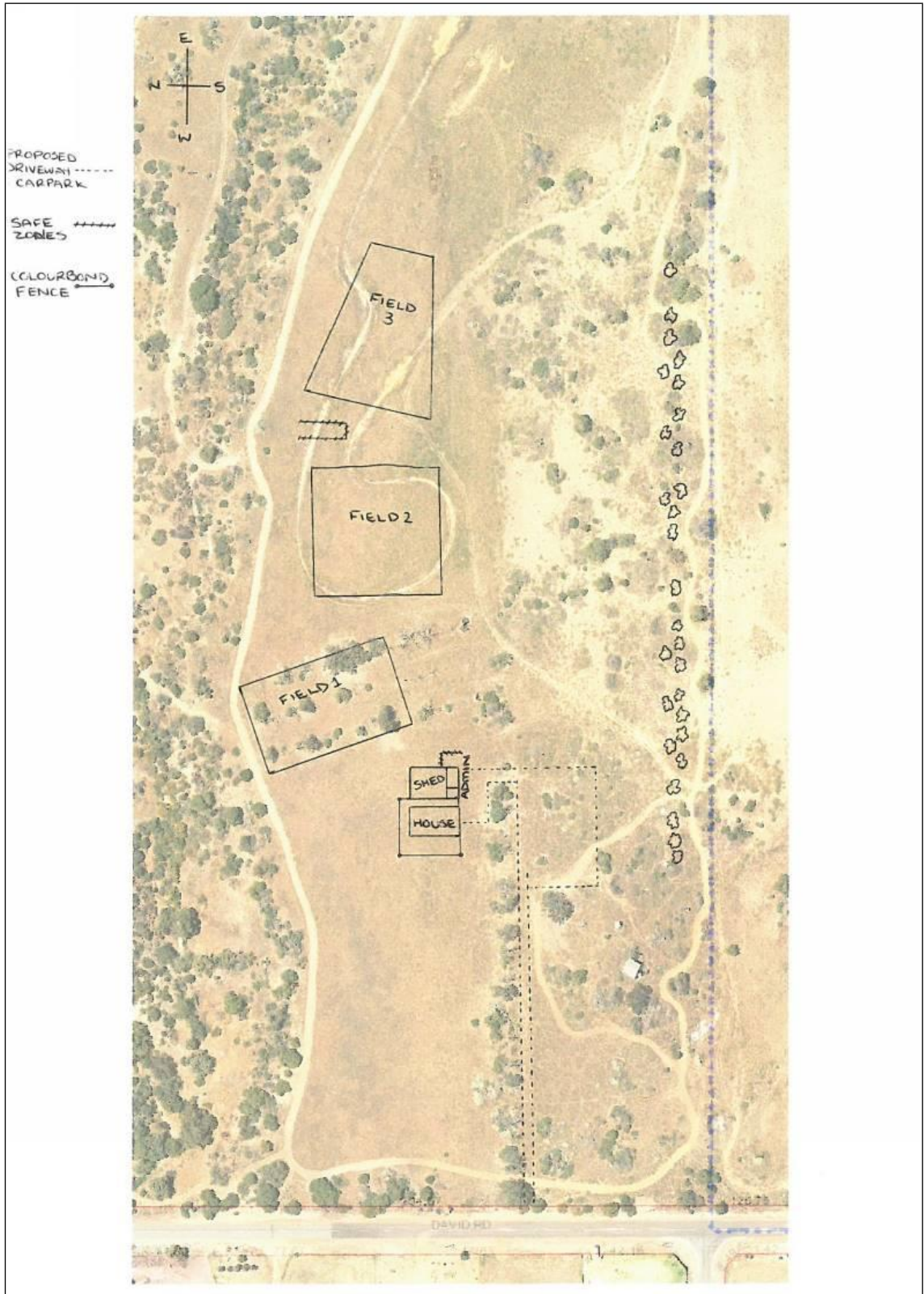
No markers are allowed within the Safe Zones – a rack is provided just outside for markers to be disarmed and placed on. Safe Zones provide a rest area for players where they can safely remove protective goggles and masks. The Safe Zones will be impenetrable by paintballs – enclosed on two sides and the roof by fencing wire and shade cloth.

I would like to take this opportunity to thank you for your time in considering our application.

Kind regards,

Natalie LeFevre
0428 341 636







The following diagrams show some levels of common sound sources.

Image credit: <http://www.noisemonitoringservices.com/decibels-explained/>

Sound sources (noise) Examples with distance	Sound pressure Level L_p dB SPL
Jet aircraft, 50 m away	140
Threshold of pain	130
Threshold of discomfort	120
Chainsaw, 1 m distance	110
Disco, 1 m from speaker	100
Diesel truck, 10 m away	90
Kerbside of busy road, 5 m	80
Vacuum cleaner, distance 1 m	70
Conversational speech, 1 m	60
Average home	50
Quiet library	40
Quiet bedroom at night	30
Background in TV studio	20
Rustling leaves in the distance	10
Hearing threshold	0

Image credit: <http://sites.psu.edu/sjh5480/2014/10/09/protection-why-it-matters/>





Your heart is pounding as your adrenalin skyrocket. Projectiles whiz past your head as you dive for cover behind a makeshift plywood barrier. You return fire, but you know you are outnumbered. The enemy is closing in. Suddenly, you're hit. You reach for the wound. Your fingers are covered in a sticky red liquid. You have become another casualty. Fortunately, the red liquid is not blood, and the battle you have bravely fought is not actual combat—it is the exhilarating sport of paintball!

The first paintballs were fired by foresters and ranchers to mark trees and cattle. Then someone got the bright idea that it would be more fun to fire paintballs at people than at trees and cows. Thus the sport of paintball was born. From its inception in the 1980s, the sport has grown by leaps and bounds. Today, over 10 million people participate annually in paintball games. Over 1 billion paintballs are produced each year!

Although there are numerous variations, players typically attempt to capture an opponent's flag without being shot by a paintball. The first team to capture the opponent's flag and return it safely to their territory is the winner. The action is fast and furious, with a typical game lasting anywhere from 5 to 30 minutes. Sound dangerous? Other than a little bruising, it's actually safer than golf because of the protective face gear that all players are required to wear. And the game itself would not be possible without—you guessed it—chemistry!

By Brian Rohrig

Paintballs

Paintballs are a marvel of both engineering and chemistry. They must be strong enough to be fired at an initial velocity of up to 91 m/s (200 mph) without breaking, yet burst open when they hit someone without causing any tissue damage beyond mild bruising. The deformation of the paintball on contact greatly increases its stopping time, thus lessening the force (and the sting) of its impact. To accomplish this task, paintballs are made with a tough but elastic outer coating of gelatin, with a liquid center. The process by which liquids are manufactured within a gelatin shell is known as encapsulation.

Encapsulation technology originated with the pharmaceutical industry. The process involves enclosing a substance—either liquid or solid—within a thin transparent gelatin membrane. These capsules are commonly called soft gels, since they are somewhat elastic and give a little when squeezed. Soft gels are commonly used for medicine, vitamins, bath oil beads, and a variety of other applications.

Gelatin is made from denatured collagen fibers, which are derived from the skin, bones, and connective tissue of animals. The gelatin for paintballs is usually made from pig skins, which tend to make the best paintball. A plasticizer is also added to increase stability and make the gelatin more moldable. The gelatin-plasticizer ratio is formulated so as to establish the optimal balance between elasticity and brittleness, enabling the paintball to break open on impact yet not break when initially fired.



Though technically not water soluble, gelatin does break down in water to form a colloidal gel. That is why it is so important to keep paintballs dry. Gelatin is used in a variety of foods. Jell-O, marshmallows, gummy bears, ice cream, yogurt, cream cheese, and margarine all contain gelatin. Its unique constitution helps to give foods thickness and texture. And it provides the perfect medium to keep the paintball intact—until it hits you!

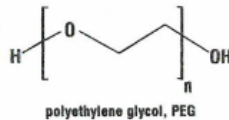
A typical paintball is 68 caliber, meaning its diameter is 0.68 inches (1.7 cm). They are also available in other sizes as well. Paintballs come in a variety of colors; some glow in the dark, others fluoresce under black light.

The first paintballs were not water soluble, since they were similar to the original formulation which was used to mark trees and cattle. When a forester marks a tree, it is important that rain not wash off the mark. The first paintball contests resulted in a lot of stained and ruined clothing, to the chagrin of many parents.

In the mid-1980s, the paintball manufacturers decided to make a water-soluble paintball. This was a daunting task, since the "paint" for the paintballs could not contain any water or else they would break down the gelatin shell. This feat was accomplished by using water-soluble compounds, but not water itself. And once paintballs became water soluble, the popularity of the sport skyrocketed.

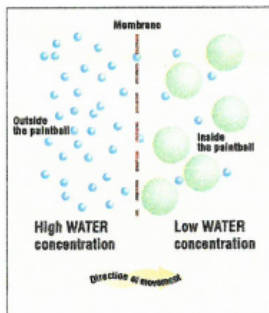
After much research, it was determined that polyethylene glycol (PEG) would be an excellent substance for the liquid inside of a paintball.

Polyethylene glycol is a tasteless, colorless, and nearly odorless compound that dissolves in water but has no effect on the gelatin shell. PEG is very viscous, meaning it flows slowly. Its thick syrupy consistency makes it perfect for use in paintballs; they have a consistency somewhat like blood when they break open.



That's swell

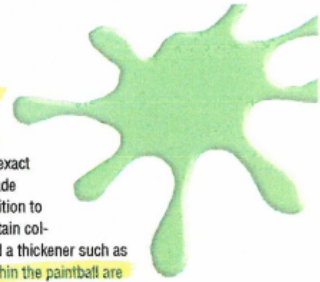
If a paintball is dropped into a beaker of water, it will expand to an impressive size. Through osmosis, water will pass through the gelatin membrane and hydrogen bond with the polyethylene glycol within. Since the concentration of water is much greater outside of the paintball than inside, water will diffuse inward in an attempt to equalize the concentration of water. Water will continue to travel through the gelatin membrane until the concentration of water inside the paintball is equal to the concentration of the water on the outside of the paintball. However, as it swells the gelatin shell will break down, spilling the contents before equilibrium is reached.



Osmosis: a paintball swells up when placed in water.

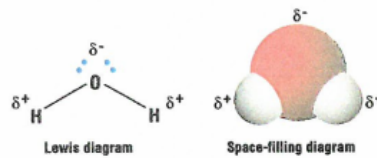


As you can see, paintballs are not really made from paint, but rather from a mixture of non-toxic food grade ingredients. The exact combination of ingredients is a trade secret but we do know that in addition to polyethylene glycol, they also contain colored food dyes, preservatives, and a thickener such as starch or wax. The ingredients within the paintball are also biodegradable, so they pose no threat to wildlife or the environment.



Bonding with your paintballs

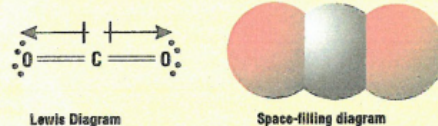
What makes paintballs water soluble? The answer lies in polarity and hydrogen bonding. Water is a polar substance that has distinct regions of positive and negative charge. Water's polarity is due to the differences in electronegativity between oxygen and hydrogen. Electronegativity, as defined by the late American chemist Linus Pauling, is "the power of an atom in a molecule to attract electrons to itself." Oxy-



Two representations of water, showing regions of partial charges.

Are all molecules with polar bonds polar?

The answer is no; in some cases, the polarity of the bonds is effectively cancelled. Consider a CO₂ molecule. Oxygen is more electronegative than carbon, so the covalent bond between the two atoms is polar. This is called a polar covalent bond; the O-H bond in a water molecule is also polar. The polar nature of this bond is indicated by the arrow (→) in the figure below. But the linear nature of the CO₂ molecule dictates that, overall, the molecule is non-polar. That's because while one oxygen atom is drawing bonding electrons toward itself, the oxygen atom on the other side of the molecule is doing the same thing; the net effect is that they cancel each other out. That makes CO₂ a nonpolar molecule.



Two representations of CO₂, showing an overall nonpolar molecule.

So when predicting the polarity of a molecule, the shape must be considered. Often, molecules that are symmetrical will be nonpolar even if polar bonds are present.

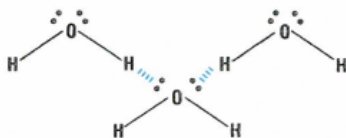


gen is more electronegative than hydrogen, so it attracts electrons to itself more strongly than does hydrogen. For a water molecule, this creates a region of partial negative charge (δ^-) on the side of the oxygen atom, and a region of partial positive charge (δ^+) on the side of the hydrogen atoms.

Because of the shape of the water molecule, these polar bonds make the molecule polar overall.

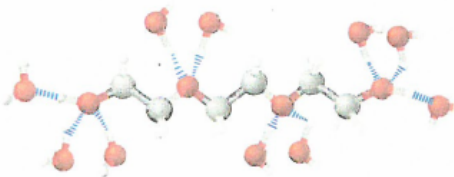
Polar molecules are attracted to other polar molecules. This attraction is due to the positive side of a polar molecule being attracted to the negative side of another polar molecule. This attraction is the basis of the intermolecular bonding that may occur when one substance dissolves into another. This tendency is summed up nicely in the principle "like dissolves like," meaning that polar substances dissolve in other polar substances.

We can take a closer look at the interaction between water and polyethylene glycol molecules. The oxygen atoms in the polyethylene glycol chain each have two nonbonding electron pairs. The partial positive charges around the hydrogen atoms in water are attracted by these



Hydrogen bonding between water molecules.

nonbonding electrons. This particular type of intermolecular attraction is called a hydrogen bond. Hydrogen bonds occur when a hydrogen atom attached to a small, highly electronegative atom (typically F, N, or O) is in the vicinity of an atom with nonbonding electron pairs. Although not as strong as covalent or ionic bonds, hydrogen bonds are the strongest



Hydrogen bonding (blue lines) between polyethylene glycol and water. Hydrogen bonds are about 1/15th the strength of a covalent bond. Red = oxygen atoms, grey = carbon atoms, and white = hydrogen atoms.

of the intermolecular forces. The hydrogen bonds between water molecules are responsible for its unusually high boiling point.

The dyes used in paintballs are also polar and water soluble. The polar nature of the polyethylene glycol enables these water-soluble dyes to be dissolved within the paintball. We can't show you the structures of the dyes because they are proprietary—that means a closely guarded secret. But the colored dyes and the polyethylene glycol are water soluble, so today, when a paintball combatant returns from the field of battle and her clothes are splattered with paint, they simply need to be thrown into the wash and they will generally come out clean—though it may take more than one washing!

Magic markers

The firing instruments used to shoot the paintballs have come a long way since the game began.

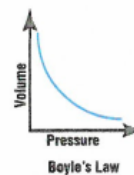
Known as **markers** rather than guns, they have evolved from hand-cocked, single-shot pistols into rapid-firing, high-precision instruments. The "marker" term arose from the first use of paintballs, which was to mark trees and cattle. The term also gives the sport of paintball a less violent image.

The markers come in a variety of makes and models—from pistols to semiautomatic rifles. Some models can fire 100 paintballs at 30 per second using a single 12-gram CO₂ cartridge. Extra large hoppers (the storage chamber that holds the paintballs before they are fired) can hold up to 250 paintballs. Fully automatic models are available, but these are prohibited on most playing fields. There are even paintball "landmines" that will spray paint all over whoever is unfortunate enough to step on one.

Markers all operate on the same basic principle—using compressed gas to launch a paintball. Gases can be readily compressed because there is so much space between the molecules. When the marker is cocked, a paintball falls from the hopper into the barrel. When the trigger is pulled, a quick blast of compressed gas is released directly behind the paintball, propelling it forward at an initial velocity up to 91 m/s.

It's a gas

The most common gas used in paintball markers is compressed CO₂. The CO₂ within a gas canister is at an extremely high pressure—around 800–850 psi (pounds per square inch). At this pressure, however, CO₂ will actually liquefy. So, within the high-pressure confines of a gas cartridge, much of the CO₂ will typically exist as a liquid. The liquid is actually responsible for controlling the pressure of the CO₂. As long as there is



some liquid present, the pressure of the gas in contact with the liquid will remain constant. The pressure of the gas will equal the vapor pressure of the liquid. Thus, the pressure of the CO₂ will stay constant for each shot; if there were no liquid present, releasing the gas would decrease the pressure of the remaining gas. However, if the marker is fired many times in succession, the pressure will temporarily drop since it takes some time for the liquid CO₂ to vaporize and restore the pressure.

The vapor pressure of CO₂ at room temperature is about 60 times atmospheric pressure. To prevent a canister from exploding under high pressure, CO₂ tanks are fitted with a copper burst disk that is made to pop off if

the pressure exceeds a safe level. This varies between 2200 psi and 2800 psi, depending on the manufacturer.

When a small amount of this gas is released, it expands greatly, since it is now under much less pressure. Boyle's law states that the volume of a gas is inversely proportional to its pressure, so long as the temperature is held constant. Inversely proportional means that when one factor decreases, the other increases. When the volume of a gas goes down, its pressure goes up. Likewise, when the pressure decreases, the volume increases.

The paintball is propelled forward by the increase in the volume of the CO₂, which is due to the decrease in pressure the gas experiences as it leaves the cartridge and enters the firing chamber. The only thing standing in the way of the expanding gas is the paintball, which is launched effortlessly through the air.

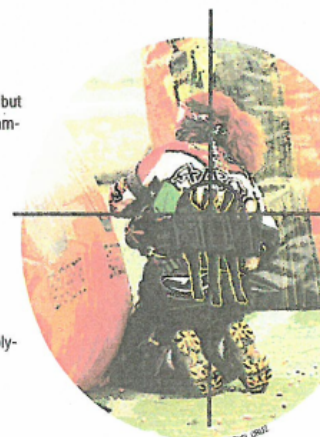
Just do it.

The sport of paintball is highly addictive. Serious players can spend hundreds, or even thousands, of dollars on high-tech gear. There are numerous organized leagues and tournaments in nearly every state and in countries around the world.

Even the U.S. Army is getting into the game; they have made an arrangement to sponsor the Long Island Big Game, to be held May 19–20, 2007, in New York. Organizers expect over 2000 players, and the game will feature tanks, a helicopter, missions, and prizes.

A few bruises are a small price to pay for a sport that not

only is immensely entertaining, but also teaches strategy, builds teamwork, and provides great exercise. And if that upcoming chemistry test is stressing you out, there is no better way to relieve that stress than by heading to the woods with some friends and blasting each other with spheres of brightly colored gelatin-encapsulated solutions of pigment used polyethylene glycol!



Can you find the density of a paintball?

Paintballs come in various sizes, but a typical paintball will have a diameter of 1.7 cm and a mass of 3.1 grams. Can you determine the density of a paintball? The formula for the volume of a sphere is $\frac{4}{3} \pi r^3$.

The formula for density is m/v .
You can find the answer on page 20.



Ten tips from tourney players

Get In shape: It's a physical sport. Eat well, stay active, and cut bad habits such as smoking.

Protect yourself: Cover up with appropriate gear to prevent bruises or a blood clot.

Know the rules and abide by the do's and don'ts. Be a good sport.

Learn to shoot with either hand. This increases your mobility.

Be unpredictable: Make yourself a harder target for the competition.

Prepare: Study the game and walk the field. Pack your gear the night before.

Communicate with team members. Tournament players yell at each other constantly.

Practice: Simple drills can improve your aim.

Be safe: Always wear your mask, listen to the ref, and follow the rules of the field.

Always treat a marker as if it is loaded.

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Brian Rohrig teaches at Jonathan Alder High School in Plain City, OH. His most recent *ChemMatters* article, "NASCAR: Chemistry on the Fast Track," appeared in the February 2007 issue.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
1 (21/12/16)	C Whyatt 581 David Road WHITE PEAK WA 6532	<i>Support</i>	No additional comment.
2 (3/1/17)	A Dean & K Power 575 David Road WHITE PEAK WA 6532	<i>Objection</i> Live across the road, every weekend will have up to 60 cars pulling in and out up to 6pm at night, week in week out. Security issues with the amount of people driving here every weekend, this road already has enough traffic without adding this on top, as we have kids. Please don't ruin our serenity out this way, as this is the reason we chose to move here.	It is noted that the development would lead to the generation of additional traffic movements along this section of David Road. It is also noted that this section of David Road does already carry a reasonable level of steady traffic due to its role in servicing the 25 lot Dolby Creek Estate and many of the eastern residents of the 222 lot Parkfalls Estate.
3 (5/1/17)	N Whyatt & L Heere 22 Patten Place WHITE PEAK WA 6532	<i>Objection</i> The proponent has likened the sound of a paintball marker "to the sound of a tennis ball hitting the face of a racquet" and that they emit very little sound. However I would not necessarily consider the sound of a tennis ball hitting a racquet to emit "very little sound" especially when paintballs are normally fired in quick succession. I believe the hills surrounding the location will cause the sounds produced to echo and increase the overall sound emitted. There are also other sounds associated with paintballing such as raised voices of the players, the paintballs hitting the objects used within the fields, and the increased traffic to the area. Proponent also mentions that the nearest house to the proposed fields is 300m directly south, but the nearest house is 250m to the west. Our property is located 500m from the proposed field.	It is noted that the noise emitted from a paintball field is not limited to the sound of a marker gun being fired, other noises produced can include the sounds of players calling to each other or paintballs hitting elements of the paintball field e.g. metal drums or sheeting, wood panels etc. or sirens. The closest third party residence (i.e. excluding the proponent's own proposed residence location) to the proposed development (Paintball Field 1) would be 240m to the west. There is potential for third party residences to be developed closer than this were Lot 8 David Road, to the south of the proponent's property, to be rezoned and subdivided for further rural-residential development.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>There was an existing paintball field in the Shire that is no longer in operation, I would suspect that a lack of custom has forced them to cease operating and therefore question the need for another to start operating. The paintball field that closed down was situated in a more ideal location not surrounded by houses.</p> <p>Question the location of the proposed paintball fields and the proximity to the surrounding housing estates. The property sizes within these estates allow people to enjoy some open space and "the country life". They also choose to live that little bit further outside of the city to enjoy the quiet weekends and the natural surroundings. I believe that the proposed paintball fields will adversely affect one of the very reasons people choose to live in Chapman Valley and the surrounding estates.</p> <p>The location of our property allows us to enjoy open views of the Moresby Range, the materials used to establish the paintball fields would add an eyesore to these views.</p>	<p>Council approved a paintball operation upon 195 (Lot 1) Murphy-Yelna Road, Yelna at its 20 May 2009 meeting. This property has since changed ownership and the operation has ceased.</p> <p>Section 3.3.4 of the Development Assessment Panel Training Notes 'Making Good Planning Decisions' (2011) prepared by the State Department of Planning provides the following comment in relation to the issue of amenity:</p> <p><i>"Amenity' is defined in the Model Scheme Text, as: "... all those factors which combine to form the character of an area and include the present and likely future amenity."</i></p> <p><i>One of the considerations that must be made is whether the amenity of a locality will be adversely affected by a development proposal.</i></p> <p><i>In the decision of St Patrick's Community Support Centre and City of Fremantle [2007] WASAT 318, the Tribunal considered how amenity was to be measured. The first step, according to the Tribunal, is to undertake an objective inquiry as to the existing character of the area. Once that character is ascertained, the next step is to consider how the proposal might affect that amenity, having regard to its impacts – for example, car parking and traffic, noise, etc."</i></p> <p>Lot 1 David Road is located within the 'Moresby Range Landscape Protection Special Control Area' zone, and the Scheme Text notes the following:</p> <p><i>"6.2.2 The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give</i></p>

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. * Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			Recommendation
4 (7/1/17)	C & S Clough 2 Patten Place WHITE PEAK WA 6532	<p>Objection We appreciate that the actual noise created by the paintball guns may be minimal however there is no mention of player generated noise. Having taken family members to this type of activity in the past we have found that it is normal to hear players running around yelling to each other in the heat of the game.</p> <p>The submission states there is an expectation of 20 to 30 players per session which will result in a substantial noise increase over prolonged periods. As this activity is targeted to take place between Friday to Sunday and on public holidays this will result in having substantial noise pollution created when we are at home trying to enjoy our down time.</p> <p>One of the main reasons we choose to live in this</p>	<p>consideration to the purpose of the Special Control Area."</p> <p>6.2.3 In the determination of any application for planning approval within Special Control Area 2 the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding:</p> <p>(a) The siting of the proposed development;</p> <p>(b) The design and layout of the proposed development;</p> <p>(c) The materials and finishes to be used in the proposed development;</p> <p>(d) The protection of remnant native vegetation or re-vegetation located on the site;</p> <p>(e) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or</p> <p>(f) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion."</p>
		<p>It is noted that the noise emitted from a paintball field is not limited to the sound of a marker gun being fired, other noises produced can include the sounds of players calling to each other or paintballs hitting elements of the paintball field e.g. metal drums or sheeting, wood panels etc. or sirens.</p> <p>Section 3.3.11(a) of the Development Assessment Panel Training Notes 'Making Good Planning Decisions' (2011) prepared by the State Department of Planning makes the following comment in relation to community concerns and perceived impacts:</p> <p>"It is common to receive a number of submissions from the community when particular uses are proposed. As noted in</p>	Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			Recommendation
5 (10/1/17)	J Ruby & L Dennis 343 Eliza Shaw Drive WHITE PEAK WA 6532	<p>community was to enjoy the peace and quiet of this location.</p> <p>We are directly across the road and it has more direct impact on the neighbouring properties, this being the case we ask that particular consideration be given to the properties in direct proximity to this proposed activity.</p> <p>It will result in substantially increased vehicle traffic utilising David Road on weekends/public holidays. This traffic is expected to start around 7:30 and finish at 18:30 during their operating periods. The increase in traffic will also have an impact on noise levels in the direct areas adjacent to the proposed property, I struggle to believe that every adjoining resident would be in favour of increased road noise every weekend or public holiday.</p> <p><i>Objection</i> Proposed business is a great idea but the location is not ideal, too close to nearby houses. As we own a paintball gun the submission regarding the noise emitted is not accurate in our view, the paintball gun we have is most definitely louder than our refrigerator. Concerned about the likely noise being generated from the proposed business, especially as most people live in our area because it is more peaceful than living in the suburbs.</p>	<p><i>Arnold and Town of Claremont [2009] 231, the views of residents can be considered relevant, especially when supplementing the objective evidence of experts:</i></p> <p><i>[73] "The view of residents, as well as the opinions of experts are considered to be relevant in assessing amenity as outlined in Sunbay Developments Pty Ltd and Shire of Kalamunda [2006] WASAT 74, where Barker J at [21] considered that:</i></p> <p><i>"... Indeed, residents of a locality are often well placed to identify the particular qualities and characteristics which contribute to their residential amenity."</i></p> <p><i>These submissions should not be accepted blindly on the basis that there is a perceived but not substantiated concern that the proposed use will affect adversely on the amenity of the locality."</i></p> <p>It is noted that the development would lead to the generation of additional traffic movements along this section of David Road. It is also noted that this section of David Road does already carry a reasonable level of steady traffic due to its role in servicing the 25 lot Dolby Creek Estate and many of the eastern residents of the 222 lot Parkfalls Estate.</p> <p>It is noted that the noise emitted from a paintball field is not limited to the sound of a marker gun being fired, other noises produced can include the sounds of players calling to each other or paintballs hitting elements of the paintball field e.g. metal drums or sheeting, wood panels etc. or sirens.</p> <p>The submitted application states that a paintball game involving 12 players emits noise of 35.5 decibels at a distance of 300m.</p> <p>The Department of Environment Regulation were invited to make comment upon the submitted application, and particularly the issue of noise, however no response was</p>
			Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
6 (10/1/17)	D Pendlebury 13 Wittenoorn Circle WHITE PEAK WA 6532	<p><i>Objection</i> Believe a paintball field is a great idea but the proposed location is not a good one.</p> <p>David Road is steadily getting busier and this would only increase it at the worst times of day.</p> <p>Having played paintball regularly myself I know the noise of the guns carries a long way contrary to the proposal provided. Player noise is also a substantial issue and I feel for the neighbouring people who chose this area for its peaceful nature.</p> <p><i>Objection</i> Location next to farms with livestock is an accident waiting to happen.</p>	<p>received from the DER.</p> <p>Irrespective of any conditions set by Council (were the development to be approved) the development would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>Were Council to consider that the application should be supported it may consider that the following conditions should be applied to any such approval:</p> <p><i>"Noise emissions from the development shall at all times comply with Environmental Protection (Noise) Regulations 1997."</i></p> <p><i>"The local government may require the applicant/landowner to undertake a Noise Level Assessment at their expense, to be undertaken by a member of the Association of Australian Acoustical Consultants, which may include noise monitoring and acoustic analysis, to assist in ascertaining whether the development is in compliance with the preceding condition. If the Noise Level Assessment recommends that any measure(s) be taken to ensure compliance with the preceding condition, the applicant/landowner shall comply with any such recommendation at their expense."</i></p> <p>The issue of noise was previously raised in Submission 5 and comment provided.</p>	Note submission.
7 (11/1/17)	J Brown & G Larner 3 Parmellia			Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
	Boulevard WHITE PEAK WA 6532	Increase of traffic through the Parkfalls Estate. Even though the noise of the guns is low, wind will bring the shouting and screaming of players particularly when people are home e.g. weekends, noise travels. Construction of the area instead of using the natural surroundings.	It is not considered that visitors to the paintball facility would generally travel from the north through Parkfalls Estate (Eliza Shaw Drive) to reach their destination as this is a more circuitous route than travelling along David Road from the south. The issue of noise was previously raised in Submission 5 and comment provided. It is unclear as to the nature of this comment.	
8 (12/1/17)	C & G Hughes 20 Patten Place WHITE PEAK WA 6532	Support Support the proposal as will be nice to see some development out here, hoping to be the start of seeing more facilities out here for locals.	The Shire has budgeted for the construction of a community centre and nature playground in 2017 to service the recreational and community needs of the White Peak locality. The provision of commercial/tourism related development is market driven and more appropriately undertaken by the private sector.	Note submission.
9 (12/1/17)	B Wren & L Leeming 345 Eliza Shaw Drive WHITE PEAK WA 6532	Objection We would like to object in the strongest possible terms. Too close to residential area, both in its operation and access. Within an area bordering close to the Ranges. Likely noise from operation and access by vehicles, particularly at weekends and holidays when residents are specifically enjoying the relative peace and quiet of the local area. Greatly increased traffic and numbers of non-resident visitors in and around the area. Likelihood of those numerous visitors coming onto other nearby resident's property requesting directions from either access direction, and thereby being a concern to property owners about security and privacy.	The closest third party residence (i.e. excluding the proponent's own proposed residence location) to the proposed development (Paintball Field 1) would be 240m to the west. There is potential for third party residences to be developed closer than this were Lot 8 David Road, to the south of the proponent's property, to be rezoned and subdivided for further rural-residential development. It is noted that the development would lead to the generation of additional traffic movements along this section of David Road. It is also noted that this section of David Road does already carry a reasonable level of steady traffic due to its role in servicing the 25 lot Dolby Creek Estate and many of the eastern residents of the 222 lot Parkfalls Estate. Were the development to be approved it would be standard practice for such an approval to be conditional on signage being to the approval of the local government. This is intended to ensure that a development has both adequate	Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
10 (12/1/17)	R Eastlough 606 David Road WHITE PEAK WA 6532	<p><i>Objection</i> Development is not consistent with the rural zoning.</p> <p>Proposal is not consistent with the intentions of the Moresby Range Landscape Protection zone identified in the Moresby Range Management Strategy (WAPC 2009) and the Moresby Range Management Plan (Ferart 2010).</p> <p>Paintball venture would create a gathering place for large numbers of people that is inconsistent with the rural ambience and intentions/management of surrounding properties. Tourism ventures that are peaceful and in keeping with the rural nature of the area would be more appropriate.</p> <p>Establishment of a recreational facility like this could detract from the peaceful conditions and impact negatively on any future potential adjoining residential subdivisions.</p>	<p>signage to ensure it can be located by visitors, but also to not be at such a level or design that it is intrusive on the amenity/aesthetics of the surrounding area.</p> <p>The proposed paintballing operation would meet with the definition of 'Recreation-Private' which is listed as a 'D' use within the 'Rural' zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval.</p> <p>The Moresby Range Management Strategy addressed a 55,000ha study area from Isseka in the north, to Mount Erin to the east (27km inland) and the Geraldton-Mount Magnet Road to the south. The Strategy recognised that there were particular issues relating to the southern section of the Range (which includes Lot 1 David Road) that were of particular importance to the regional community, and recommended that a Management Plan be prepared for this area</p> <p>Lot 1 David Road falls outside the area identified as 'Range Precinct' by the Moresby Range Management Plan (2010), and is identified in Figure 4.1 of the Management Plan as being a "lower visibility area, lots typically larger than 1ha". Section 4.6 of the Management Plan notes that "While lots of 1ha and above may be appropriate here because the area sits lower in the landscape this will have to be balanced with better quality of design that respects and enhances the ecological quality of the area."</p> <p>The Moresby Range Management Plan sets a strategic direction of sensitive rural-residential development for Lot 1 and the lots to the immediate north, south and east, and the development of a paintball operation might give rise to land use conflicts at a later stage should the surrounding landowners pursue rezoning and subdivision (noting that the respondent for Submission 10 is the landowner to the north and has already commenced this exploration through the initiation of Scheme Amendment No.4).</p>	Note submission.
		There is no information about the height of the proposed	The issue of fence height and collection of used paintballs	

Proposed Paintball Fields – Lot 1 David Road, White Peak – Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>fences for each field and the location and type of screening vegetation. This will mean that paintballs can readily escape from the playing fields and that visual amenity can be affected.</p> <p>As a neighbour, I am concerned that the bush and the slope of Lot 1, provides good visual connection with the sheds and infrastructure that are distant from my house. Maintaining security of these assets will be increasingly difficult and may be compromised with large numbers of people visiting the neighbouring property.</p> <p>Proximity of the proposed playing fields to the waterways is of concern.</p> <p>Prevention of access to the waterway network and bushland by visitors using the paintball facility cannot be assured in the current proposal. There is no evidence of control measures and there are concerns that participants in the paintball game could use the access for reconnaissance of the infrastructure of adjoining lots (sheds and their contents etc).</p> <p>The proposed use of rubber tyres and old drums etc for use as barriers could inadvertently result in localised contamination of the soil and groundwater. This is of particular concern given the proximity to waterways.</p> <p>There is no information about how the carparks and drainage and any potential pollutants from vehicles will be managed.</p> <p>There are current investigations into the manufacturers of paintballs substituting cheaper oil-based alternatives for polyethylene glycol (PEG). These investigations are currently inconclusive but cannot be ignored as adequate policing of the contents of the paintballs cannot be assured. PEG is a water soluble, flexible polymer. It can be used to preserve objects that have been salvaged from underwater, therefore bioaccumulation issues may become possible in</p>	<p>could be addressed through requirement that the applicant prepare and adhere to a management plan that is also subject to ongoing review.</p> <p>Many of the raised issues could be addressed through the imposition of conditions of approval including the following:</p> <p>No activities are to occur within the Dolby Creek and associated tributaries and every attempt should be made to protect the banks from erosion and the degradation of existing vegetation.</p> <p>All stormwater is to be managed on-site to ensure run-off from the paintballing fields, access ways and car park do not enter the Dolby Creek and associated tributaries.</p> <p>The activities upon Lot 1 shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, water or otherwise.</p> <p>The 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.</p> <p>Noise emissions from the development shall at all times comply with Environmental Protection (Noise) Regulations 1997.</p> <p>The local government may require the applicant/landowner to undertake a Noise Level Assessment at their expense, to be undertaken by a member of the Association of Australian Acoustical Consultants, which may include noise monitoring and acoustic analysis, to assist in ascertaining whether the development is in compliance with the preceding condition. If the Noise Level Assessment recommends that any measure(s) be taken to ensure compliance with the preceding condition, the applicant/landowner shall comply with any such recommendation at their expense.</p>

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. * Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>the waterways downstream of the paintball operation. It can also replace water in wooden objects. This chemical property may impact on native flora and fauna. PEG is hygroscopic and can attract and hold water molecules from the surrounding environment, usually at normal ambient temperatures. They have an affinity for atmospheric moisture. The document provided with the proposal highlights that the balls can expand into an impressive size with exposure to moisture. There are concerns this property of the paintball contents may result in contamination of some sort and get into the food chain of wildlife. There is some evidence the PEG degradation products can be toxic to mammalian cells (Murali et al 2015). Some forms of PEG are also used as laxatives which could impact on wildlife behaviour and health, with long term exposure.</p> <p>While the proposal identifies the noise associated with the discharge of the paintballs, it provides no information about the noise associated with sirens that advise participants of the start or completion of games. Advice from friends who have participated in paintball games is that those sirens are extremely loud and disruptive. This will further detract from the ambience of the area.</p> <p>While the proposal identifies smoking will not be permitted there is concern that there will be a fire risk associated with this activity. Large numbers of people increases the risk of someone not complying with the rules of the site and therefore increasing the fire risk unacceptably. PEG requires preheating before ignition and combustion and has a flash point of 93.3°C. There are concerns that in the long term, the accumulation within the soil of the material could affect fire behaviour should a fire pass through the property. Large numbers of people in a bushland, grassland and waterway setting greatly increases the threat of fire. As the</p>	<p>The applicant shall, prior to commencement of the development, submit (and subsequently adhere to) a Management Plan to the approval of the local government. (Accompanying Advice Note)</p> <p>In relation to condition 8 the applicant/landowner is advised that the Management Plan (which at the outset is considered to be as per the information provided by the applicant to accompany the development application) shall outline how the site will be managed with items to be addressed including (but not limited to) fire, noise, stormwater and waste management. The applicant/landowner is thereafter to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the Management Plan.</p> <p>It is noted that the noise emitted from a paintball field is not limited to the sound of a marker gun being fired, other noises produced can include the sounds of players calling to each other or paintballs hitting elements of the paintball field e.g. metal drums or sheeting, wood panels etc. or sirens.</p> <p>The applicant was provided with a copy of the received submissions and invited to make comment upon the issues raised therein. The applicant has requested that their application be withdrawn</p>

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
11 (13/1/17)	M Fraser 527 David Road WAGGRAKINE WA 6532	<p>property adjoins the southern boundary of Lots 16 and 18, this increased threat is of great concern.</p> <p>In my opinion, Lot 1 is an important contributor to the rural landscape and beauty of the Moresby Ranges and projects that will protect and enhance the bushland and waterways is more consistent with the attractions of this area. A more suitable location for paintball fields could be in Wynaring, the farm owned by Forbes Spillman. This property has been identified as suitable for tourist and recreational developments, is close to town and has a natural amphitheatre to manage sound. This makes it ideal for a paintball enterprise.</p> <p><i>Objection</i> Proposed paintball facility detracts from the overall residential intent of the Waggrakine/White Peak area. Both the Shire and the City have demonstrated an intent to encourage residential habitation on small semi rural holdings in this neighbourhood.</p> <p>A commercial development of this ilk is not in accord with that intent and detracts from it.</p> <p>Traffic issues along David Road, Eliza Shaw Drive and the other roads leading to the area will increase to nuisance levels.</p>	<p>The subject property, and the area to the west, from where the majority of the received submissions have originated are located within Precinct No.7 – South West of the Shire of Chapman Valley Local Planning Strategy.</p> <p>Precinct No.7 contains the following economic objectives, relevant to the issues being raised by the respondent:</p> <p><i>"7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning.</i></p> <p><i>7.2.2 Promote tourist related uses/development and encourage agricultural diversification in appropriate areas where there will be no detrimental impact to the surrounding land and existing uses."</i></p> <p>It is noted that the development would lead to the generation of additional traffic movements along this section of David Road. It is also noted that this section of David Road does already carry a reasonable level of steady traffic due to its role in servicing the 25 lot Dolby Creek Estate and many of the eastern residents of the 222 lot Parkfalls Estate.</p> <p>It is not considered that visitors to the paintball facility would generally travel from the north through Parkfalls Estate (Eliza Shaw Drive) to reach their destination as this is a</p>
			Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>Questionable whether the proposed use is compatible with the purpose of Special Control Area 2 Moresby Range Landscape Protection.</p> <p>Residents chose to live in a semi rural area to enjoy a lifestyle of peace, quiet, tranquility and a quality of life without the intrusions of a commercial entity.</p>	<p>more circuitous route than travelling along David Road from the south.</p> <p>Lot 1 David Road is located within the 'Moresby Range Landscape Protection Special Control Area' zone, and the Scheme Text notes the following:</p> <p>"6.2.2 The purpose of Special Control Area 2 is the protection of the Moresby Ranges and associated valleys from development and/or subdivision that will detrimentally affect the landscape values of the area, including preventing development that may lead to problems of erosion. In determining any application for planning approval on land within Special Control Area 2, the Local Government shall give consideration to the purpose of the Special Control Area."</p> <p>6.2.3 In the determination of any application for planning approval within Special Control Area 2 the Local Government may, having regard to the purpose of the Special Control Area set out in Clause 6.3.2 and the assessment criteria detailed in the Moresby Ranges Management Strategy, require modification of development proposals, or impose conditions of approval regarding:</p> <ul style="list-style-type: none"> (a) The siting of the proposed development; (b) The design and layout of the proposed development; (c) The materials and finishes to be used in the proposed development; (d) The protection of remnant native vegetation or re-vegetation located on the site; (e) The installation and maintenance of vegetation to provide for the visual screening of proposed development; and/or (f) The installation and maintenance of vegetation, retaining walls or other works to prevent erosion.*

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions				
Submission No. *Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	
			Recommendation	
12 (13/1/17)	C & A Scott 342 Eliza Shaw Drive WHITE PEAK WA 6532	<p>Suggested Council give careful consideration to the proposal and Section 4.2.1, 6.3 and 10.2 of the Scheme and resolve the issue by supporting the current residents right to a peaceful quality of life.</p> <p><i>Objection</i> Residents in the area bought and built houses knowing this block of land is zoned Farming. For paintball to occur obviously the zoning has to change. There is already a special zoning on a parcel of land in the area and when buying in Parkfalls we took that into account.</p> <p>If the zoning was to change what is there to stop the owners adding new projects or selling the land under the new zoning and before residents know it we could have a theme park at the end of our driveways.</p> <p>The owners have quoted noise levels emitted by players. I also know players yell as loud as they can to each other throughout a game. The proposed paintball fields and the residents nearby are all in a valley where yelling echoes and carries. How would the Council handle noise complaints if they were to approve the paintball fields? Residents have bought semi-rural properties to escape noise. I cannot see how the Council can approve such a proposal when both the Council and the owners have no way of controlling people yelling at each other.</p>	<p>Section 4.2.1 of the Shire of Chapman Valley Local Planning Scheme No.2 relates to the objectives of the 'Residential' Zone. The subject property is zoned 'Rural' and the residents to the west are within the 'Rural Residential' zone. Relevant aspects of Section 10.2 – 'Matters to be Considered by the Local Government' are listed in the Statutory Environment of the Council Agenda report.</p> <p>The subject property is zoned 'Rural'. The proposed paintballing operation would meet with the definition of 'Private Recreation' which is listed as a use that can be considered by Council at its discretion within the 'Rural' zone.</p> <p>Were the landowner to consider further development upon this property, a development application would be required to be lodged, and this would be assessed against the requirements of the Local Planning Scheme.</p> <p>Irrespective of any conditions set by Council (were the development to be approved) the development would be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>In the event that the development were operating in accordance with the Noise Regulations a noise complaint would generally not be further acted upon. In the event that the development was not operating in accordance with the Noise Regulations then the development would be required to cease operations until measures had been introduced that ensured compliance with the Noise Regulations.</p>	Note submission.
13 (13/1/17)	C Low 1 Westlake Place & 30 Pitchford Crest WHITE PEAK WA 6532	<p><i>Objection</i> The visual impact of 3 playing fields and the large numbers of parked vehicles in the line of sight of my future home are of concern. When we purchased the block, the view across the waterways and bushland was one of the key features that attracted us to the site. I particularly liked the rural, natural landscape with no extensive sheds, houses and tall fences between my future house site and the Moresby</p>	<p>The raised issues echo those in previous submissions to which comment has previously been made.</p>	Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>Range.</p> <p>I was aware that the Shire had been working to increase natural vegetation across the Moresby Range and assumed that the projects that were seeking to manage the area as a regional park would protect the remnant vegetation both there and along the waterways leading from the site. The work done further downstream from Lot 1 on Dolby Creek to reduce weeds and improve the environment gave me further confidence that my view would be safe.</p> <p>My understanding of rural land is that it is for "rural purposes" not recreational activities such as intensive games like paintballing. Having large groups of people gathering every weekend will not be consistent with the rural ambience and management of surrounding properties. Low key, less invasive tourism ventures that are peaceful and in keeping with the rural nature would be better.</p> <p>The proposal states that there will be fencing around each field will prevent paintballs being lobbed out of the fields even though they can travel 90m. There is no information about the height or type of the proposed fences for each field and the location and type of screening vegetation. It appears that paintballs may be able to readily escape from the playing fields. To have fences of sufficient height to stop paintballs escaping could have a significant detrimental visual impact.</p> <p>The fields also seem very close to the waterways and there is a risk that some aspect of the proposal could contaminate this sensitive environment. There is no clear indication in the proposal of how visitors to the site will be prevented from accessing the waterway, bushland and straying from the fields and parking lots. Some sort of monitoring system or fencing will be needed but fencing that is capable of keeping large numbers of people out are highly likely to also affect the movement of native animals. Exclusion fencing that has a high visual impact and affects wildlife is not supported.</p>	

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
14 (13/1/17)	S Dawson 1 Westlake Place WHITE PEAK WA 6532	<p>Dumping of rubber tyres is illegal as it poses a threat of local environmental contamination and therefore such products should not be used in the playing fields. There are many aspects detailed in the paintball facility proposal that have the potential to impact on the environment including old drums, paintballs themselves, rubbish from participants and the materials used to provide the barriers in the paintball game. As the fields are proposed to be so close to the creekline this is of concern. Accumulation of chemicals over many years with such large numbers of people playing is likely in the soil and may be carried into the water with rain events. This may impact on native plants and animals and is a threat that cannot be ignored.</p> <p>Fire is also a worry as having lots of people visiting a bushland and rural environment increases the chance that someone will not be aware of the fire hazard in tall grassland and bushland. The proponents say that smoking will not be allowed but enforcing such a rule is very difficult over time.</p> <p>Regular sirens are used with most of these games and these are not mentioned in the proposal. I understand from friends who have participated in paintball games that the sirens are extremely loud and disruptive. This will further detract from the ambience of the area.</p> <p>In my opinion, Lot 1 is an important part of the rural landscape and beauty of the Moresby Ranges. This location is not suited to a paintball facility and a site that is more isolated from residential areas would be more appropriate.</p> <p><i>Objection</i> It concerns me because I thought the land was a rural zoning that would not allow for an intensive recreational facility like paintball.</p> <p>I also thought that the Shire had done a lot of work to protect the Moresby Range landscape and high fencing.</p>	The raised issues echo those in previous submissions to which comment has previously been made.
			Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. * Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>noise and large numbers of parked vehicles will not be in keeping with the natural beauty of the area. Large numbers of people also do not belong in a rural environment and paintball is not a peaceful enterprise. The bushland and waterways provide a peaceful outlook from the property and this will be lost with lots of people and noise being generated every weekend.</p> <p>Maintaining security of sheds and houses with more people congregating in a small area is also a worry. There are many sheds on my property that are close to site and may be impacted upon.</p> <p>The proposal says that no paintballs will leave the playing fields but there is no information about the height of the proposed fences for each field. It also mentions that there will be some planting to screen the fields but there is no information about where or what types. It is often advertised in the paper and newsletters about how sensitive creeklines are, and the fields seem very close to them and could affect the condition of the bush.</p> <p>The pictures of the fields shows different types of treated timber, tyres and the proposal says that there is a plan to use old drums, pine posts and similar materials. These need to be clean so they do not contaminate the soil and water and to ensure that chemicals aren't discharged in Dolby Creek and eventually Rum Jungle.</p> <p>A quick search on the web shows that some paintball manufacturers are substituting cheaper oil-based chemicals in the middle of paintballs. Things that are imported from overseas cannot be checked regularly by the government and there is a risk that more toxic substances could be added to the environment from the paintballs over time. The Perth Children's Hospital and the asbestos and lead issues there, demonstrate this risk very well.</p> <p>Over time, any chemical that is used in the middle will increase in an environment where they did not historically</p>	

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
15 (13/1/17)	J Faichney 528 David Road WHITE PEAK WA 6532	<p>occur, particularly ones that swell with exposure to water. This means that bioaccumulation issues are possible in the waterways downstream of the paintball operation and may impact on the local plants and animals. Even if large animals aren't impacted upon, soil fauna like worms could be affected and then affect the food chain.</p> <p>There are sirens in the games that I have heard which are very loud. This will affect my enjoyment of the property.</p> <p>Bushfire is also a worry as it is close to creeks and having lots of people around increases that risk.</p> <p><i>Objection</i> Lot 1 abuts my property on my northern boundary. My family and I enjoy a semi-rural lifestyle, engaging in hobby farm type activities. With the increased traffic, both foot and vehicle, I believe this has the potential to cause destruction, damage and disturbance to the existing infrastructure of our property. Other disturbances include, but not limited to, fence jumping, potential break-ins, vandalism, lost livestock, spoiled crops and trespassing.</p> <p>The paintball fields will be an eyesore from my property. It will be visible from our residence and as there are no large trees to camouflage the fields, the fields and the activities will be visible. The proposal states that the "location of the Admin shed...would shield the view of the playing fields from David Road." (p. 2), however, what will shield the unsightly view from our property? The photographs included in the proposal are a completely different physical environment from the low bush and scrubland that exists on the site currently.</p> <p>This commercial business will impact on any future sale or developmental possibilities of my property. Will the Shire of Chapman Valley make any allowances or guarantees that my investment will be protected? Is the future value of my property at risk of being devalued by this commercial venture?</p>	<p>The closest third party residence (i.e. excluding the proponent's own proposed residence location) to the proposed development (Paintball Field 1) would be 240m to the west.</p> <p>There is potential for third party residences to be developed closer than this were Lot 8 David Road, to the south of the proponent's property, to be rezoned and subdivided for further rural-residential development.</p> <p>The respondent for Submission 15 is the landowner to the immediate south.</p> <p>The Greater Geraldton Structure Plan (2011), Shire of Chapman Valley Local Planning Strategy (2008), and the Moresby Range Management Plan (2010) set a strategic direction of rural-residential intensification for Lot 1 and the lots to the immediate north, south and east of Lot 1, and the development of a paintball operation will give rise to potential land use conflicts should the surrounding landowners pursue rezoning and subdivision.</p>
			Note submission.

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. *Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>The mutual boundary I share with Lot 1 is fully fenced and is maintained. Maintenance of this boundary is crucial to protect my livestock and crops and to prevent any fires. If damage is done to this fence-line, I do not expect to incur any future costs or ongoing maintenance.</p> <p>There is the potential for harm to be caused to my livestock. The risk of losing livestock is great if fences are not maintained, or gates are left open.</p> <p>The noise and commotion of the activities is also a disturbance for my livestock and pets. My dogs are likely to be distressed by the noise and consistency of the machines used for paintballing. While the proposal submitted claims that the "paintball game involving 12 players emitted 35.5 decibels at a distance of 300 metres," (p. 2) akin to a "refrigerator hum" which measures at 40 decibels. The sound is not a hum, but rather a popping or consistent blast, quite a different type of noise disturbance from the hum of a refrigerator. The noise of people yelling has not been considered in the proposal.</p> <p>The paintball's outer shell or other materials could land on our property and will need to be retrieved, causing rubbish to accumulate and required to be disposed.</p> <p>This proposal is a disturbance of the peaceful lifestyle of David Road. The freedom and openness that this lifestyle permits are the major reasons we chose to live in this area, we "love the rural life." (Shire of Chapman Valley motto on the letterhead)</p> <p>Zoning – we are zoned rural. What affect will this have on our rates and future zoning? Is the area going to be considered commercial or industrial? If so, how does this affect us? What is the impact on cost of lifestyle?</p> <p>Unnatural products will be introduced to the natural creek-line, possible toxins could cause damage to the waterway and the surrounding flora and fauna.</p>	

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>There is an abundance of natural wildlife in this area. Their homes could be destroyed or disturbed. The bushland will be disturbed.</p> <p>Increased rubbish from players will cause further environmental damage.</p> <p>This is a natural environment, the materials/obstacles used for these activities will create an unnatural outlook to the area.</p> <p>There will be an increased fire risk and hazard.</p> <p>The increased vehicle movement in the area will create greater noise and traffic.</p> <p>The industrial style infrastructure does not suit the environment. This is not an industrial or commercial area.</p> <p>We have concerns about the gun culture and the militaristic style of entertainment that this venture promotes. We live in a peaceful environment, however, with this type of activity occurring in the area, there is the possibility that unruly behaviour could disturb the serenity.</p> <p>Further concerns about large parties congregating in the area and the resulting anti-social behaviours that can sometimes occur when parties gather.</p> <p>Risk of injury to people – causing further disturbances and concerns to locals.</p> <p>This venture is not suited to this property. There are many residences, including ours, located close to the proposed property. The impact of a paintballing business on this block will have a debilitating effect on many people who enjoy the present lifestyle and who wish to maintain their present peaceful existence as do we as residents of this area.</p>	

Proposed Paintball Fields – Lot 1 David Road, White Peak - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	
16 (13/1/17)	W & J Haggerty 69 Parmelia Boulevard WHITE PEAK WA 6532	<i>Objection</i> Having had previous experience elsewhere with a similar establishment it would be totally detrimental to our quiet rural lifestyle that we have invested in. A business like this would attract the wrong element to our area.	Section 3.3.10 of the Development Assessment Panel Training Notes 'Making Good Planning Decisions' (2011) prepared by the State Department of Planning makes the following comment in relation to 'Relevant (and irrelevant) planning considerations': "Objective and testable expert evidence is generally preferred to generalised anecdotal evidence...Where an application hinges on a particular planning consideration, it is preferable to make that decision on the basis of objective evidence. It is not enough, for example, to refuse an application because "it will cause traffic congestion", without supporting this submission with evidence." The raised issues echo those in previous submissions to which comment has previously been made.	Note submission.
17 (17/1/17)	L & B Turner 75 Westlake Place WHITE PEAK WA 6532	<i>Objection</i> Moved to area as it is quiet and removed, would not have bought here if there was a paintball field. Every weekend there will be shouting and noise, guns noise not issue it is the noise of people playing. Increased traffic and unwanted visitors. Moved here as is aesthetically pleasing and will look ugly when covered in obstacles. Agree paintball field will be great in the Geraldton area but not in a residential area. It will devalue properties here.		Note submission.

A 55

RECEIVED

01 FEB 2017

Record No CR1712288

ATTN: Simon Lancaster
Shire of Chapman Valley
PO Box 1
NABAWA WA 6532

Thank you Simon for forwarding the Submission forms received by the Shire with regards to my husband and I's application to establish a recreational paintball park at the 100 acre, privately owned (since roughly 1987), Lot 2664 David Road, White Peak. I write to you today in response to these submissions.

I would be lying if I said the amount of negativity towards our proposal from the local residents wasn't disheartening. I know you can appreciate how much work, research and consideration has gone into simply putting forward the proposal/application, let alone the considerable personal investment we were prepared to (continue to) make to see this project through. A project that we believe would be of great benefit to the local community (Geraldton, Chapman Valley and other surrounding communities)

We respect the concerns expressed in the submissions forwarded to us, but many of the specific issues that were voiced in the submissions were already covered by the initial application. This fact leads us to believe that the residents simply don't want this business in their immediate community regardless of the fact that it will be entirely compliant (obviously) with the rules and regulations that are applicable, including noise restrictions, proximity to boundaries, environmental considerations and more.

In taking these responses/submissions into account, we feel that we cannot proceed with the proposed establishment.

This is very unfortunate, as we strongly believed this venture would only excel the process of the Shire transitioning into a vibrant tourist hub, which is of benefit to both businesses and residents alike.

I would like to take this opportunity to thank you, Simon, and your colleagues for your vision, support and assistance thus far. It has been greatly appreciated.

Kind regards,

Natalie & Ry LeFevre

AGENDA ITEM:	10.1.2
SUBJECT:	DOLBYS DRIVE STRUCTURE PLAN
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	LOTS 20 & 166 COOPER STREET & LOTS 171-174 DOLBYS DRIVE, WAGGRAKINE
FILE REFERENCE:	204.06.06
PREVIOUS REFERENCE:	11/10-16, 5/13-6, 05/14-2, 12/15-5 & 11/16-3
DATE:	7 FEBRUARY 2017
AUTHOR:	SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

Council resolved at its 16 November 2016 meeting to advertise the draft Dolbys Drive Structure Plan for comment. The advertising period has now been concluded, and the received submissions are presented to Council for its consideration. This report recommends that Council adopt the Dolbys Drive Structure Plan subject to minor modifications.

COMMENT

The draft Dolbys Drive Structure Plan addresses a 38.0019ha area comprised of 6 individually owned lots each of which contain a residence, and are all capable of being further subdivided.

Figure 10.1.2(a) – Dolbys Drive Structure Plan area



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

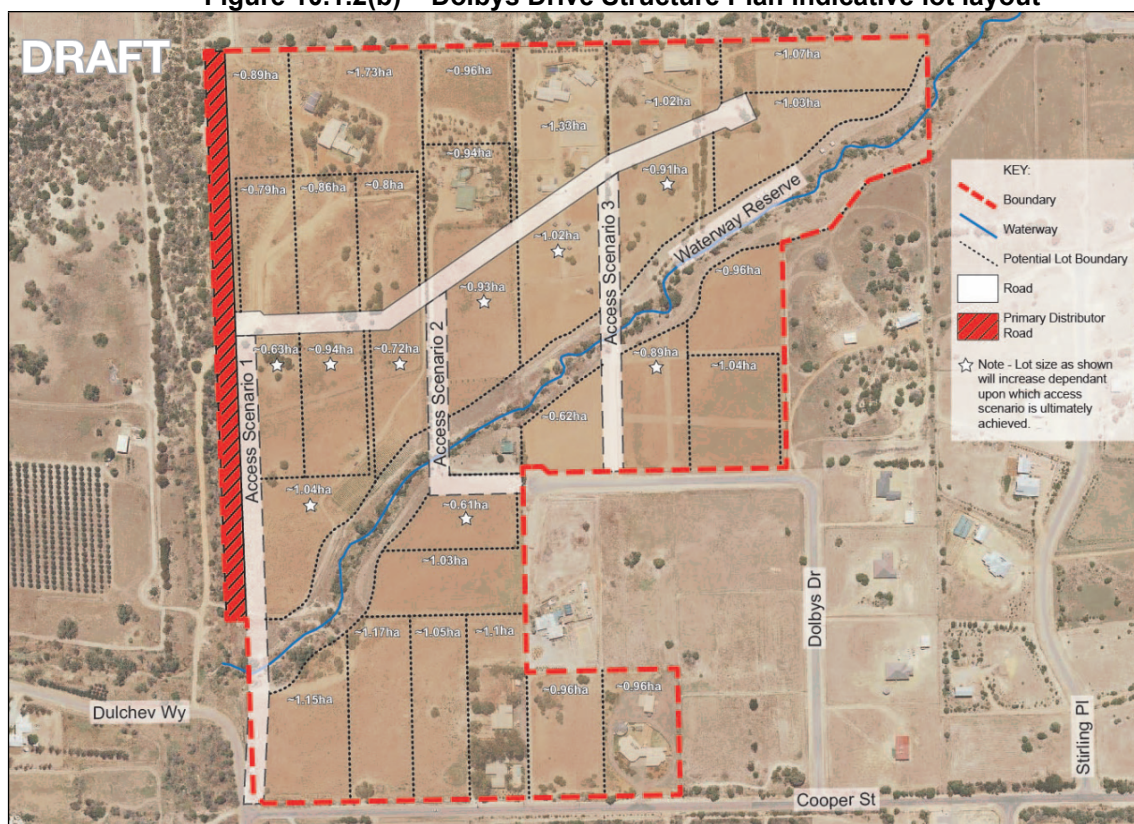
The need for a structure plan arose when the Western Australian Planning Commission ('WAPC') included the following note in its determination on subdivision approval 149890:

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

Given that the Dolbys Drive Structure Plan area is under multiple ownership, and several of the landowners have differing timeframes for subdivision, and occasional cause for disagreement, the Shire has assumed the role of lead agency to resolve this matter. Council resolved at its 16 December 2015 meeting to commence the structure plan process (with the 6 landowners to be consulted in its preparation).

The strategic direction for this area established by the Greater Geraldton Structure Plan (2011) and the Shire of Chapman Valley Local Planning Strategy (2007) is for rural-residential lots of approximately 1ha. This direction is addressed in the draft Dolbys Drive Structure Plan, with some minor variation where subdividers are required to provide land for public open space (similar to the precedent established further east along Dolby Creek) or land for potential highway alignment, or to enable flexibility in the provision of an access point across the Dolby Creek.

Figure 10.1.2(b) – Dolbys Drive Structure Plan indicative lot layout



The key issues the structure plan has been required to address are as follows:

- designation of an appropriate reserve along Dolby Creek that will assist in the strategic goal of providing a recreation and wildlife corridor between the coast and the Moresby Range (the width of the reserve as proposed by the structure plan was established through on-site walking of the watercourse by representatives from the Shire, the appointed consultant and the Department of Water);
- regard for the requirements of Main Roads WA in relation to the proposed Primary Distributor Road alignment as identified by the Greater Geraldton Structure Plan along the western boundary of the structure plan area;
- identification of a crossing location to enable subdivision of the land north of Dolby Creek, the structure plan has taken the view that to identify one crossing location would be unnecessarily constraining on an area under multiple ownership, and has therefore identified 3 potential crossing locations that would enable landowners' to act independently of one another if necessary, and the creation of the first crossing location on-ground would guide the pattern of further subdivision (with the other 2 locations then not being required);

- preparation of a Local Water Management Strategy to coordinate stormwater management;
- bushfire hazard assessment to ensure development upon the future lots can achieve a Bushfire Attack Level rating of 29 or less.

The draft Dolbys Drive Structure Plan was prepared to address these issues and was presented as a **separate attachment** to Council for its consideration at the 16 November 2016 meeting, where it was resolved as follows:

“That Council resolve to:

- 1 *Adopt the draft Dolbys Drive Structure Plan for advertising;*
- 2 *Forward a copy of the draft Dolbys Drive Structure Plan to the Western Australian Planning Commission pursuant to Schedule 2 Part 4 clause 18(1)(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 and advise that the Shire will be conducting an extended consultation period;*
- 3 *Commence advertising of the Dolbys Drive Structure Plan pursuant to Schedule 2 Part 4 clause 18(2)&(3) of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 4 *At the conclusion of the advertising period return the draft Dolbys Drive Structure Plan, and any received submissions, to Council for its further consideration.”*

STATUTORY ENVIRONMENT

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

Figure 10.1.2(c) - Scheme Map illustrating the subject area in context to the Dolby Creek reserve that has already been created to the east and the ‘Major Road’ zone to the west



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

Section 5.22.6 of the Scheme and Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’) address the requirements pertaining to the preparation of a structure plan.

POLICY IMPLICATIONS

The appointment of the consultant to prepare the Dolbys Drive Structure Plan was conducted in accordance with Council Policy CP-024.

FINANCIAL IMPLICATIONS

Council resolved at its 16 December 2015 meeting to select GHD to undertake the Dolbys Drive Structure Plan (and accompanying Local Water Management Strategy) for the quoted amount of \$25,936 GST ex (with a contingency amount noted in the event that an additional traffic impact statement was required to address Main Roads WA requirements).

Council set aside \$28,000 for the preparation of the Dolbys Drive Structure Plan in its 2016/2017 budget (Account 7072/Job 1031).

The Shire was advised on 28 May 2016 that its application for \$25,000 funding for the Dolbys Drive Structure Plan project had been successful and this grant amount is included within Account 2254 of the adopted 2016/2017 Council budget.

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

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

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

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

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

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

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

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

- "7.1.2 Encourage the rezoning and subdivision of land into Rural Smallholdings and Rural Residential lots in accordance with Figure 4 as a rounding off the greater northern Geraldton area."*
- "7.2.1 Accommodate urban growth sympathetic to rural lifestyle based on appropriate structure planning."*
- "7.2.3 Ensure that Urban and Rural Residential development are adequately serviced by existing services and infrastructure that includes connection to a potable scheme water supply."*
- "7.3.3 Ensure that land use and development adjacent to and in proximity to coastal and river areas incorporate appropriate environmental protection based on natural resource management measures."*

The Dolbys Drive Structure Plan has been prepared with regard for the following objectives of the Local Planning Strategy:

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

The preparation of the Dolbys Drive Structure Plan will facilitate the following direction for Precinct No.7 - South West as established by the Local Planning Strategy:

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

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

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan 2013-2023 was adopted by Council at its 19 June 2013 meeting and reviewed and approved by Council at its 16 March 2016 meeting. The Strategic Community plan lists 'ensure planning and procedures are in place to promote and make the right land available to increase housing' as a Community Strategy to achieve the outcome of 'more people and families move into the Shire' and 'explore opportunities to utilise key areas in the Shire by showcasing their natural and environmental characteristics' as an Environmental Strategy.

CONSULTATION

The Shire wrote to the Dolbys Drive Structure Plan landowners on 18 January 2016 to advise of the project's commencement and provide background information, and seeking to arrange on-site meetings with landowners to discuss, and gain their input into, the initial drafting of the structure plan.

Shire staff and the appointed consultant met on-site with 4 of the 6 Dolbys Drive landowners over 18-19 February 2016 and also with representatives of Main Roads WA and the Department of Water to discuss the project. The remaining 2 landowners were contacted by Shire staff at a later date.

The Shire wrote again to the 6 landowners on 27 May 2016 with a further update, and inviting comment upon a preliminary concept plan to assist in the drafting of the next stage of the structure plan process.

Schedule 2 Part 4 clause 18(1)(c) of the Regulations requires that Council forward a copy of the draft Dolbys Drive Structure Plan to the WAPC, and details of the advertising/consultation arrangements for the plan. The Shire wrote to the WAPC on 17 November 2016 providing a copy of the Dolbys Drive Structure Plan and background information.

The Shire correspondence to the WAPC also noted that Schedule 2 Part 4 Clause 18(2) of the Regulations and Section 5.22.8.1 of the Scheme provide the minimum advertising requirements for a structure plan (this being a 21 day advertising period in the case of the Scheme, and a 14-28 day advertising period in the case of the Regulations). The Shire correspondence requested WAPC consent for the Shire to exceed the minimum requirements and allow for a consultation period of 60 days to enable a fairer and more reasonable opportunity for comment to be provided, particularly given that the advertising period would be conducted over the Christmas/New Year/Summer School Holiday period.

The WAPC wrote to the Shire on 23 November 2016 advising that it had approved the Shire's request for an extended advertising period pursuant to Schedule 2 Part 4 Clause 18(2) of the Regulations.

The draft Dolbys Drive Structure Plan was advertised for comment, from 30 November 2016 until 31 January 2017 by means of the following:

- public notices placed in the Shire E-News & the Mid West Times;
- public notice being displayed on a sign erected on-site;
- placement of a copy of the structure plan on the Shire of Chapman Valley website;
- display of the structure plan at the Shire of Chapman Valley office/library;
- copy of the structure plan being mailed to all 6 landowners within the structure plan area;
- correspondence advising of the structure plan and where it may be viewed being sent to all 25 landowners abutting the study area;
- correspondence advising of the structure plan and where it may be viewed being sent to the following government agencies:
 - Alinta Energy
 - City of Greater Geraldton
 - Department of Aboriginal Affairs
 - Department of Environment Regulation
 - Department of Fire & Emergency Services
 - Department of Health
 - Department of Water
 - Main Roads WA
 - State Heritage Office
 - Telstra
 - Water Corporation
 - Western Power
 - Westnet Energy

At the conclusion of the advertising period 13 submissions had been received, with 1 in support of the draft structure plan, 3 in objection to aspects of the draft structure plan, and 11 from government agencies offering technical comment.

A Schedule of Submissions, as required by Schedule 2 Part 4 Regulation 20, is provided as **Attachment 10.1.2(a)**. The Schedule of Submissions identifies the respondents, the nature of their submissions, and provides individual comment upon any raised issues. Copies of the received submissions have been provided to Councillors as **separate Attachment 10.1.2(b)**.

Section 5.22.9 of the Scheme and Schedule 2 Part 4 Regulations 19 & 20 requires that Council give regard for any submissions received during the advertising period and, in the event that Council is

satisfied with the structure plan, forward it to the WAPC (with or without modification arising from Council's consideration of any issues raised during the submission period) for final consideration and potential endorsement.

RISK ASSESMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple Majority.

STAFF RECOMMENDATION

That Council resolve to:

- 1 Receive the submissions as outlined in the 'Schedule of Submissions' included as Attachment 10.1.2.
- 2 Adopt for final approval the Dolbys Drive Structure Plan subject to the modifications as outlined in the Schedule of Submissions.
- 3 Forward a copy of the Dolbys Drive Structure Plan to the Western Australian Planning Commission pursuant to Schedule 2 Part 4 Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* seeking its final approval, subject to the modifications as outlined in the Schedule of Submissions.

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
1 (29/11/16) & (11/1/17)	State Heritage Office 491 Wellington Square PERTH WA 6000	<p><i>Comment provided</i></p> <p>The subject area is adjacent to the Geraldton-Northampton Railway Precinct (Place No.12059).</p> <p>The place is in the Heritage Council's assessment program for possible inclusion in the State Register of Heritage Places.</p> <p>Note that a portion of the Railway Precinct is to be used for emergency access to the subject area. For our records we would appreciate notification if any formalisation or works to this access is proposed.</p>	<p>There are no sites listed within the Shire of Chapman Valley Heritage Inventory within the Dolbys Drive Local Structure Plan area.</p> <p>The Dolbys Drive Structure Plan area does not include any sites listed in the State Register of Heritage Places.</p> <p>The former Geraldton-Northampton railway alignment, which is under the management of Main Roads WA and identified as future road corridor, is to the west of (outside of) the structure plan area, and is subject to assessment for possible inclusion in the State Register of Heritage Places.</p> <p>The Dolbys Drive Structure Plan does not propose any development within this former rail alignment.</p> <p>Figure 9 – Movement Plan of the Dolbys Drive Structure Plan document illustrates emergency access to the south-west within the Main Roads WA corridor. This is merely identifying the on-ground gravel driveway alignment that already physically exists, and is, and would, be able to be utilised/available in the event of emergency. This alignment runs west of, and does not interact with, the remains of the old railway bridge.</p> <p>This emergency access alignment would be superseded/made redundant in the event of the on-ground realisation of either Access Scenario 1 of the highway realignment within the MRWA corridor that would provide alternative in event of emergency.</p> <p>Figure 9 also illustrates a future emergency access alignment to the north-west. This does not enter into the former Geraldton-Northampton railway alignment and would be able to link with existing Reserve 49733 (Lot 240) which is a PAW under the management of the Shire and provides emergency access linkage to the Parkfalls Estate to the north.</p> <p>It is noted that the SHO advised the Shire on 4/2/14 that an assessment would soon be undertaken on the Geraldton-Northampton railway alignment on whether it should be entered into the State Register of Heritage Places. Since that</p>
			<p>Note submission.</p>

Dolbys Drive Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
2 (1/12/16)	Western Power 363 Wellington St PERTH WA 6000	<i>Comment provided</i> Your proposal is being reviewed and we will contact you directly for more information if required. This should not be considered to be an approval or non-objection to your works.	time no further contact has been received. It appears to be unfortunate practice for SHO to place items on the state list on an interim basis, pending assessment, and they remain in this limbo for some time awaiting further study. No further comment was received from Western Power during the advertising period. Western Power are a standard referral agency of the WAPC and as such will have the opportunity to provide comment and request conditions as part of all future subdivision applications. It is standard practice at the subdivision stage for Western Power to require that any change to the existing power system, if required, is the responsibility of the subdivider.	Note submission.
3 (6/12/16)	Telstra Locked Bag 2525 PERTH WA 6001	<i>No objection</i> Telstra Corporation Limited has no objection, and have recorded this in our development database. The Federal Government has deemed developers are responsible for telecommunications infrastructure on all developments, i.e. conduits, pits and the cost of the cable installation by Telstra or other carrier. Telstra can provide a quote for the pit and pipe and/or cable. This is explained on the Telstra Smart Community website. The owner/developer will have to submit an application before construction is due to start to Telstra (less than 100 lots or living units) or NBN Co. (for greater than 100 lots or living units in a 3 year period). Please dial 1100 (Dial before You Dig) for location of existing services. <i>No objection</i> ATCO Gas Australia has no assets in the area specified and have no proposed work which will require amendment to your works.	The comments of Telstra are more applicable to the subdivision stage than the rezoning/structure planning stage. Section 2.10.4 – Telecommunications of the Dolbys Drive Local Structure Plan document notes the following: *All lots in the Dolbys Drive Structure Plan area have NBN service available (nbnco rollout map, 2016).*	Note submission.
4 (6/12/16)	ATCO Gas 81 Prinsep Rd JANDAKOT WA 6164		No additional comment.	Note submission.

Dolbys Drive Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	
			Recommendation	
5 (6/12/16)	Department of Aboriginal Affairs 151 Royal Street EAST PERTH WA 6004	<p><i>No objection</i> A review of the Register of Aboriginal Places and Objects as well as the DAA Aboriginal Heritage Database concludes there are no known heritage places within the proposed plan. Therefore based on the information held by DAA no approvals under the <i>Aboriginal Heritage Act 1972</i> are required.</p> <p>For any proposed future works DAA suggest that the Shire refer to the State's Aboriginal Heritage Due Diligence Guidelines. The Guidelines allow proponents to undertake their own risk assessment regarding any proposal's potential to impact Aboriginal heritage.</p> <p><i>Support</i></p>	<p>The Dolbys Drive Local Structure Plan area does not include any registered Aboriginal heritage sites.</p> <p>Section 2.5 – Heritage of the Dolbys Drive Local Structure Plan and Section 4.5 and Figure 5 of the accompanying Dolbys Drive Local Water Management Strategy address this issue further.</p>	Note submission.
6 (8/12/16)	D Baddeley 52 Dolbys Drive WAGGRAKINE WA 6532		<p>Aboriginal heritage places, whether identified or not, are protected in Western Australia under the <i>Aboriginal Heritage Act 1973</i>. The Cultural Heritage Due Diligence Guidelines have been developed by the DAA to assist proponents identify any risks to Aboriginal heritage and to mitigate risk where heritage places may be present.</p> <p>The respondent is a landowner within the Dolbys Drive Local Structure Plan area.</p>	Note submission.
7 (11/1/17)	A Bancilhon Lot 50 Cooper Street WAGGRAKINE WA 6530 (postal address: 37 Leybourne Street BRISBANE QLD 4068)	<p><i>Objection</i> Land value is already low with virtually no sales interest and this will add to the already high number of unsold properties in the area.</p> <p>I will not continue to invest in the Mid West and many businesses and people are closing down/losing jobs.</p> <p>The real estate companies and their families have suffered enough as only one example.</p> <p>Create more opportunities to support land releases or else you just continue to flood an already flooded market.</p>	<p>The respondent is not a landowner within the Dolbys Drive Structure Plan area. The respondent is the owner of a vacant property to the south of the Dolbys Drive Structure Plan area.</p> <p>It should be noted that the Dolbys Drive Structure Plan is effectively an 'infill-project' with previously subdivided rural-residential land already existing to the immediately adjoining north and east.</p> <p>The Dolbys Drive area is identified in statutory and strategic planning documents for further subdivision, and is serviced by existing infrastructure (rather than being on the fringe of a settlement area and requiring extension of services).</p> <p>The Dolbys Drive Structure Plan is not proposing to allow for the creation of a large number of lots, merely 24 new rural residential lots. It should also be noted that these lots would be released onto the market in staged manner given that the structure plan area is not owned by 1 developer, but 6 individual owner-occupiers, who will all have their own varying timeframes for subdivision.</p>	Note submission.

Dolbys Drive Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	Recommendation
8 (13/1/17)	Main Roads WA PO Box 165 GERALDTON WA 6531	<p><i>Comment provided</i> In general MRWA supports the future plans set out in the document and provides the following comments.</p> <p>Main Roads considers the inclusion of the Primary Distributor Road Reserve as set out in the Structure Plan is consistent with the Major Road reserve shown in the Shire of Chapman Valley Local Planning Scheme No.2 and the designation facilitates the portion of land to be acquired by Main Roads in the future. In addition, the designation suitably accommodates Main Roads future plans to realign North West Coastal Highway (NWCH) within the Major Road reserve shown in the Scheme.</p> <p>Construction and realignment of NWCH could lead to the emission of transport noise, which could affect the surrounding subdivided lots. To inform prospective landowners of the future realignment of NWCH a subdivision requirement should be included in section 4.1 of the Structure Plan to apply a transport noise notification on the certificates of title of any proposed lots created that abut the Major Road reserve to the west.</p> <p>In addition in respect of condition 18 of Rural Residential area 1 in Schedule 11 of the Scheme text and Section 3.3 of Development Control Policy No.5.1 – Regional Roads (Vehicle Access), any subdivision and development within the Structure Plan area shall not permit direct access onto the future NWCH alignment.</p> <p>Figure 10 shown on page 27 of the Structure Plan visual representation of the indicative future</p>	<p>The structure plan provides a framework to guide future development of the area, it is not mandating that the area be developed.</p> <p>Shire staff and the consultant met with MRWA staff at the outset of the preparation of the Structure Plan to ensure that MRWA's issues were addressed. A further meeting was held on-site at the intersection of Beattie Road and Cooper Street to ensure the issues of MRWA were understood.</p> <p>The support of MRWA for the Dolbys Drive Structure Plan is welcomed, and the 2 minor modifications as outlined in the MRWA submissions are agreed with.</p> <p>Section 2.8 – Movement Network of the Dolbys Drive Local Structure Plan addresses this issue further.</p> <p>SPP5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning is addressed in Section 1.3.4 of the Structure Plan document.</p>	<p>Note submission and modify the Dolbys Drive Structure Plan as follows:</p> <p>Include text in Section 4.1 of Part 1–Implementation of the Structure Plan document recommending that a notification be placed on lots that abut the Major Road reserve, at time of subdivision, stating that the lots are in the vicinity of a proposed transport corridor and may in the future be affected by transport noise.</p> <p>Include text in Section 4.1 recommending that at the time of subdivision a covenant preventing vehicular access to and from the Major Road reserve be lodged on the Certificate of Title of those lots abutting the Major Road reserve.</p> <p>Modify Figure 10 (p.27) of the Structure Plan document to ensure that the cadastral boundaries are aligned with the aerial image layer.</p>


Dolbys Drive Local Structure Plan - Schedule of Submissions				
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment	
			Recommendation	
9 (20/1/17)	Water Corporation 1 st Floor 45 Cathedral Ave GERALDTON WA 6530	<p>NWCH alignment under Access Scenario 1 is slightly distorted. This is due to the cadastre boundaries being off centred to west and therefore do not match up with the aerial image layer.</p> <p><i>Comment provided</i> Reticulated water is currently available to the subject area. All water main extensions if required for the development must be laid within the existing and proposed road reserves on the correct alignment and in accordance with the Utility Providers Code of Practice.</p> <p>The water reticulation extension will need to be further refined by the developer's consultant engineers prior to the subdivision stage in consultation with the Water Corporation in order to determine capacity issues to service this proposal. The developer is expected to fund any new works required or the upgrading of existing works.</p> <p>The proposal is remote from wastewater services.</p> <p>The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for water, sewerage and drainage headworks may also be required.</p> <p>In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works. Any temporary works needed are required to be fully funded by the developer. The Water Corporation may also require land being cede free of cost for works.</p> <p>The information provided above is subject to review and change, if the proposal has not</p>	<p>The Water Corporation are a standard referral agency of the WAPC and as such will have the opportunity to provide comment and request conditions as part of all future subdivision applications. It is standard practice at the subdivision stage for the Water Corporation to require that any change to the existing reticulated water, and reticulated wastewater system, if required, is the responsibility of the subdivider.</p> <p>Section 2.10.1 – Water of the Dolbys Drive Local Structure Plan document notes the following: <i>"All lots within the Dolbys Drive Structure Plan will need to be connected to reticulated water at the time of subdivision. This is to be undertaken at the cost of the subdivider."</i></p> <p>Section 2.10.2 – Wastewater of the Dolbys Drive Local Structure Plan document notes the following: <i>"No reticulated wastewater scheme is generally proposed for the development area, with onsite treatment and disposal of effluent through aerobic treatment units on individual lots permitted by the proposed lot sizes and relevant Government wastewater policy."</i></p> <p>Sections 5.3.4 and 5.4 of the Local Water Management Strategy provided as Appendix A to the Dolbys Drive Structure Plan further addresses the issue of wastewater.</p>	Note submission.

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
10 (24/1/17)	R & J Masiello 23 Cooper Street WAGGRAKINE WA 6532	<p>proceeded within 6 months the Water Corporation should be contacted to confirm if the information is still valid.</p> <p><i>Objection</i> At this stage we do not intend to subdivide Lot 166 Cooper Street.</p> <p>We were advised that subdivision was not required and if we did elect to subdivide, the lots could be made larger than the minimum 1ha recommended in the Structure Plan.</p>	<p>The respondent is a landowner within the Dolbys Drive Local Structure Plan area. The landowner has ticked the objection box on the submission form but appears to be objecting to the issues of: Option 1 of the 3 proposed river crossing locations; and objecting to lots less than 1ha; rather than objecting to the ability to subdivide in itself, or the structure plan more generally.</p> <p>The Shire has stated repeatedly to all landowners in the Dolbys Drive Structure Plan through correspondence, phone conversations and site meetings that the preparation of a structure plan does not 'force' landowners to subdivide, this remains the preference of the landowner, and at their own timeframe, but it does provide the framework that the WAPC requires prior to it being prepared to approve applications to subdivide.</p> <p>Figure 11 'indicative Lot Layout' of the structure plan illustrates Lot 166 being able to be subdivided into 4 lots, all larger in area than 1ha (1.05ha, 1.1ha, 1.15ha, 1.17ha). It should be noted that were either Access Scenario 2 or 3 to be created then Access Scenario 1 would become surplus to redundant and an approximate further 2,000m² would be added to this subdivisional lot area.</p> <p>The structure plan is attempting to illustrate a potential maximum lot yield for each landowner. However, were the landowner of Lot 166 wanting to subdivide their property into larger lots (e.g. 3 x 1.5ha lots) and this layout still addressed the issues raised in the structure plan (e.g. foreshore reserve, bushfire etc.) then this would still be able to be considered.</p> <p>The Dolbys Drive Structure Plan area is zoned 'Rural Residential' and the structure plan document proposes no change to this, it does not propose lots of a residential nature.</p>
			<p>Note the respondent/landowner's request and duly modify Figure 1 (page 10) and Figures 7 & 10 in Appendix A (Local Water Management Strategy) to illustrate 4 potential lots for Lot 166 Cooper Street (and <u>not</u> 5 potential lots). This modification would then align with the lot layouts shown elsewhere in the Dolbys Drive Structure Plan document, including Figure 11 - Indicative Lot Layout, and thereby remove inconsistency.</p>

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. ▲ Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>prefer to maintain a rural lifestyle and keep subdivision to a minimum. We understand the need for conservation of the environment and the development of the Foreshore Reserve for Dolby Creek.</p>	<p>Section 4.1 (page 8) 'Subdivision Requirements' of the Dolbys Drive Structure Plan notes that:</p> <p><i>"Lots are to generally be a minimum of 1.0 hectare in area. Variations may be considered where it can be satisfactorily demonstrated that the subdivision is in accordance with the general intent of the structure plan, the objectives of the Rural Residential zone and is consistent with orderly and proper planning."</i></p> <p>The structure plan is indicating some potential for certain future lots with minor variation to 1ha where this is required to achieve a foreshore reserve outcome or an access alignment across the Dolbys Creek. Figure 11 'Indicative Lot Layout' of the structure plan also notes that the variations shown upon the plan are giving regard for all 3 access scenarios, but that only one of these access scenarios is required to be achieved. Therefore the lot variations as shown upon Figure 11 will only be realised for one access scenario (this being the first to be achieved on-ground), and the other access scenarios (and their accompanying requirement for land, hence the lot variation) will be surplus to requirements and not required to be created.</p> <p>Section 2.8.2 (page 26) 'Access Scenarios' of the Dolbys Drive Structure Plan notes that:</p> <p><i>"The structure plan proposes three access scenarios. The rationale for identifying three access options are:</i></p> <ul style="list-style-type: none"> <i>Fragmented ownership.</i> <i>Development timeframe aspirations of landowners differs, and will also change as there is also likelihood that parcels may change hands (be sold) during the life of the structure plan.</i> <i>If only one access option is identified it may limit when other landowners can develop if they are dependent on others. The provision of access options will allow development to occur independent of other landowners development intentions.</i>
		<p>Access Road Options 2 or 3 would be preferred, we would be opposed to Option 1.</p>	

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
			<p>• A series of possible scenarios is presented as the most flexible approach. The structure plan currently comprises six lots and the structure plan access option will depend on which landowner chooses to subdivide first. Option one proposes an access way from Dulchev Way and options two and three propose access of Dolbys Drive."</p> <p>Section 2.8.2 continues to elaborate upon each of these scenarios in separate detail.</p> <p>If, as indicated in their submission, the landowner of Lot 166 is not in favour of subdivision at this time, or not in favour of Access Scenario 1, then they have the right to simply not pursue subdivision. At such time as either Access Scenario 2 or 3 was achieved on-ground, then Access Scenario 1 would be surplus to requirements/redundant.</p> <p>However the retention of Access Scenario 1 in the structure plan document provide flexibility should the current, or a future, landowner of Lot 166 wish to pursue subdivision/Access Scenario 1. It would also provide for a scenario whereby the landowner of Lot 174 made a mutually agreeable approach to the landowner of Lot 166 that a joint subdivision application be lodged that achieved Access Scenario 1. It would also allow for a possible future scenario whereby Lots 166 & 174 were under the single ownership of a subdivider/developer.</p> <p>Figure 1 (which is also Figure 10 in the Local Water Management Strategy) indicates 5 potential lots. This can be amended as per the respondent/landowner's request to show 4 potential lots. This would then align with the other lot layouts within the structure plan document including Figure 11-Indicative Lot Layout.</p> <p>This amendment would not interfere with the indicative lot layout for any surrounding landowner, and therefore such a minor modification does not require further re-advertising. Lot 166, being on the south side of Dolbys Creek and fronting an</p>

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
11 (30/1/17)	G Neil 50 Dolbys Drive WAGGRAKINE WA 6530	<p><i>Objection</i> Object to the structure plan due to the following: The plan only allows me to subdivide the southern side of my boundary into 3 lots. These block are of differing size.</p> <p>If I wish to subdivide I must hand over ownership of some 1.5ha of my land.</p> <p>My neighbours to the west have to hand over approximately 1,500m², 4,000m² & 6,000m² each, my other neighbours have had to surrender 5,000m² and 2,000m².</p> <p>Due to the fact I must surrender so much land being the creek bed and surrounds I find it unjust I</p>	<p>existing constructed road, has the ability to subdivide completely independently of all other lots in the structure plan area.</p> <p>The respondent is a landowner within the Dolbys Drive Local Structure Plan area. The landowner has ticked the objection box on the submission form but appears to be objecting to the issue of their lot yield (seeking an additional 1 subdivision lot) rather than objecting to the ability to subdivide in itself, or the structure plan more generally.</p> <p>The structure plan proposes that the portion of the respondent's Lot 171 that is south of Dolby Creek be subdivided into 3 lots of 0.89ha, 0.96ha and 1.04ha. It should be noted that were either Access Scenario 1 or 2 as shown on the structure plan to be achieved on-ground through prior subdivision, then Access Scenario 3 which impacts upon Lot 172 would not be required, and this would add a further approx. 0.15ha to the land area available for the 3 subdivided lots.</p> <p>The Dolbys Drive Structure Plan proposes that the Dolby Creek be ceded as Crown Land at time of subdivision, this is consistent with Department of Water and Department of Planning practice, and has been a WAPC requirement of previous subdivision approvals both upstream and downstream along Dolby Creek.</p> <p>The structure plan is proposing that the respondent (being the landowner of Lot 172) would be required to provide approx. 1.9ha ha of their 9.5263ha property as reserve along the Dolby Creek at time of subdivision, this equates to approx. 20% of the property.</p> <p>As a comparison the other lots in the structure plan area that include the Dolby Creek would provide the following percentage of land as reserve at time of subdivision: Lot 172 – approx. 0.5ha of 4ha = 12.5% Lot 173 – approx. 0.8ha of 4ha = 20% Lot 174 – approx. 1.1ha of 13.4ha = 8.2% Lot 166 – approx. 0.45ha of 5.1ha = 8.8%</p>
			Note submission

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		<p>am only allowed 3 blocks on the southern part of my land.</p> <p>As most of the surrounding properties have been allowed smaller sized blocks instead of the original 1ha I submit I be allowed 4 blocks on the surrounding side of the Dolby Creek with the sizes being no smaller than 6,000m².</p> <p>Attached is a map which I have changed to show an example of how the blocks would look. If these changes were approved I would be happy to support the structure plan.</p> 	<p>It is noted that the previously subdivided Dolby Creek Estate (WAPC 141147) which abuts the respondent's property to the north-east was approved with some lots of 0.67-0.71ha abutting the river reserve. However, this variation was in recognition that in that instance 7.5298ha of 17.8062ha = 42.29% of the total land area was provided as reserve for the Dolby Creek. Further the subdivider in that instance was required to undertake works in the river reserve in addition to ceding land for its creation e.g. installing the walking trail along both river banks, and limestone seats along the walk trails, native plantings, weed management and providing a cash contribution that the Shire held in trust for specific expenditure within that created area of river reserve on specific activities such as weed removal, feral animal baiting, and slashing/weed spraying for the first 2 years after creation of the river reserve.</p> <p>The respondent has submitted a subdivision layout that proposes 3 lots in an area shown as being suited for subdivision into 2 lots on the draft structure plan (Figure 11). The subject area (for the additional lot) is not identified in Figure 1 as having flooding impact or by Figure 7 as being unable to achieve a BAL-29 or less.</p> <p>Section 4.0 'Subdivision Requirements' (Implementation Section) of the Dolbys Drive Structure Plan notes that:</p> <p>"Lots are to generally be a minimum of 1.0 hectare in area. Variations may be considered where it can be satisfactorily demonstrated that the subdivision is in accordance with the general intent of the structure plan, the objectives of the Rural Residential zone and is consistent with orderly and proper planning.</p> <p>The structure plan requires the following matters to be considered at the time of subdivision:</p> <ul style="list-style-type: none"> • Bushfire Management Plan • Urban Water Management Plan • Foreshore Management Plan"

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
		Recommendation	
12 (1/2/17)	Department of Health PO Box 8172 PERTH WA 6849	<p><i>Comment provided</i></p> <p>All proposed sites are to have access to a sufficient supply of potable water that is of the quantity specified under the Australian Drinking Water Quality Guidelines 2004.</p> <p>All development is to comply with the provisions of the draft Country Sewerage Policy.</p> <p>DoH does not support any developments within the floodplain as specified in the structure plan until site suitability for on-site wastewater disposal can be demonstrated via site specific geotechnical report undertaken in accordance with AS/NZ 1547:2012 to support unsewered developments where permitted by the policy.</p> <p>All on-site wastewater disposal proposals are to be in accordance with DoH publications.</p>	<p>The Dolbys Drive Structure Plan is intended to serve as an overall guide to subdivision of the area and Figure 11 only serves to indicate a potential subdivision pattern. It does not preclude individual landowners from exploring variations that demonstrate due regard for planning issues to the satisfaction of the WAPC. No change is suggested to the indicative lot layout at this time as final lot layout will be dependent on the final access scenario and individual subdivision proposals.</p> <p>Section 2.10.1 – Water of the Dolbys Drive Local Structure Plan document notes the following:</p> <p><i>"All lots within the Dolbys Drive Structure Plan will need to be connected to reticulated water at the time of subdivision. This is to be undertaken at the cost of the subdivider."</i></p> <p>Section 2.10.2 – Wastewater of the Dolbys Drive Local Structure Plan document notes the following:</p> <p><i>"No reticulated wastewater scheme is generally proposed for the development area, with onsite treatment and disposal of effluent through aerobic treatment units on individual lots permitted by the proposed lot sizes and relevant Government wastewater policy."</i></p> <p>Sections 5.3.4 and 5.4 of the Local Water Management Strategy provided as Appendix A to the Dolbys Drive Structure Plan further addresses the issue of wastewater.</p> <p>It is a standard requirement under the <i>Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> that an application must be lodged with the local government to construct or install an apparatus for the treatment of sewage.</p> <p>Further, to ensure that a site is appropriate for on-site effluent disposal, the relevant investigations should be undertaken at the time of preparation of an urban water management plan.</p>
			<p>Note submission and add additional text under Part 2 Section 2.9 Subdivision Requirements as follows:</p> <p><i>"The preparation of an Urban Water Management Plan, where required should include undertaking relevant site investigations to confirm suitability of on-site effluent disposal."</i></p>

Dolbys Drive Local Structure Plan - Schedule of Submissions			
Submission No. & Date Received	Submitter & Affected Property	Nature of Submission	Shire Comment
13 (2/2/17)	Department of Water PO Box 73 GERALDTON WA 6531	<p><i>Comment provided</i> There are no objections to endorsement of the Structure Plan.</p> <p>It is noted that infiltration testing is recommended to be carried out in conjunction with geotechnical investigations to enable further refinement of modelling at the UWMP stage, where required. This is supported by this department.</p> <p>In addition, it is recommended that if filling of any lots are proposed within the 1%AEP floodplain, the report should confirm (by the modelling) that there will be no detrimental impact to other properties (i.e. downstream or upstream).</p>	<p>The support of the Department of Water is noted. Representatives of the Department of Water, along with representatives of the Shire and the structure plan consultant jointly walked the length of the Dolby Creek during the preparation process for the structure plan to ensure that all relevant issues have been given due regard.</p> <p>Relevant site investigations can be undertaken as part of an urban water management plan to confirm the suitability for on-site effluent disposal.</p> <p>This should be undertaken at the subdivision stage and can be completed as part of an urban water management plan.</p>
			<p>Note submission and add additional text under Part 2 Section 2.9 Subdivision Requirements as follows: "The preparation of an Urban Water Management Plan, where required, should include undertaking relevant site investigations to confirm suitability of on-site effluent disposal. In addition the urban water management plan should confirm that there will be no detrimental upstream or downstream impacts on other properties."</p>

ADDITIONAL MODIFICATIONS

Structure Plan section	Proposed modifications	Justifications
Part 2, Section 1.3.6	<p>The Dolbys Drive Structure Plan was advertised in late 2016/early 2017. A total of 13 submissions were received, 9 from state government agencies, 3 from landowners in the structure plan area and 1 from a community member. Generally there was no objection to the overall intent of the structure plan, however key comments included:</p> <ul style="list-style-type: none"> - queries regarding potential lots sizes; - comments relating to water and wastewater elements of the area. <p>The comments have been reviewed and where appropriate, the structure plan has been amended.</p>	<p>This section was left blank as the consultation had not occurred at the time of advertising. The text to be inserted provides a high level summary of the comments received.</p>
Part 2, Section 2.7	<p>Delete the following sentence: "A site analysis map was prepared detailing the key site opportunities and constraints (Figure 8)."</p>	<p>A site opportunities and constraints map was prepared for the purpose of the site visit and was included in the initial draft however was removed prior to advertising. The text referencing the map was inadvertently not deleted.</p>
Figure 3 and 5 under the Local Water Management Strategy	<p>Amend 'study area' boundary on Figures 3 and 5 of Appendix A: Local Water Management Strategy to include Lot 20 Cooper Street, Waggrakine.</p>	<p>The study area boundary has been incorrectly shown and should be amended to reflect the correct boundary. This would ensure consistency with all other figures in the document.</p>

AGENDA ITEM:	10.1.3
SUBJECT:	DEVELOPMENT ASSESSMENT PANELS
PROPONENT:	DEPARTMENT OF PLANNING
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.02.10
PREVIOUS REFERENCE:	4/11-2, 6/11-6, 10/11-11, 13/2-5, 10/13-1 & 2/15-4
DATE:	6 JANUARY 2017
AUTHOR:	MR SIMON LANCASTER

DISCLOSURE OF INTEREST

Nil.

BACKGROUND

The Department of Planning have written to Local Governments seeking nominations for 2 Development Assessment Panel ('DAP') members and 2 alternate members. Council can re-nominate the same Councillors currently serving as DAP members or it may wish to forward new nominations.

COMMENT

On 24 March 2011 the *Planning and Development (Development Assessment Panels) Regulations 2011* ('the Regulations') commenced operation leading to the creation of 15 DAP's across the state.

The Mid West/Wheatbelt (Central) DAP consists of 5 members:

- Chairperson (a specialist member);
- 2 specialist members;
- 2 local government representatives from the relevant Local Government;
- 1 specialist member proxy*;
- 1 local government proxy from each local government*.

(* the proxies will only be used when there is failure to reach a quorum, this being the Presiding Member and any two members being in attendance irrespective of whether they are specialist members or Local Government members)

Council resolved at its 18 February 2015 meeting to submit to the Minister of Planning the following Local Government nominations to serve upon a DAP:

Councillor John Collingwood	(member);
Councillor Pauline Forrester	(member);
Councillor Anthony Farrell	(alternate member/proxy);
Councillor Kirrilee Warr	(alternate member/proxy).

On 4 January 2017 the Department of Planning advised as follows:

"As you may be aware, DAP member appointments expire on 26 April 2017.

Members whose term has expired will be eligible for re-consideration at this time. Under regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations), your local council is requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on your respective DAP as required.

Nominations are required to be received by 28 February 2017.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint nominees for up to a three-year term, expiring on 26 April 2020. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government members who have previously undertaken

training are not required to attend further training, but are encouraged to attend refresher training.

When selecting nominees, the Council should consider that local government elections may result in a change to DAP membership if current councillors, who are DAP members, are not re-elected. If members are not re-elected, the local government will need to re-nominate for the Minister's consideration. DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment. Further details can be found in the Premier's Circular – State Government Boards and Committees Circular (2010/02)."

DAP meetings operate as follows:

- meetings will be conducted in a place open to the public;
- a person who has made a submission during the advertising period will be permitted to make a presentation to the DAP;
- in some circumstances, the public may be excluded from a meeting where the application contains commercial information of a confidential nature or information about the personal affairs of a person;
- Code of Conduct will be in place for DAP Members to adhere to;
- a record of meetings and voting outcomes by individual DAP members will be kept and made available to the public via websites;
- annual report will be required by the Department for Planning;
- planning staff from the relevant Local Government will prepare a report and recommendation on the development application for the DAP's consideration in making its determination;
- planning staff from the relevant Local Government will be required to attend the DAP to present the application and provide clarity on the assessment report;
- secretariat support for the DAP will be provided by the relevant Local Governments on a six monthly rotational basis;
- these duties will include preparing agendas, advertising meetings, organising meetings, taking minutes, publicising meeting outcomes, and notifying applicants and respondents;
- the Chairperson's sessional sitting fee will be higher than the other members to reflect the responsibilities of this role; &
- meeting frequency is proposed to be determined by the individual DAP, meeting frequency will be based on the number of applications submitted for consideration.

STATUTORY ENVIRONMENT

DAP members will be bound by similar requirements regarding their conduct as Local Government Councillors, for example:

- all DAP members will be required to declare any direct or indirect pecuniary interest in a matter, before the meeting on that application commences;
- DAP members will not be permitted to disclose or make improper use of information that they acquire during their time as a member;
- DAP members will be prevented from accepting "prohibited" gifts in all circumstances, and will be permitted to accept other types of gifts ("notifiable" gifts) as long as they notify the Department of Planning;
- Members will be required to comply with the DAP Code of Conduct developed by the Department of Planning; and
- No DAP member will be permitted to make a statement regarding the competence or honesty of a Local Government employee or public sector employee.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The financial threshold for activating a mandatory DAP is when the estimated cost of development is \$10million or more (except for the City of Perth where it is \$20million). Applicants have the option of requesting that a DAP assess the application where the total development value is between \$2million and \$10million (between \$2million and \$20million in the City of Perth). Local Governments also have the option of resolving by absolute majority to delegate applications for developments of between \$2million and \$10million value to a DAP for determination if they so choose.

All DAP members, except those not entitled to receive sitting fees, will be paid sitting fees on a sessional basis. The presiding member will be paid \$500 per session, and all other members will be paid \$400 per session (and travel allowances). Schedule 2 of the Regulations that outlines the Fees for DAP members was previously provided to Councillors with the 15 October 2011 Agenda, and a complete copy of the Regulations can be viewed on the Western Australian legislation database website.

The Regulations provide that travelling costs that DAP members incur when attending meetings are to be paid to all DAP members, including accommodation and airfares. These costs are to be paid as set out in the current Public Sector Commissioner's Circular on this matter (*2009/20 Reimbursement of Travel Expenses for Members of Government Boards and Committees*). For the avoidance of doubt, all DAP members, including those not entitled to be paid sitting fees, will be entitled for reimbursement for these out-of-pocket expenses.

- **Long Term Financial Plan:**

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

STRATEGIC IMPLICATIONS

It is alleged by the State Government that DAP's provide the following:

"Development assessment panels are a mix of independent experts and elected representatives, created to be the decision making body for development applications. These panels will have the power to determine applications for development approval, instead of the relevant decision making authority, for development of a certain class and value. The objectives of the proposed development assessment panel model are to:

- *streamline the determination process for particular types of development applications, by eliminating the requirement for dual approval under both the local and region schemes;*
- *involve independent technical experts in the determination process;*
- *encourage an appropriate balance between independent professional advice and local representation in decision-making for significant projects; and*
- *reduce the number of complex development applications being determined by local governments, to allow local governments to focus their resources on strategic planning."*

The Regulations were formulated with the assistance of a working group comprising representatives from WALGA, the Property Council and the Planning Institute of Western Australia. The introduction of DAP's was opposed by many Local Governments including the Shire of Chapman Valley as it was considered that they could:

- slow the planning system in Western Australia;
- be less democratic than the current Local Government process;
- be more open to corruption than the current Local Government system;
- lead to expensive and unworkable outcomes;
- not lead to better informed decision making;
- add financial burden to Local Governments;
- lead to increased fees and charges for landowners and developers;
- make the response to appeal process unworkable;
- disadvantage the regions; and
- reduce local input and representation.

The performance of DAP's is an issue that the Shire of Chapman Valley should continue to monitor and take issue through WALGA with if dissatisfied. It is noted that the performance of DAPs was an issue widely debated at the 2016 WALGA Annual General Meeting.

- **Strategic Community Plan:**

The Shire of Chapman Valley Strategic Community Plan was adopted by Council at its 19 June 2013 meeting, and reviewed and approved by Council at its 16 March 2016 meeting.

The Strategic Community Plan lists the following objectives relating to Leadership (Engagement and Communication):

Objective	Strategy
We want a representation and governance model that reflects our community's unique attributes	The President and Councillors to be representative of the community and provide strong leadership
We want to strengthen our community's position for the future	Maintain a resilient and independent Shire, which portrays unity and cooperation.
Transparent decision making is important to us	Active engagement with the community to inform decision-making
	Maintain a strong customer focus

The establishment of DAPs by the state government, with their marginalising of local decision making, is considered to be contrary to these objectives.

CONSULTATION

Nil.

RISK ASSESSMENT

Rating 1 (Insignificant) Measures of Consequence – Risk Assessment and Acceptance Criteria

VOTING REQUIREMENTS

Simple majority required.

STAFF RECOMMENDATION

That Council submit to the Minister of Planning the following Local Government nominations to serve upon a Development Assessment Panel:

Councillor _____ (member); and
 Councillor _____ (member).

Councillor _____ (alternate member/proxy); and
 Councillor _____ (alternate member/proxy).

10.2 Finance February 2017

Contents

10.2 AGENDA ITEMS

10.2.1 Financial Reports for December 2016 & January 2017

10.2.2 Annual Budget Review 2016/2017

AGENDA ITEM:	10.2.1
SUBJECT:	FINANCIAL REPORTS FOR DEC 2016 & JAN 2017
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	307.04
PREVIOUS REFERENCE:	N/A
DATE:	15 FEBRUARY 2017
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

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

COMMENT

The monthly financial statements for December 2016 & January 2017 have been provided as a **separate attachment** for Council's review.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

POLICY IMPLICATIONS

CP-023 Significant Accounting Policies

Extract:

"2. Monthly Reporting

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

- 1. Statement of Financial Activity*
 - 2. Balance Sheet and statement of changes in equity*
 - 3. Schedule of Investments*
 - 4. Operating Schedules 3 – 16*
 - 5. Acquisition of Assets*
 - 6. Trust Account*
 - 7. Reserve Account*
 - 8. Loan Repayments Schedule*
 - 9. Restricted Assets*
 - 10. Disposal of Assets*
- A value of 10 percent and/or \$10,000 be set for reporting of all material variances."*

FINANCIAL IMPLICATIONS

As presented in December 2016 and January 2017 financial statements.

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

No significant effect on the LTFP

STRATEGIC IMPLICATIONS

Nil

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

Nil

CONSULTATION

Not applicable

RISK ASSESSMENT

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

That Council receives the financial report supplied under separate attachment for the months of December 2016 and January 2017 comprising the following:

- Statement of Financial Activities with notes
- Note 1 – Significant Accounting Policies
- Note 2 – Explanation of Material Variances
- Note 3 – Net Current Funding Position
- Note 4 – Cash & Investments
- Note 5 – Budget Amendments
- Note 6 – Receivables
- Note 7 – Cash Backed Reserves
- Note 8 – Capital Disposals
- Note 9 – Rating Information
- Note 10 – Information on Borrowings
- Note 11 – Grants & Contributions
- Note 12 – Trust
- Note 13 – Capital Acquisitions
- Appendix A – Budget by Program
- Summary of Payments
- Bank Reconciliation
- Credit Card Statement

AGENDA ITEM:	10.2.2
SUBJECT:	ANNUAL BUDGET REVIEW 2016/2017
PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	CHAPMAN VALLEY SHIRE
FILE REFERENCE:	306.13
PREVIOUS REFERENCE:	NIL
DATE:	15th FEBRUARY 2017
AUTHOR:	DIANNE RAYMOND

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Local Government Act and Regulations require a local government to review its annual budget between 1st January and 31st March in each year. Regulation 33A of the Local Government (Financial Management) Regulations 1996 states:

“33A Review of budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
- (3) *A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
* Absolute Majority required
- (4) *Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”*

COMMENT

Prudent management of the Shire's Annual Budget includes a full review of the Shire's progress halfway through the financial year. This review process has been undertaken having regard for:

- actual revenues and expenditures for the first six (6) months of the financial year,
- forecast revenue and expenditure levels for the remaining six (6) months of the year,
- the more significant (in \$ terms) variances to budget rather than the minor 'under & over's' which, history has shown, will generally balance out.

Council's adopted budget, at times will need variations made, to reflect changes which occur after the original budget has been adopted. There are a number of amendments identified in the review document (refer Financial Implications below) which accommodate unforeseen situations, grant variations, reallocation of works and services, etc, since the Original Budget was adopted.

The items listed in the *Financial Implications* section of this report have been identified as variations required to the Budget with a nil overall effect on the 2016/2017 Adopted Budget.

This report seeks Council consideration of variations as per the attached financial statements, for the mid-year budget review and determination of whether or not to authorise these proposed variations according to both operating and capital income/expenditure (nature and type).

The original 2016/2017 budget as adopted by Council forecast a closing position of \$1,255,084. After the annual audit and mid-year review the audited closing position is \$1,316,099; an increase in the carried forward surplus of \$61,015. The change in position is primarily due to over estimating 30 June 2016 creditors to be paid in July 2016.

The fixed asset depreciation budget provision across all infrastructure, land & building, plant & equipment classes requires amendment primarily due to the revaluation for Plant and Equipment at the 30th June 2016. This revaluation was not complete at the time of preparing the annual budget and depreciation was estimated based on the previous financial year. The asset register has now been

updated and depreciation rates recalculated in line with the significant accounting policy across classes. It is recommended the overall budget for asset depreciation be amended from \$1,640,343 to \$2,190,500. This is a non-cash item; however, will have some impact on Council's ratios at the end of the financial year.

STATUTORY ENVIRONMENT

Local Government Act (1995) – Division 2 - Annual Budget - Section 6.2

Local Government (Financial Management) Regulations - Review of Budget - Reg 33A

POLICY IMPLICATIONS

The budget is based on the principles contained in all Councils Plans for the Future.

FINANCIAL IMPLICATIONS

Below is a summary of Proposed Budget amendments being requested with a nil overall budget effect.

COA	JOB	Description	Current Budget	Budget Variation	Amended Budget	YTD Actual	Comments
		<i>Estimated Surplus July 1</i>	<i>-\$1,255,084</i>	<i>-\$61,015</i>	<i>-\$1,316,099</i>		<i>Additional Funds Available at 1/7/16 compared to Budgeted Forecast EOY Surplus</i>
0502		Computer Hardware Service & Repair	\$22,134	\$5,866	\$28,000	\$15,071	Increase to operating expenditure - new MSA with Market Creations
0722		Accounting Software Operating Expenditure	\$47,743	\$3,000	\$50,743	\$39,091	Increase to operating expenditure - Microsoft Office 365 licences
1292		Health Expenses General	\$4,470	\$3,530	\$8,000	\$3,990	Increase to operating expenditure - Contract Services Shire of Northampton
3633		Grant - Community Development	-\$50,000	\$50,000	\$0	-\$30,528	Decrease to operating revenue grant funding not successful
3132	CD017	Community Development Expenses	\$50,000	-\$50,000	\$0	\$0	Decrease to operating expenditure grant funding not successful
3633		Grant - Community Development	\$0	\$3,728	\$3,728	-\$30,528	Increase to operating expenditure - Grant Funds DSR Pool Revitalisation Project Yuna Pool
3132	NEW	Community Development Expenses	\$0	-\$3,728	-\$3,728	\$0	Increase to operating revenue Grant funds DSR
3633		Grant - Community Development	\$0	\$20,000	\$20,000	-\$30,528	Increase to operating expenditure - Grant Funds MWDC CV Tennis Club fencing project
3132	NEW	Community Development Expenses	\$0	-\$20,000	-\$20,000	\$0	Increase to operating revenue Grant funds MWDC CV Tennis Club fencing project
1762	MERU	Domestic Rubbish Collection Expenses	\$55,000	\$9,000	\$64,000	\$24,923	Increase to operating expenditure - Meru Tip Transfer charges
3423		Grant Income Community Buildings	-\$40,000	\$40,000	\$0	\$0	Decrease to operating revenue no grant funding available for chair lift this financial year
2644	1035	Capital Exp. - Land & Buildings	\$50,000	-\$40,000	\$10,000	\$0	Decrease to operating expenditure no grant funding available for chair lift this financial year
2644	1132	Capital Exp. - Land & Buildings	\$10,000	\$51,145	\$61,145	\$44,091	Increase to operating expenditure as per December OCM Min Ref 12/16-9 Nanson Showgrounds shade shelter
3423		Grant Income Community Buildings	\$0	-\$47,727	-\$47,727	\$0	Increase to operating revenue as per December OCM Min Ref 12/16-9 Nanson Showgrounds shade shelter
1482	LSGW	Sports Ground - Retic & Grass Maint	\$69,840	\$9,438	\$79,278	\$47,053	Increase to operating expenditure as per December OCM Min Ref 12/16-8 Nabawa Oval
7572		Traffic Counters Expense	\$1,200	\$1,330	\$2,530	\$2,530	Increase to operating expenditure - new Traffic Counters full expense
3502	DEP1	Depot Maintenance	\$36,350	\$2,500	\$38,850	\$38,619	Increase to operating expenditure due to additional safety audit items
3584		Tools & Other Equipment.	\$17,000	-\$5,000	\$12,000	\$0	Decrease to capital expenditure moved to operating expenditure not a capital item
3592		Works Tools (Not Capitalised)	\$8,700	\$5,000	\$13,700	\$909	Increase to operating expenditure due to additional safety audit items
3393		Hudson Resources - Dartmoor Road	-\$35,000	-\$14,411	-\$49,411	-\$49,411	Increase to operating expenditure due to additional safety audit items
4781		Transfer to Plant/Light Vehicle Reserve	\$250,000	\$37,344	\$287,344	\$0	Increase to operating expenditure due to additional safety audit items
Budget amendment impact				\$0			

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

No significant affect on the LTFF

STRATEGIC IMPLICATIONS

Nil

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

All the attached proposed amendments are consistent with the Corporate Business Plan.

CONSULTATION

All Senior Staff have been consulted to determine the various proposed budget amendments requested.

RISK ASSESSMENT

Risk Rating Level 1 - Insignificant is appropriate as associated risk would be a failure to comply with relevant Financial Management Regulations requiring local governments to review their annual budget. The proposed changes to the 2016/2017 Adopted Budget does not have an increased/decreased financial impact, simply a NIL affect overall. The proposed increase adjustments to expenditures are offset by reducing expenditure allocations elsewhere in the budget; increase to income not previously allocated and additional opening surplus, with the view to ensuring a budget outcome for the year achieves or delivers a better overall result than the original budget.

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

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

1. Council adopts the 2016/2017 Statutory Budget Review, which includes all amendments listed below:

COA	JOB	Description	Current Budget	Budget Variation	Amended Budget	YTD Actual	Comments
		<i>Estimated Surplus July 1</i>	<i>-\$1,255,084</i>	<i>-\$61,015</i>	<i>-\$1,316,099</i>		<i>Additional Funds Available at 1/7/16 compared to Budgeted Forecast EOY Surplus</i>
0502		Computer Hardware Service & Repair	\$22,134	\$5,866	\$28,000	\$15,071	Increase to operating expenditure - new MSA with Market Creations
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3993		Hudson Resources - Dartmoor Road	-\$35,000	-\$14,411	-\$49,411	-\$49,411	Increase to operating expenditure due to additional safety audit items
4781		Transfer to Plant/Light Vehicle Reserve	\$250,000	\$37,344	\$287,344	\$0	Increase to operating expenditure due to additional safety audit items
		Budget amendment impact		\$0			

2. The 2016/2017 fixed asset depreciation budget allocation be amended in accordance with the recent revaluations. This is a non-cash item therefore will have a nil affect on Council's operating budget.

10.3

Chief Executive Officer

February 2017

Contents

10.3 AGENDA ITEMS

- 10.3.1 Finance, Audit & Risk Committee Minutes
- 10.3.2 Annual Electors Meeting Minutes
- 10.3.3 Vehicle Licence Concessions
- 10.3.4 Emergency Services Review
- 10.3.5 Chapman Valley Tennis Club Grants

AGENDA ITEM:	10.3.1
SUBJECT:	FINANCE, AUDIT & RISK COMMITTEE MINUTES
PROPONENT:	SHIRE OF CHAPMAN VALLEY
SITE:	SHIRE OF CHAPMAN VALLEY
FILE REFERENCE:	403.05
PREVIOUS REFERENCE:	NIL
DATE:	15th FEBRUARY 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

The Shire of Chapman Valley Finance, Audit & Risk Committee met on the 10 February 2017 in the Council Chambers Nabawa. The Minutes of the meeting have been included. **(Supplied under separate attachment).**

COMMENT

The Minutes and recommendations from the Finance, Audit & Risk Committee meeting dated 10 February 2017 are presented for Council consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995 & Local Government Audit Regulations 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Not Applicable

CONSULTATION

Committee Members and staff have discussed the Finance and Management Audits with the Auditors (Moore Stephens) with the outcome being the Shire is in quite a sound financial position and management procedures are sound.

RISK ASSESSMENT

Low risk as it is considered the Council remains in a sound financial position and management procedures are sound.

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RECOMMENDATION

That Council receives the Minutes of the Finance, Audit & Risk Committee meeting held on the 10 February 2017 and endorse the following recommendations i.e.

1. The Committee recommends to Council the Management Report for year ending 30 June 2016 be received and, other than monitoring the levels and trends of all ratios, there are no actions required out of the report;
2. The Committee recommends to Council the Final Audit Report of the Chief Executive Officer the year ending 30 June 2016 be received and it be noted there are no further actions required from the report.
3. That Committee recommends the following to Council:
 - a) The 2016 Compliance Audit Return be signed by the CEO and Shire President
 - b) The 2016 Compliance Audit Return be received and recorded in the Minutes of Council
 - c) The 2016 Compliance Audit Return is submitted to the Department of Local Government & Communities.
4. The Committee receives the revised *Risk Management Procedure (CMP-028)* as presented for information only.

FINANCIAL IMPLICATIONS

Nil

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

No effect

STRATEGIC IMPLICATIONS

Not applicable

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

Transparent decision-making is important to us	Active engagement with the community to inform decision-making	Contribution to how local issues are managed
	Maintain a strong customer focus	Effective communication on key decisions

CONSULTATION

Meeting was advertised and attended by electors.

RISK ASSESSMENT

Not applicable

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

The Minutes of the Annual Electors meeting dated 2nd February 2017 be received and note no actions being required from this meeting.



Shire of
Chapman Valley
Love the Rural Life

UNCONFIRMED MINUTES

**ANNUAL GENERAL MEETING OF ELECTORS
THURSDAY 2ND FEBRUARY 2017
COUNCIL CHAMBERS NABAWA
6.00PM**

DISCLAIMER



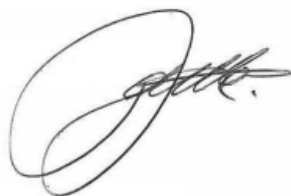
No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person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



Maurice Battilana
CHIEF EXECUTIVE OFFICER

UNCONFIRMED MINUTES

FOR ANNUAL GENERAL MEETING OF ELECTORS TO BE HELD IN THE
COUNCIL CHAMBERS NABAWA ON THURSDAY
2 FEBRUARY 2017 AT 6.00PM

Order of Business:

1.0 Declaration of Opening / Announcements of Visitors

The Chairman, Cr Farrell declared the meeting open at 6.00pm.

2.0 Record of Attendance

2.1 Present

a. Councillors

Member	Ward
Cr Anthony Farrell (Deputy President)	North East Ward
Cr Pauline Forrester	North East Ward
Cr Veronica Wood	South West Ward
Cr Ian Maluish	South West Ward

b. Staff

Officer	Position
Maurice Battilana	Chief Executive Officer
Simon Lancaster	Deputy Chief Executive Officer
Karen McKay	Executive Services Administrator (Minute Taker)
Dianne Raymond	Manager of Finance & Corporate Services

c. Visitors

Name	Name
Teniele Morgan	Linda Dymond
Lisa Cole	Darren Cole

2.2 Apologies

Name	
Cr John Collingwood	Mrs Sue Collingwood
Cr Trevor Royce	Cr Kirrilee Warr
Cr Peter Humphrey	Linda Maluish
Tom & Tana Davies	

3.0 Confirmation of Minutes of previous Annual Electors Meeting held on 2 February 2016

RECOMMENDATION:

MOVED: CR FORRESTER

SECONDED: CR WOOD

That the minutes of the Annual General Meeting of Electors held on Tuesday 2 February 2016 be confirmed as a true and accurate record.

CARRIED
Voting 8/0
Minute Reference 02/17-1

4.0 Public Question Time

4.1 Response to previous public questions taken on notice

Nil

4.2 Public question time

Mrs Cole questioned whether the Bill Hemsley Park building contract had been signed. Mr Lancaster responded that the contract had been and signed and returned to AK Homes.

Mrs Cole also asked what the possible start date might be. Mr Lancaster responded that possibly beginning April and completed by November 2017. However; it must be understood these dates could vary.

5.0 DISCLOSURE OF INTEREST

Nil

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

Section 5.60A:

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

Section 5.60B:

"a person has a **proximity interest** in a matter if the matter concerns –
(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or
(b) a proposed change to the zoning or use of land that adjoins the person's land; or
(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality):

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

6.0 Receiving of Annual Report 2015/2016 (Incorporates)

- 2015/2016 Annual Financial Statements
- 2015/2016 Audit Report
- Presidents Report
- Chief Executive Officers Report

RECOMMENDATION:

MOVED: CR WOOD

SECONDED: MRS DYMOND

That the 2015/2016 Annual Report including Annual Financial Statements, Audit Report, Presidents Report and Chief Executive Officer Report be received.

CARRIED

Voting 8/0

Minute Reference AEM 02/17 - 2

7.0 GENERAL BUSINESS

Nil

8.0 CLOSURE

The Presiding Member thanked members, ratepayers, visitors and staff for attending and declared the electors meeting closed 6.08pm.

AGENDA ITEM:	10.3.3
SUBJECT:	VEHICLE LICENCE CONCESSIONS
PROPONENT:	DEPARTMENT OF TRANSPORT
SITE:	WHOLE OF LOCAL GOVERNMENT
FILE REFERENCE:	1007.00
PREVIOUS REFERENCE:	NIL
DATE:	15th FEBRUARY 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Advice has been received from the Department of Transport (DOT) and the Western Australian Local Government Association (WALGA) that effective from 1 July 2017 the Department of Transport will discontinue vehicle license concessions offered to Western Australian Local Government Authorities. This is 100% loss of concession as opposed to 15% that has been quoted in some areas. Also Local Governments will now have to pay Stamp Duty on the purchase of vehicles after 1 July 2017. Currently Local Government is exempt.

For affected Local Government vehicles this means the concession will no longer apply from the license expiry date on or after 30 June 2017; although it will remain for vehicles licenced as ambulances, and certain fire and emergency vehicles.

COMMENT

The removal of the concession and added costs for the payment of Stamp Duty on new vehicles will have serious financial impacts for Local Governments, which are now faced with having to either reduce community services and/or increase income from rates to meet the additional unexpected cost.

WALGA has recently contacted all Local Governments requesting their information on the cost of this measure. On the information supplied, it is estimated that the loss of the concession equates to an approximate cost to the sector of \$5m per annum and the cost of the Stamp duty is in excess of \$4m per annum.

As a guide some rural Local Governments have advised that the loss of concession on vehicle licencing and the stamp duty is around an extra \$60,000 per annum, which equates for these Councils to be a 2% to 3% rate increase (see **Financial Implications** for the estimated effect on the Shire of Chapman Valley).

WALGA is urging the State Government to reconsider this decision, which was made without any consultation and perhaps without any consideration of the consequences.

WALGA has written to the Minister for Transport, Treasurer and Minister for Local Government. Also met with the Director General of Transport. Letters also have gone to the Leader of the Opposition and Leader of the National Party.

STATUTORY ENVIRONMENT

Road Traffic (Vehicles) Regulation (2014) – Section 69(b); 69(c); 69(d).

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Initial estimated costs to the Shire of Chapman Valley on the proposed removal of the vehicle licence concession and Stamp Duty on new vehicles is shown below. However; it must be understood these are unqualified figures and more detailed investigations are occurring between Shire staff and DOT to obtain a more accurate vehicle licensing figure. The Stamp Duty figure is based on the current Plant Replacement Program i.e.

	2016/2017 (Actuals)	2017/2018 (Estimate)	Additional Estimated Cost (per annum)
Vehicle Licence Costs	\$7,654	\$53,608	\$45,954
Stamp Duty Costs	\$0	\$19,260	\$19,260
TOTAL	\$7,654	\$72,868	\$65,214

Based on the above additional annual estimated costs of \$65,214, with one (1) percentage point increase in rate revenue being approximately \$24,700 this expenditure alone will result in a rate increase of 2.64% in the 2017/2018 Budget.

Stamp Duty on new vehicle will vary depending on the value of vehicle purchased in a particular year. Based on the current Plant Replacement Program for the next ten (10) years the estimate total costs for Stamp Duty is approximately \$164,000 (or an average of approximately \$16,400 per annum)

The proposed removal of the vehicle licence concession and the introduction of Stamp Duty on new vehicle will be a significant cost burden on the Shire rate payers, which can only be offset by a rate revenue increase and/or a reduction in services.

It remains very disappointing to those who have been in the local government industry for many years to see the State Government's continued practices of cost-shifting and indirect taxation of the State constituents through the local government sector. A trend which has been occurring for decades and one no political party appears willing to discontinue.

Ironically the State Government is quick to introduce their cost-shifting and indirect taxation practices through the local government sector without consultation, whilst being equally as quick to criticise the local government sector when they increase rates above the CPI percentage. This is yet another clear indication of the disregard and contempt the State Government has for local government.

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

This will result in a need to increase the rate revenue required to cover the additional costs and/or a reduction in services to the Shire constituents.

The introduction of the removal of the vehicle licence concession and Stamp Duty payment on new vehicle also make a mockery of the State's insistence local government authorities have robust integrated financial plans for the future. How valid or robust can such plans be with a State Governments moving the "Goal Post" when they feel like doing so, without any consultation?

STRATEGIC IMPLICATIONS

As stated in the *Financial Implications* section above.

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

Objective	Strategy	Actions
We want to strengthen our community's position for the future.	Maintain a resilient and independent Shire, which portrays unity and cooperation.	Council management, systems and processes enable the delivery of sustainable services and projects.
		The unique identity and independence of the Shire is preserved through Councils actions and advocacy.
		Manage the Shire's finances and financial service activities to ensure the continuous, sustained operation of Council.

CONSULTATION

WALGA is leading a push with the State Government for the legislative changes to be revisited with an emphasis on the significant financial implications on local government authorities.

I have been in discussions with WALGA to discuss the issue and develop the report presented to Council.

RISK ASSESSMENT

Based on the Shire's Risk Assessment Matrix and the estimates costs to the Shire (i.e. approximately \$65,000) I believe the risk in this instance is **Major** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

1. Council support the Western Australian Local Government's approach to the State Government to reinstate the vehicle licence concessions and non-payment of Stamp Duty on local government vehicles;
2. Council write to relevant Ministers and parliamentarians expressing concern with the State Government's non-consultative approach and total lack regard of the adverse effect the proposed removal of vehicle licence concessions and introduction of payment of Stamp Duty on local government vehicles will have on constituents and the local government sector;



Government of Western Australia
Department of Transport

Record No

RECEIVED
05 JAN 2017

CHIEF EXECUTIVE OFFICER
SHIRE OF CHAPMAN VALLEY
PO BOX 1
NABAWA WA 6532

FILE No.	1007-01
CEO	
CORPORATE SERVICES	X
PLANNING	
WORKS & SERVICES	
RANGER	
PROPERTY MANAGER	
EXECUTIVE ASSISTANT	

Your ref:
CWS ref:
Enquiries:

Dear Sir / Madam

Discontinuation of vehicle licence concessions

Effective from 1 July 2017, the Department of Transport (DoT) will discontinue vehicle licence concessions currently offered to Western Australian Local Government Authorities. For affected vehicles, this will mean that the concession will no longer apply from the first licence expiry date on or after 30 June 2017. Concessions will automatically be discontinued, and no further action from owners is required.

The changes have resulted from a broad review of vehicle licensing concession policy. The review identified that Western Australian vehicle licensing concessions were more than double the national average and significantly out of step with broader state government concession principles.

While local government vehicles will be affected by the changes (as defined under Regulation 69(b) of the *Road Traffic (Vehicles) Regulations 2014*) concessions will remain for vehicles licensed under Regulations 69(c) and 69(d) including ambulances, and certain fire and emergency vehicles.

Affected vehicles including firefighting vehicles, ambulances, limited road use vehicles, and vehicles with an approved wheelchair hoist or ramp will automatically be given an alternate concession without the need for the owner to apply.

Should you have any questions about the changes please contact Mr Andrew Lee, Director Strategy, Policy and Governance, Driver and Vehicle Services on email andrew.lee@transport.wa.gov.au or telephone 08 6551 6150. Alternatively, further information on vehicle concession eligibility can be found by visiting www.transport.wa.gov.au, or by calling the DoT contact centre on 13 11 56.

Yours sincerely

James Nikitas
A/General Manager, Driver and Vehicle Services
30 December 2016

140 William Street, Perth, Western Australia 6000
GPO Box C102 Perth WA 6839
Tel: (08) 6551 6000 Fax: (08) 6551 6001 www.transport.wa.gov.au

AGENDA ITEM:	10.3.4
SUBJECT:	EMERGENCY SERVICES REVIEW
PROPONENT:	ECONOMIC REGULATION AUTHORITY
SITE:	WHOLE OF STATE
FILE REFERENCE:	601.03.01
PREVIOUS REFERENCE:	NIL
DATE:	15th FEBRUARY 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Contact has been made by the Western Australian Local Government Association (WALGA) advising the State Government has released the terms of reference for a Review of the Emergency Services Levy (ESL).

The review is being undertaken by the Economic Regulation Authority (ERA) and on 30 January 2017 they released an issues paper along with timeframes for the first phase of public consultation. WALGA is local government authority's assistance to allow our sector the best possible chance of preparing a valuable submission for the ERA to ensure the challenges and issues of local government are voiced.

COMMENT

Correspondence from Ricky Burges, CEO, WALGA stated:

Important Information

"The ERA have released an issues paper which provides background information on the ESL, explains the purpose of the review and the issues the ERA will examine. You can read it here <https://www.erawa.com.au/cproot/17088/2/ESL%20Review%20-%20Issues%20Paper.PDF>

The due date for submissions is by 4.00p.m. Friday 10 March. This timeframe is incredibly short providing the Association five weeks to consult with the sector and prepare a submission. I cannot stress how important your organisations participation is in this process.

In order for the sector to have any impact on the future of the ESL, it is critical that all local governments participate in further consultation and are able to provide appropriate data as requested.

We acknowledge there will be differing needs between councils and will be framing the submission to reflect the individual needs of your communities. We accept that this is not a one size fits all approach. As such, it is imperative to hear from all local governments so that an overall picture reflective of your requirements is submitted.

How you can assist.

1. *Ensure your local government provides WALGA with a key contact by Friday 10 February 2017.*
 - a. *WALGA are seeking **one key contact from each local government**. This contact will be the link into your organisation and be responsible for undertaking a survey to inform the submission and a communication point for the Association.*
2. *Encourage discussion of this agenda item within your council and at Zone meetings.*

- a. WALGA have written a State Council Paper which will be circulating through the zones from 17 February 2017. WALGA policy officers will be in attendance to ensure the latest information is communicated; however, your voice on this important issue and encouraging participation would add value to the process.
3. Should your council decide to make an individual submission, we still need to hear from you. Please ensure your local government responds to mpexton@walga.asn.au with this advice to ensure your views are included in the whole of sector submission.

WALGA's role.

The Association has adopted a campaign approach to inform the sector and coordinate the submission. Below you will see the milestones we need to undertake along with key actions to ensure we meet the timeframes set by ERA.

ESL Milestones	
Actions	Due date
Advice to all State Councillor's, Elected Members and CEOs	Monday 6 February 2017
All councils provide WALGA with one key contact per local government or Advise WALGA that your council will provide a copy of your individual submission	Friday 10 February 2017
Survey released for all councils to address questions raised by the ERA	Monday 13 February 2017
Deadline for all councils to submit survey	Monday 27 February 2017
WALGA to consolidate feedback and finalise draft submission	Monday 3 March 2017
Executive Committee Review	Tuesday 4 March 2017
WALGA submission to ERA	Friday 10 March 2017
WEEKLY communication <ul style="list-style-type: none"> - To key contacts list (including State Councillors, Elected members, CEOs and nominated contacts) - LG News and Councillor Direct articles - Zone and State Council meetings 	Throughout the five weeks.

Further, up to four (4) workshops will be held to assist with the discussion and gathering of data to inform this vital review.

The ERA Issues Paper is provided under separate cover for Council information.

STATUTORY ENVIRONMENT

- Economic Regulation Authority Act, 2003 – Section 38;
- Fire & Emergency Services Act, 1998;
- Bush Fires Act, 1954;
- Fire Brigades Act, 1942;
- Emergency Services Levy Act, 2002

POLICY/PROCEDURES IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

No significant financial implication are anticipated as a result of the ESL Review process.

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

No effect

STRATEGIC IMPLICATIONS

The ESL review process is timely as it should complement the review of all emergency management legislation and the proposed establishment of the Rural Fire Service in Western Australia.

At the June 2014 OCM Council resolved the following:

“MOVED: CR WARR

SECONDED: CR WOOD

Council endorses the comments provided by the Chief Executive Officer for submission the Department of Fire and Emergency Services and the Western Australian Local Government Association for consideration as part of the current review of the Emergency Services Acts.

Voting 7/1
CARRIED”

Minute Reference 06/14-14

Details of the submission upon which the above resolution was based if provided at **Attachment 1** for Council information.

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

Objective	Strategy	Actions
Sustainability and protection of our farm land is important to the future of the area	Ensure planning and procedures are in place to protect and manage the land under the control and management of the Shire.	Provide Ranger services including animal control and bushfire control

CONSULTATION

WALGA has implement a consultation process to provide local government authorities with an opportunity to have input into the ESL Review process.

RISK ASSESSMENT

I believe the risk level associated with the ESL Review process is “*Insignificant*” i.e.

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

VOTING REQUIREMENTS

Simple Majority

STAFF RECOMMENDATION

Council delegate authority to the Chief Executive Officer as the Shire's contact point to the Western Australian Local Government Authority (WALGA) to provide feedback to WALGA on the Emergency Services Levy (ESL) Review under the following guidance:

- a) Maintain the position resolved by Council on the Review of Emergency Services Legislation (i.e. *Minute Ref: 06/14-14*) where relevant;
- b) Endeavour to expand the Bush Fire Services ESL expenditure eligibility criteria to incorporate items current not eligible (e.g. standpipes; radio masts & associated equipment; associated site works for new buildings; hydrant inspection & maintenance costs; aerial fire break inspections; catering during fire event; advertising burning period; preparation of local fire notices; associated insurance premiums costs; associated legal costs for enforcement/infringements; overheads & plant depreciation costs; local government staff costs when involved in firefighting; SMS notifications costs)
- c) Support the establishment of a Rural Fire Services as identified in the in the Ferguson Report and endorsed by the State Government and for this service to be funded (partially or fully) from the ESL;
- d) Reiterate the Shire's position for the removal of the current situation where local government collects the ESL through the rates system and for this to be transfer back to the State (e.g. DFES) for collection and allocation;

CHAPTER 1 – EMERGENCY SERVICES LEVY (ESL)

1.1.1	PREFERRED OPTION: Responsibility for administration of the ESL to remain with DFES	Agree (Conditional)	Remove responsibility of local government to raise the ESL and recover non-payment of the ESL. This should be transferred to the State and be raised by the Department of Finance at the same time they raise the State Land Tax. It is understood the State Land Tax is not payable on all properties; however the same valuation process is relevant as it is derived through valuations provided by Landgate.
1.2.1	PREFERRED OPTION: Retain the current ESL funding model	Agree (Conditional)	Remove responsibility of local government to raise the ESL and recover non-payment of the ESL. This should be transferred to the State and be raised by the Department of Finance at the same time they raise the State Land Tax. It is understood the State Land Tax is not payable on all properties; however the same valuation process is relevant as it is derived through valuations provided by Landgate.
1.3	Additional Levies	Disagree with all options listed in this section.	Any additional levies would result a people paying multiple levies. Unless the system being contemplated can ensure multiple payments are removed it should not be considered. The other option is to remove the land rate levy option and go totally to vehicle licensing.
1.4.1	PREFERRED OPTION: Provide clarification that adjustments will only be permitted in the current financial year	Agreed	
1.5	ESL should be expanded to include	Agree	Eligible ESL expenditure should be expanded to include:

	additional emergency response equipment		~ Standpipes; ~ Legal and admin cost to recover unpaid ESL; ~ Legal cost to enforce non-compliance with legislation.
CHAPTER 2: ADMINISTRATION AND MISCELLANEOUS PROVISIONS			
2.1.1	PREFERRED OPTION: Abolish Fire Districts	Agreed	
2.2.1	PREFERRED OPTION: Allow local government to sub delegate powers as required	Agreed	
2.3.1	PREFERRED OPTION: Bush Fire Advisory Committees are removed from legislation and local government form hazard advisory committees to suit local needs	Agreed (Conditional)	LGAs should be able to combine the current LEMC and Bush Fire Advisory Committee into the one Hazard Advisory Committee
2.4.1	PREFERRED OPTION: Emergency service powers are structured into general classes of powers (e.g. prevention; response; inspection; investigation and recovery)	Agreed	
2.5.1	PREFERRED OPTION: Water may be taken as required to perform a function under the Act, but will be replenished as soon as practicable, in certain cases	Agreed	
2.6.1	PREFERRED OPTION: Provide for approval of Industry Response Units to act as directed	Agreed	

2.7.1	PREFERRED OPTION: Establish investigation as a function of the FES Commissioner and provide specifically for investigation powers	Agreed	All legal proceeding for to enforcement of non-compliance with legislation should be the responsibility of DFES.
CHAPTER 3: RISK MITIGATION			
3.1.1	PREFERRED OPTION: Binding the Crown to the entire Act	Agreed	
3.2.1	PREFERRED OPTION: The FES Commissioner can direct State agencies	Agreed	
3.3.1	PREFERRED OPTION: Making provision for local government responsibilities in respect of risk mitigation activities on its land or land it manages, controls or is under its care	Agreed (Conditional)	This is agreed to; however, local government may move to relinquish some of the Crown Land they current have vested in them and have management orders over. This is probably an exercise which should be undertaken anyway to determine if all vestings are still required/warranted. The other issue is costs. If LGAs are to have additional tasks place on them then the cost to resource these task need be forthcoming as well. Perhaps as an eligible expenditure item under the ESL.
3.4.1	PREFERRED OPTION: Local government will have an obligation to take such mitigation steps as required by the FES Commissioner	Agreed (Conditional)	This is agreed to; however, if LGAs are to have additional tasks place on them then the cost to resource these task need be forthcoming as well. Perhaps as an eligible expenditure item under the ESL.
3.5.1	PREFERRED OPTION: No further committees	Agreed (Conditional)	This should be expanded to combine the current LEMC and Bush Fire Advisory Committee into the one Hazard Advisory Committee
3.6.1	PREFERRED OPTION: Local government	Agreed	This is agreed to; however, if LGAs are to have additional tasks place on them then the cost to resource these task need be forthcoming as well. Perhaps as

	and specified State agencies must report to the FES Commissioner on items specified in the legislation and additional matters as may be required by the FES Commissioner	(Conditional)	an eligible expenditure item under the ESL. There is also ambiguity as to what this will entail i.e. <i>"..on items specified in the legislation and additional matters as may be required by the FES Commissioner.."</i> Until the Regulations are completed the actual requirement is unknown.
3.7.1	PREFERRED OPTION: Maintain current risk management planning arrangements	Agreed	
3.8.1	PREFERRED OPTION: Empower local government to issue notices to owners and occupiers to require them to mitigate the risk associated with other specified natural hazards	Disagree	This power should be placed with DFES and not local government. This would give the legislation more strength as the enforcement will be removed from local influences (e.g. political, resource availability, distanced from process).
3.9.1	PREFERRED OPTION: Local government may require the development and implementation of a hazard management plan on private land	Disagree	This power should be placed with DFES and not local government. This would give the legislation more strength as the enforcement will be removed from local influences (e.g. political, resource availability, distanced from process).
3.10.1	PREFERRED OPTION: The FES Commissioner may require private landowners to conduct risk mitigation on private land	Agree (Conditional)	This power given to the FES Commissioner should be across all emergency areas (i.e. including Bush Fire). This would give the legislation more strength as the enforcement will be removed from local influences (e.g. political, resource availability, distanced from process).
3.11.1	PREFERRED OPTION: Replace Restricted and Prohibited Burning Times with a single Fire Danger Period	Agree (Conditional)	This should not be simply reverting the existing Restricted & Prohibitive Burning Times period to the proposed Fire Danger Period without some consultation with community. The proposed Fire Danger Period in Broadacre Agricultural industry in particular needs to be carefully considered as adequate time needs to be available for farmers to burn off stubble prior to the

				forthcoming seeding period.
3.12.1		PREFERRED OPTION: Local government is not permitted to alter Fire Danger Periods	Disagree	This Option states " ..Any requirement to make an alteration can be referred to the FES Commissioner.." There needs to be a mechanism where the local district/community can have input on the possible need to alter the Fire Danger Period.
3.13.1		PREFERRED OPTION: Allow for an automatic exemption to undertake an activity during a Total Fire Ban if the prescribed conditions are met. The person must notify DFES and local government of their intent to undertake the exempted activity	Agree (Conditional)	Notification must be made to DFES only as it states quite clearly the FES Commissioner has the power here. DFES should then notify the local government.
3.14.1		PREFERRED OPTION: Remove all reference to Fire Danger Forecasts	Agreed	
3.15.1		PREFERRED OPTION: Replace Gazettal requirement with the FES Commissioner's certificate of proof	Agreed	
3.16.1		PREFERRED OPTION: Permits will be required for burns that pose a higher risk, with conditions for most burns set out in the regulations	Agreed (Conditional)	This appears to remove the ability of an individual district to prohibit burning in specific land use/zoned areas (e.g. residential, Special Rural, Rural Residential & General Farming areas may all required different conditions in regards to burning permits. This needs further clarification)

3.17.1	PREFERRED OPTION: State agencies, local government and private landowners should not be afforded protection from civil liability in cases of risk mitigation activities	Agreed (Conditional)	Under the condition it is guaranteed protection remains for those acting in good faith are protected.
3.18.1	PREFERRED OPTION: Prescribed Burning is defined and referred to as a distinct mitigation strategy	Agreed	
3.19.1	PREFERRED OPTION: The FES Commissioner has the power to provide a system that must be complied with in the case of every Prescribed Burn	Agreed	
3.20.1	PREFERRED OPTION: In the case of any conflict between the new emergency services Act (including any legislated guideline, notice or direction issued in terms of the Act) and any other prescribed Act, the new emergency services Act will prevail	Agreed	
3.21.1	PREFERRED OPTION: Include provisions that deal specifically with Asset Protection Zones	Agree	
3.22.1	PREFERRED OPTION: Empower the FES Commissioner to designate hazard prone areas	Agree	
CHAPTER 4: VOLUNTEER BRIGADES, GROUPS & UNITS (BGUs)			
4.1.1	PREFERRED OPTION: Recognise a single	Agree	

	Volunteer Charter in the new emergency services Act			
4.2.1	PREFERRED OPTION: Retain the current legislative separation of the volunteer emergency services	Disagree	The opportunity exists now, with this legislative review in process, to merge all the emergency services under the one State Government organisation (DFES).	
4.2.2	Establish a single volunteer service under the responsibility and management of the FES Commissioner	Agree	The perception Bush Fire Brigade volunteers will leave in their droves is a fallacy. Some may leave due to them not being willing to change, yet a majority will remain as they will still be keen to protect their (and their neighbours) assets and livelihoods. The cost listed in Option 4.2.2 for re-branding, new uniforms, etc. appear exorbitant and such one-off costs should not be a deterrent to implementing a necessary change.	
4.3.1	PREFERRED OPTION: Provide a set of minimum administrative requirements, that apply to all BGUs	Agreed (Conditional)		
4.4.1	PREFERRED OPTION: Discipline and conduct matters handled at a BGU level in line with minimum specified requirements with some matters to be escalated to the FES Commissioner	Agreed (Conditional)		
4.5.1	PREFERRED OPTION: Legislation sets out that the FES Commissioner has the power to set training standards and those standards are set out in policy		Subject to Item 4.2.2 being introduced for DFES to establish a single volunteer service under the responsibility and management of the FES Commissioner. If 4.2.1 is implemented then there will be additional administrative resources	

4.6.1	PREFERRED OPTION: Where DFES is responsible for managing BGUs, all members fall under the immediate order and control of the FES Commissioner	Agreed (Conditional)	and costs imposed upon local governments which need to catered for, perhaps as part of eligible expenditure under the ESL. BFB cannot have two Masters!!!
4.7.1	PREFERRED OPTION: No employment protection for volunteers provided in the new emergency services Act	Agreed	
4.8.1	PREFERRED OPTION: Retain the SES as a volunteer emergency service under DFES	Agreed	
4.9.1	PREFERRED OPTION PART A: Local government may, by agreement with DFES, hand over responsibility for a BFB to DFES	Agreed (Conditional)	This Option should be secondary to Option 4.9.5 i.e. "DFES to take responsibility for all BFBs" Many of the comments under this section need to be challenged as they are baseless and incorrect assumptions i.e. "..some BFB members would walk away if DFES took over responsibility and that removing BFBs from local government would result in a reduction of the local knowledge that is seen as vital to the

		<p><i>successful functioning of BFBs."</i></p>	<p>There is no evidence this will occur & I believe volunteer member will predominantly stay as they will see this as necessary to protect their (and their neighbours) assets and livelihoods</p> <p><i>"This option would result in a cost shift from local government to DFES."</i></p> <p>About time this happened in reverse as the State never see any issue with cost shifting to local government.</p> <p><i>"DFES has estimated that the cost to transfer all BFBs to DFES would be approximately \$23 million per year in additional staff across the state to support BFB administration. This cost represents personnel, vehicles, training, accommodation and associated costs to manage the transferred BFBs"</i></p> <p>So it is acceptable for local government to accept a \$23million cost burden yet</p>
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				not acceptable for the State to do so. Surely the ESL would cater for all the costs to run a BFB. If not they why not. This statement is basically stating the ESL is \$23m per annum short of what it should be to adequately support BFB.
4.9.5	DFES to take responsibility for all BFBs	Agreed		This Option should take preference over the Preferred Option stated at 4.9.1 i.e. "Local government may, by agreement with DFES, hand over responsibility for a BFB to DFES"
4.9.2	PREFERRED OPTION PART B: DFES may take responsibility for a BFB under certain circumstances without agreement from local government	Agreed (Conditional)		This Option should be secondary to Option 4.9.5 i.e. "DFES to take responsibility for all BFBs"
4.9.3	PREFERRED OPTION PART C: The FES Commissioner may establish (or disband) a BFB	Agreed (Conditional)		This Option should be secondary to Option 4.9.5 i.e. "DFES to take responsibility for all BFBs"
4.9.4	PREFERRED OPTION PART D: Local government cannot establish (or disband) a	Agreed		This Option should be secondary to Option 4.9.5 i.e.

	BFB without the approval of the FES Commissioner	(Conditional)	<p>"DFES to take responsibility for all BFBs"</p> <p>The question here is: Will the ESL payment to local governments still be paid if the local government establishes a BFB yet the FES Commissioner disagrees with his action?</p>
CHAPTER 5: RESPONSE, COMMAND AND CONTROL			
5.1.1	PREFERRED OPTION A: Introduce Response Agreements (that include agreement on the primary responder for an area, and details of command and control at incidents)	Agreed (Conditional)	Agreement should only be on the condition the resources required to adequately introduce the proposed Response Agreements are made available to local governments, perhaps through eligible ESL expenditure.
5.1.2	PREFERRED OPTION B: Until a Response Agreement has been established current arrangements will continue	Agreed (Conditional)	If such cost recovery is not forthcoming then all the more reason the BFB operation should be transferred to DFES (as per Item 4.9.5).
5.2.1	PREFERRED OPTION: The FES Commissioner may endorse certain people as 'Incident Controllers'	Agreed (Conditional)	This reflects the FES Commissioner taking over more control of all emergency management area. Therefore it is important DFES take over BFB operations (as per Item 4.9.5).
5.3.1	PREFERRED OPTION: The FES Commissioner has power to authorise a person to take control of an incident either upon request or due to the nature and extent of the incident	Agreed (Conditional)	Operators cannot function efficiently with two masters!

5.4.1	PREFERRED OPTION: Requirement to notify DFES of all prescribed incidents anywhere in the State	Agreed (Conditional)	Difficult to determine if this is agreed to until the <i>prescribed incidents</i> identified under legislation are known.
5.5.1	PREFERRED OPTION: The new emergency services Act gives the Minister for Emergency Services the power to set out the rank structures, for all BGUs, in the regulations	Agreed (Conditional)	May result in additional legislative burden on LGAs. This needs to be clearly identified before this recommendation can progress.
5.6.1	PREFERRED OPTION: Remove the option for the FES Commissioner to appoint a BFLO	Agreed	This reflects the FES Commissioner taking over more control of all emergency management area. Therefore it is important DFES take over BFB operations (as per Item 4.9.5).
CHAPTER 6: EMERGENCY SERVICES IN BUILT ENVIRONMENT			
6.1.1	PREFERRED OPTION: DFES continues to have an advisory only role	Agreed	
6.2.1	PREFERRED OPTION: The FES Commissioner is not able to prevent the issue of an occupancy certificate	Agreed	
6.3.1	PREFERRED OPTION: The FES Commissioner may inspect premises and take certain action if there is potential danger to life or property from a hazard that	Agreed (Conditional)	This reflects the FES Commissioner taking over more control of all emergency management area. Therefore it is important DFES take over BFB operations (as per Item 4.9.5).

	DFES is responsible for or due to a failure to meet DFES operational requirements			
6.4.1	PREFERRED OPTION: The FES Commissioner has the power to require the owner/occupier of premises to take steps to prevent or mitigate the effects, or potential effects, of any incident	Agreed (Conditional)		This reflects the FES Commissioner taking over more control of all emergency management area. Therefore it is important DFES take over BFB operations (as per Item 4.9.5).
6.5.1	PREFERRED OPTION: Powers to evacuate, close and use force granted for all premises (except Class 1a) to the FES Commissioner or an authorised officer in the event of a potential danger to life or due to failure to meet DFES operational requirements	Agreed (Conditional)		This reflects the FES Commissioner taking over more control of all emergency management area. Therefore it is important DFES take over BFB operations (as per Item 4.9.5).
6.6.1	PREFERRED OPTION: Publish a document of operational requirements (guidelines not set in legislation)	Agreed		
CHAPTER 7: OFFENCES AND ENFORCEMENT				
7.1.1	PREFERRED OPTION: Penalty amounts should be specified in units	Agreed		
7.2.1	PREFERRED OPTION: Assign enforcement powers to the parties asset out in Section 59 of the Bush Fires Act	Disagree		This power should be placed with DFES and not local government. This would give the legislation more strength as the enforcement will be removed from local influences (e.g. political, resource availability, distanced from process).

7.3.1	PREFERRED OPTION: Continue to allow enforcement agencies to issue warnings as they deem necessary	Agree (Conditional)	<p>This power should be undertaken in consultation and direction of with DFES as eventual enforcement should be with DFES not the LGA. Therefore any warning should be undertaken in the proper format and process as not to adversely affect such enforcement (if required).</p> <p>This would give the legislation more strength as the enforcement will be removed from local influences (e.g. political, resource availability, distanced from process).</p>
7.4.1	PREFERRED OPTION PART A: Improve daily penalty provisions	Agree	
7.4.2	PREFERRED OPTION PART B: Introduce graduated penalties for repeat offences	Agree	
7.5.1	PREFERRED OPTION: The new emergency services Act is listed as a prescribed Act under the <i>Criminal Procedure Act 2004</i>	Agree	
7.6.1	PREFERRED OPTION: Remove offences in the emergency services legislation when clearly duplicated in the <i>Criminal Code</i> or adequately addressed in another contemporary Act in Western Australia	Agree	
7.7.1	PREFERRED OPTION: The new emergency services Act provides for a single provision containing an offence for damage to any property owned or operated by a person performing a function under the	Agree	

	stay of proceedings if satisfied that there is no reasonable ground for alleging that the Protection from Liability would not apply		
8.5.1	PREFERRED OPTION: Emergency services legislation remains silent on burden of proof	Agree	
CHAPTER 9: FIRE AND RESCUE SERVICE OPERATIONAL STAFF			
9.1.1	PREFERRED OPTION: Administrative provisions contained in the regulations only	Agree	

AGENDA ITEM:	10.3.5
SUBJECT:	CHAPMAN VALLEY TENNIS CLUB GRANTS
PROPONENT:	CHAPMAN VALLEY TENNIS CLUB
SITE:	NABAWA SPORTING COMPLEX
FILE REFERENCE:	803.10
PREVIOUS REFERENCE:	MINUTE REF: 10/16-10
DATE:	15th FEBRUARY 2017
AUTHOR:	MAURICE BATTILANA, CHIEF EXECUTIVE OFFICER

DISCLOSURE OF INTEREST

Nil

BACKGROUND

At the October 2016 OCM Council resolved the following:

“MOVED: CR FARRELL

SECONDED: CR MALUISH

Council receives the Minutes of the Community Growth Fund Advisory Group held on 7 October 2016 endorse all recommendations within these Minutes (see Attachment 1).

Voting 7/0

CARRIED

Minute Reference 10/16-10”

The attachment referred to in the above resolution is the Minutes from the Community Growth Fund Advisory Group, which incorporated the following recommendation:

Table 1

CV Tennis Club	Tennis Fence Replacement	\$7,600 SoCV CGF	\$2,000 (In Kind)	\$20,000 MWDC Pending	\$29,600	The current fence is overdue for replacement and a safety concern. A local contractor has provided costs with tennis members taking on old fence removal and assist in a smaller capacity with new fence installation. The fence will improve the appearance of the area.
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COMMENT

The Chapman Valley Tennis Club (CVTC) has subsequently requested assistance under the Department of Sport & Recreation’s (DSR) annual Community Sporting and Recreation Facilities Fund (CSRFF) small grant program to resurface the Nabawa Courts.

The DSR CSRFF small grant program requires two third contribution from the Club and/or the Local Government Authority, which they will match a third. In this instance the Mid West Development Commission has encouraged the Shire and CVTC to use a portion of the \$20,000 Community Chest Grant funds they have recently approved to fence the Courts area to leverage the DSR grants for the resurfacing project. Therefore the proposed revised funding requirements being suggested is as follows:

Table 2

Funding Source	Fencing Component	Resurfacing Component	Total (Both Projects)
Shire of CV (Cash)	\$ 7,600 (CGF 16/17)	\$ 5,684 (Cash being requested)	\$ 13,284 (Cash)
MWDC (Cash)		\$20,000 (Community Chest)	\$ 20,000 (Cash)
CVTC/SoCV (In Kind)	\$ 2,000	\$ 2,000	\$ 4,000 (In-Kind)
DSR		\$ 11,366	\$ 11,366 (Cash)
Total	\$29,600	\$ 19,050	\$ 48,650

The MWDC has confirmed they will honour the \$20,000 Community Chest Grant for the fence project in the event the DSR grant to include resurfacing the tennis courts is unsuccessful. Therefore at least leaving the original fencing project intact and able to proceed.

Due to the DSR CSRFF application closing in March 2017 the timing meant this matter needed to be presented to Council at this Council meeting as DSR will require evidence of funding commitments by Council to accompany the CVTC application.

As you will note from *Table 2* above there is a requirement for Council to approve an additional cash component of \$5,684 towards the larger Fencing & Court Resurfacing Project (i.e. a recommended cash increase from \$7,600 to \$13,284).

STATUTORY ENVIRONMENT

In accordance with the *Local Government Act, 1995*, Council is required to adopt its annual budget by absolute majority. Therefore any allocation placed in next year's budget at this time, which is to be quarantined as committed expenditure, would also be required to be resolved by absolute majority.

However; Council may resolve by simple majority to place a line item in the forthcoming budget as a contingent amount only, subject to funds being available once the whole budget is being considered. This will unfortunately weaken the CVTC's CSRFF Grant application as it could be interpreted by DSR as not being a guaranteed contribution to the project.

POLICY IMPLICATIONS

Council has a Corporate Management Procedure which deals with how the Community Growth Fund is to operate (CMP-067) i.e.

MANAGEMENT PROCEDURE No.	CMP-067
MANAGEMENT PROCEDURE	COMMUNITY GROWTH FUND – OPERATIONAL
RESPONSIBLE DIRECTORATE	ADMINISTRATION
RESPONSIBLE OFFICER	CHIEF EXECUTIVE OFFICER
PREVIOUS POLICY No.	5.20
RELEVANT DELEGATIONS	

OBJECTIVES:

INTRODUCTION

The Shire of Chapman Valley allocates an annual budget amount to form the Community Growth Fund (CGF). The fund provides the Shire of Chapman Valley the opportunity to support and assist services, activities and programs throughout the Shire.

The intention of the CGF is for funds to be fully allocated within each financial year and there will not be any accrual of unallocated funds beyond the 30th June each year.

In the event there are residual unallocated funds at the 30th June each year these funds will form part of the Shire's End of Financial position and a new amount placed into the Draft Budget for Council consideration for the forthcoming financial year.

AIM

The Shire of Chapman Valley Community Growth Fund is to provide funds to not for profit community based organisations, event organisers and individuals to support the promotion and development of social, economic, recreational, art and cultural projects for the benefit of residents of the Shire of Chapman Valley.

1. OBJECTIVES

The Objectives of the Chapman Valley Community Growth Funds are to:

- Assist the efficiency of operations of community groups by improving organisational development, asset purchases, marketing and management.
- Encourage partnerships fostering cooperative planning between groups to maximise effective use of resources
- Increase the range of and access to quality events, activities, services and groups within the Shire of Chapman Valley.

- Support community development initiatives and socially responsible community approaches.
- Encourage the community to actively promote Chapman Valley's positive attributes.
- Encourage the development of excellence and leadership in recreational, sporting, economic, tourist, environmental, skill/capacity building and cultural pursuits.

One of the most effective means of promoting community development is through the use of volunteers and non-government organisations. The Shire of Chapman Valley acknowledges and supports the contribution that community members make of their time, labour and expertise toward improving our community's quality of living.

MANAGEMENT PROCEDURE STATEMENT/S:

2. RESPONSIBILITY

The responsibility for the selection and approval of successful grant applications rests with the Chapman Valley Shire Council who will meet to determine funding allocations. Shire staff plays an important role liaising with CGF applicants to ensure submissions meet criteria described in this guide, and to manage the payment of grants.

3. CRITERIA

- Arts, culture & entertainment
- Disability Services
- Youth & family services
- Seniors
- Event management & sponsorship
- Natural environment & cultural heritage
- Tourism & promotion
- Sport and recreation
- Health
- Crime prevention & community safety
- Monuments & projects to commemorate
- Events or people
- Upgrading community facilities
- Skill & capacity building

4. ESSENTIAL ELIGIBILITY CRITERIA

In order to be eligible for funding an organisation must:

- Council shall consider requests for donations on their individual merit however, generally will decline appeals for applications:
 - ~ of a State or National nature, or
 - ~ if they are not concerned or connected with the Chapman Valley area.
- Be a non-profit organisation and, depending on amount of grant requested, be able to supply audited accounts and annual reports
- Demonstrate a substantial degree of community support and representation
- Undertake to give due recognition to the Shire of Chapman Valley for its contribution to their activities
- Reflect the objectives and strategy of the larger association (Local, Regional, State or National). E.g. Tennis West ...and Shire of Chapman Valley Strategic Community Plan <http://www.chapmanvalley.wa.gov.au>
- Agree to complete a specified evaluation report. *Failure to do so may render the applicant ineligible for future funding.*
- As a general principle, funds for any project will only be considered where maximum Government (State and Federal) funding has been obtained, the Club, or Organisation, is ineligible for Government funding, or Government funding has been refused (in whole or part).
- Council will be seeking evidence of procurement of, or attempted procurement of, Government grant monies.
- It must be demonstrated that Council funding is necessary to the success of the project.
- Detailed project financial information including budget estimates, quotes etc. accompanied by project drawings and specifications, to a satisfactory standard, must be provided.

- Detailed financial information about the Club or Organisation will also need to be provided. Such information will need to include financial statements.

In order to be eligible for funding an individual must:

- Achieve or demonstrate recognition in their field of endeavour at a State, National or International level. Recognition at a regional level may be considered in special circumstances
- Demonstrate a substantial degree of community support
- Provide a letter of support from the Association or Organisation relevant to their field of endeavour
- Provide the names and contact details of two referees
- Undertake to give due recognition to the Shire of Chapman Valley for its contribution to their activities
- Agree to complete a specified evaluation report. *Failure to do so may render the person ineligible for future funding.*
- Funding application requests for individuals will only be to a maximum of \$1000.00

5. APPLICATIONS

Applications will only be considered if they are submitted on the CGF Application Form and completed in full. Projects are expected to be conducted within the Shire of Chapman Valley with possible exception of funding to outstanding individuals. Check the Application Form to see if you are required to provide additional information such as:

- Membership information
- Funding profile and non-profit status
- Clear description of your project's broad community benefits
- Marketing intentions and acknowledgment of Shire of Chapman Valley contribution
- Project budget including details of matching funding

6. FUNDING REQUIREMENTS

A. MINOR GRANTS - Requests under \$2000

Typically used for small purchases. Written applications must clearly state:

- amount requested;
- grant purpose;

Other documents we require are:

- Financial statement for the most recently completed financial year
- The most recent annual report or an equivalent document, such as the President's report, outlining activities of the organisation
- Two (2) quotations for all items

B. GENERAL GRANTS and EVENT SPONSORSHIP– Over \$2,000

Grant requests over \$2,000 will suit community-based organisations seeking management funding (to assist with the running of your organisation – including wages & honorariums) or project funding (to help your organisation plan and conduct activities).

Some applications for grants in excess of \$10,000 may be deemed inappropriate under the Community Growth Fund guidelines and redirected to other funding avenues, such as the Ministry of Sport and Recreation 'Community Sporting and Recreation Facilities Fund' (CSRFF), or Lotterywest. Please discuss grant applications for major capital works (e.g. clubroom renovations/upgrades, new facilities) with the Community Services Manager.

Your event need not be considered a major cultural or sporting activity to qualify for funding. For example, you may plan to coordinate a conference or forum aimed at a specific audience or addressing a particular issue. Because your event is likely to attract visitors to the district, and help your organization build networks and broaden its knowledge base, it is likely to be considered as worthy of funding assistance.

Sponsorship can also be provided in the form of wages for an event co-ordinator or honorarium. Please discuss your event plans with the Community Development Officer.

C. WHAT WON'T BE FUNDED

- Private and commercial business' and organisations
- Applications which are not completed on the CGF form.
- General **ongoing** operational costs of organisations such as, wages, salaries, rent, utilities, etc.
- Political organisations or events.
- Projects or facilities which have none or limited public access.
- Projects or activities which are considered to be hazardous.
- Organisations who have failed to comply with the acquittal process or guidelines for previous grants.

7. ASSESSMENT AND APPROVAL PROCESS

ACKNOWLEDGMENT OF APPLICATIONS

Applications for grants received by the Shire of Chapman Valley on or before the closing date will be registered and an acknowledgment of their receipt sent to applicants.

ASSESSMENT PROCESS

The Community Growth Fund Committee members will have access to a full copy of all valid applications.

ASSESSMENT CRITERIA

Eligible organisations and individuals will be ranked and prioritised by examining each of the following:

- Ability to achieve tangible and/or measurable outcomes for the benefit of the Shire of Chapman Valley community;
- Effort for cooperative and partnership arrangements with others;
- Relevance to the current issues and status of the community;
- Evidence of consultations with relevant others in and out of Chapman Valley;
- Levels of volunteer participation and wider community participation;
- Funding history and profile, and capacity to make a significant financial or in-kind contribution to the project;
- Other state/ federal funding available to the applicant;
- Alignment and/or linkages with Local, Regional, State or National Strategic Plans or Objectives of associated organisations.

NOTIFICATION OF OUTCOME

All applicants will be notified in writing of the success or otherwise of their application, as soon as Council has finalised its funding commitment. Commencement of the project or expenditure of expected funds must not take place until this notification is received in writing.

PUBLICITY

The Shire of Chapman Valley may use your event, project or activity for publicity purposes and if so will ask for promotional material to be used.

FREEDOM OF INFORMATION

Applications for funds and other written information provided to Council will be treated confidentially. However, the provisions of the *Freedom of information Act, 1982*, apply to all documents held by the Shire of Chapman Valley.

8. DISBURSEMENT OF GRANTS

Where Council considers the information provided by the applicant in accordance with the these guidelines to be satisfactory, the provision of any funds will be in accordance with the following;

- payment will only be made at the conclusion of the project, subject to supply of final report and tax invoice, in strict accordance with the determination as to amount and conditions set by Council; unless otherwise agreed upon.

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

9. GRANT CONDITIONS

PERIOD OF FUNDING

Community Growth Fund grants become available from 1 September and must be expended by 30 June following, unless agreed otherwise at the outset **OR** a written request for an extension and carry-over of funds is made to, and approved by, the Chapman Valley Shire Council. Advertisements will be called in August of each year.

PURPOSE OF GRANT

Funds are allocated only for the purpose of the project as described in the application and must not be used for any other purpose or transferred or assigned to any other party without the prior approval of the Council.

UNSPENT FUNDS

Funds which are unspent at the conclusion of the funding period must be returned to Council within 60 days of the completion of the project, activity or event, or the end of the financial year, whichever occurs first. If you anticipate a surplus of funds and have plans for its expenditure you are advised to seek Council approval, bearing in mind the expectation that any secondary project will also have broad benefits to the community.

ABN/GST REGISTERED

Incorporated applicants must have an ABN. GST registration is not essential; however the Shire is obliged to meet all relevant GST legislative requirements. Please ensure your budget indicates whether GST is included.

10. EVALUATION AND ACQUITTAL

Groups, organisations or individuals receiving grants from the Community Growth Fund must submit to Council acquittal and evaluation of the outcomes of the grant provided by Council within 30 days of either the conclusion of the project or activity, or the end of the financial year, whichever falls first.

Information to be provided will include:

FINANCIAL REPORT

- A statement of actual and budgeted expenditure in relation to the grant. For grants of \$10,000 and over, this statement must be audited.
- Copies of supporting documentation such as of receipts, invoices, accounts and financial statements

GRANT EVALUATION

Recipients of the grant will be asked to assess their performance according to the following indicators:

- Be a non-profit organisation and, depending on amount of grant requested, be able to supply audited accounts and annual reports.
- The level of public awareness of their activity or project.
- Public presentations (number held / attendance levels).
- Amount/type of media coverage generated.
- Involvement of volunteers.
- Demonstrate a substantial degree of community support and representation.
- Reflect the objectives and strategy of the larger association (Local, Regional, State or National).
- Agree to complete a specified evaluation report. *Failure to do so may render the applicant ineligible for future funding.*
- Maximum Government (State and Federal) funding has been obtained.
- Undertake to give due recognition to the Shire of Chapman Valley for its contribution to their activities

- To be used for projects upon land under the care, or control, of Council; unless it otherwise determines
- Demonstrated that Council funding is necessary to the success of the project

Tangible evidence to support performance indicators may be submitted such as photos, press clippings, copies of fliers, newsletters, documents produced etc.

Failure to satisfactorily complete performance evaluation and acquittals may disqualify recipients from further grants from the Community Growth Fund.

FINANCIAL IMPLICATIONS

As the MWDC and DSR grants will not be available until 2017/2018 there will a requirement for Council to resolve to re-budget the \$7,600 CGF contribution allocated in this financial year to the next.

As stated in Clause 9 of the CGF Guidelines:

*“Community Growth Fund grants become available from 1 September and must be expended by 30 June following, unless agreed otherwise at the outset **OR** a written request for an extension and carry-over of funds is made to, and approved by, the Chapman Valley Shire Council.”*

In this instance, due to the availability of funds from the grant providers not being available until 2017/2018, it would be appropriate to transfer the 2016/2017 CGF allocation made to the CVTC (i.e \$7,600) to the same financial year. Bearing in mind both grant providers will not recognise retrospective expenditure, therefore making it impossible to purchase material beforehand.

As part of the review of Policies and Procedures (hopefully to be presented to Council within the next few months) I am going recommend Council consider setting up a “CGF Unspent Grant Reserve” to quarantine CGF unspent funds. This proposed amendment to CMP-067 will be accompanied by clear conditions associated with any unspent funds being transferred to the proposed reserve.

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

No effect.

STRATEGIC IMPLICATIONS

When Council and the community are working with external grant providers it is necessary to be flexible enough to ensure maximum funding opportunities are gained. Leveraging external funds is one of the core aspects of the Shire’s CGF program.

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

Objective	Strategy	Outcome
We want inclusive communities	Develop community facilities to provide gathering places, including community centre, swimming pools	Stronger, inclusive communities across the Shire

CONSULTATION

Significant consultation has occurred between the MWDC, CVTC and Staff by the Community Development Officer and CEO on this matter with the emphasis being on maximising funds leveraged from external sources towards the CVTC upgrades to the fence and court resurfacing.

RISK ASSESSMENT

In this instance I believe the risk is considered **Minor** i.e.

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Minor (2)	First aid injuries	\$1,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response

VOTING REQUIREMENTS

Absolute Majority

STAFF RECOMMENDATION

Council:

- Endorse the following revised funding allocation in the 2017/2018 Budget for the replacement of the arena fence and resurfacing of courts at Chapman Valley Tennis Club facilities in Nabawa, subject to the grant application to be lodged with the Department of Sport and Recreation under their Community Sporting and Recreation Facilities Fund small grants program being successful;

Funding Source	Fencing Component	Resurfacing Component	Total (Both Projects)
Shire of CV (Cash)	\$ 7,600 (CGF 16/17 Cash carried over into 17/18)	\$ 5,684 Cash quarantined in the 17/18 Budget	\$ 13,284 (Total Cash Contribution)
MWDC (Cash)	\$20,000 (Community Chest)		\$ 20,000 (Cash)
CVTC/SoCV (In Kind)	\$ 2,000	\$ 2,000	\$ 4,000 (In-Kind)
DSR		\$ 11,366	\$ 11,366 (Cash)
Total	\$29,600	\$ 19,050	\$ 48,650

- In the event the Chapman Valley Tennis Club's grant application to the Department of Sport and Recreation Community Sporting and Recreation Facilities Fund small grants (mentioned in Item 1 above) being unsuccessful then Council revert back to the original project for fence replacement only (*as per Council resolution 10/16-10*) and the 2016/2017 Community Growth Fund allocation to this specific project be carried over to 2017/2018;

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13.0 DELEGATES REPORTS

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

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

15.1 Honorary Freeman of the Shire

15.2 Tender 4-16/17 – Supply One Steel Drum Roller

16.0 CLOSURE